

**As Reported by the Senate Finance Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 166**

**Representative Oelslager**

**Cosponsors: Representatives Butler, Carfagna, Carruthers, DeVitis,  
Ghanbari, Holmes, A., Jones, Lanese, Lepore-Hagan, Lipps, Miller, A.,  
Perales, Smith, K., Sobecki, Stein**

**Senator Hottinger**

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

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5923.12, 5923.37, 5924.01, 6111.03, 6119.06, 6119.09, and 6119.091 324  
be amended; sections 115.56 (117.115), 125.66 (113.60), 125.661 325  
(113.61), 3715.08 (3719.064), 5101.853 (5101.855), and 5167.121 326  
(5167.051) be amended for the purpose of adopting new section 327  
numbers as indicated in parentheses; and new sections 5101.853, 328  
5164.37, and 5168.62, and sections 9.242, 111.09, 113.62, 117.131, 329  
120.041, 121.374, 121.95, 122.178, 122.179, 122.26, 122.84, 330  
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5167.15, 5167.22, 5501.91, 5703.263, 5705.322, 5709.51, 5741.07, 355  
5741.071, 5747.26, 5902.09, 5922.01, 5922.02, 5922.03, 5922.04, 356  
5922.05, 5922.06, 5922.07, and 5922.08 of the Revised Code be 357  
enacted to read as follows: 358

Sec. 9.242. (A) As used in this section: 359

(1) "State agency" has the meaning defined in section 1.60 of 360  
the Revised Code. 361

(2) "State contract" means any contract for goods, services, 362  
or construction that is paid for in whole or in part with state 363  
funds. A state contract is considered to be awarded when it is 364  
entered into or executed, regardless of whether the parties to the 365  
contract have exchanged any money. 366

(3) "Participate" means to respond to any solicitation or 367  
procurement issued by a state agency or be the recipient of an 368  
award of a state contract, or to provide any goods or services to 369  
any state agency. 370

(B) No vendor who has been debarred by any state agency shall 371  
participate in any state contract during the period of debarment. 372  
After the debarment period expires, the vendor may be eligible to 373  
respond to any solicitation or procurement, provide goods or 374

services to, and be awarded contracts by state agencies if the 375  
vendor is not otherwise listed on a list of debarred vendors 376  
applicable to state contracts. 377

(C) State agencies shall exclude any vendor debarred under 378  
sections 125.25, 153.02, or 5513.06 of the Revised Code, or any 379  
other section of the Revised Code from participating in state 380  
contracts. 381

**Sec. 9.54.** Whoever erects or replaces a sign containing the 382  
international symbol of access shall ~~do both of the following:~~ 383

~~(A) Use~~ use forms of the word "accessible" rather than forms 384  
of the words "handicapped" or "disabled" whenever words are 385  
included on the sign. 386

~~(B) For the international symbol of access, use a logo that~~ 387  
~~depicts a dynamic character leaning forward with a sense of~~ 388  
~~movement.~~ 389

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 390  
(H) of this section, all of the following shall file with the 391  
appropriate ethics commission the disclosure statement described 392  
in this division on a form prescribed by the appropriate 393  
commission: every person who is elected to or is a candidate for a 394  
state, county, or city office and every person who is appointed to 395  
fill a vacancy for an unexpired term in such an elective office; 396  
all members of the state board of education; the director, 397  
assistant directors, deputy directors, division chiefs, or persons 398  
of equivalent rank of any administrative department of the state; 399  
the president or other chief administrative officer of every state 400  
institution of higher education as defined in section 3345.011 of 401  
the Revised Code; the executive director and the members of the 402  
capitol square review and advisory board appointed or employed 403  
pursuant to section 105.41 of the Revised Code; all members of the 404

Ohio casino control commission, the executive director of the 405  
commission, all professional employees of the commission, and all 406  
technical employees of the commission who perform an internal 407  
audit function; the individuals set forth in division (B)(2) of 408  
section 187.03 of the Revised Code; the chief executive officer 409  
and the members of the board of each state retirement system; each 410  
employee of a state retirement board who is a state retirement 411  
system investment officer licensed pursuant to section 1707.163 of 412  
the Revised Code; the members of the Ohio retirement study council 413  
appointed pursuant to division (C) of section 171.01 of the 414  
Revised Code; employees of the Ohio retirement study council, 415  
other than employees who perform purely administrative or clerical 416  
functions; the administrator of workers' compensation and each 417  
member of the bureau of workers' compensation board of directors; 418  
the bureau of workers' compensation director of investments; the 419  
chief investment officer of the bureau of workers' compensation; 420  
all members of the board of commissioners on grievances and 421  
discipline of the supreme court and the ethics commission created 422  
under section 102.05 of the Revised Code; every business manager, 423  
treasurer, or superintendent of a city, local, exempted village, 424  
joint vocational, or cooperative education school district or an 425  
educational service center; every person who is elected to or is a 426  
candidate for the office of member of a board of education of a 427  
city, local, exempted village, joint vocational, or cooperative 428  
education school district or of a governing board of an 429  
educational service center that has a total student count of 430  
twelve thousand or more as most recently determined by the 431  
department of education pursuant to section 3317.03 of the Revised 432  
Code; every person who is appointed to the board of education of a 433  
municipal school district pursuant to division (B) or (F) of 434  
section 3311.71 of the Revised Code; all members of the board of 435  
directors of a sanitary district that is established under Chapter 436  
6115. of the Revised Code and organized wholly for the purpose of 437

providing a water supply for domestic, municipal, and public use, 438  
and that includes two municipal corporations in two counties; 439  
every public official or employee who is paid a salary or wage in 440  
accordance with schedule C of section 124.15 or schedule E-2 of 441  
section 124.152 of the Revised Code; members of the board of 442  
trustees and the executive director of the southern Ohio 443  
agricultural and community development foundation; all members 444  
appointed to the Ohio livestock care standards board under section 445  
904.02 of the Revised Code; all entrepreneurs in residence 446  
assigned by the LeanOhio office in the department of 447  
administrative services under section 125.65 of the Revised Code 448  
and every other public official or employee who is designated by 449  
the appropriate ethics commission pursuant to division (B) of this 450  
section. 451

(2) The disclosure statement shall include all of the 452  
following: 453

(a) The name of the person filing the statement and each 454  
member of the person's immediate family and all names under which 455  
the person or members of the person's immediate family do 456  
business; 457

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 458  
section and except as otherwise provided in section 102.022 of the 459  
Revised Code, identification of every source of income, other than 460  
income from a legislative agent identified in division 461  
(A)(2)(b)(ii) of this section, received during the preceding 462  
calendar year, in the person's own name or by any other person for 463  
the person's use or benefit, by the person filing the statement, 464  
and a brief description of the nature of the services for which 465  
the income was received. If the person filing the statement is a 466  
member of the general assembly, the statement shall identify the 467  
amount of every source of income received in accordance with the 468  
following ranges of amounts: zero or more, but less than one 469

thousand dollars; one thousand dollars or more, but less than ten 470  
thousand dollars; ten thousand dollars or more, but less than 471  
twenty-five thousand dollars; twenty-five thousand dollars or 472  
more, but less than fifty thousand dollars; fifty thousand dollars 473  
or more, but less than one hundred thousand dollars; and one 474  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 475  
section shall not be construed to require a person filing the 476  
statement who derives income from a business or profession to 477  
disclose the individual items of income that constitute the gross 478  
income of that business or profession, except for those individual 479  
items of income that are attributable to the person's or, if the 480  
income is shared with the person, the partner's, solicitation of 481  
services or goods or performance, arrangement, or facilitation of 482  
services or provision of goods on behalf of the business or 483  
profession of clients, including corporate clients, who are 484  
legislative agents. A person who files the statement under this 485  
section shall disclose the identity of and the amount of income 486  
received from a person who the public official or employee knows 487  
or has reason to know is doing or seeking to do business of any 488  
kind with the public official's or employee's agency. 489

(ii) If the person filing the statement is a member of the 490  
general assembly, the statement shall identify every source of 491  
income and the amount of that income that was received from a 492  
legislative agent during the preceding calendar year, in the 493  
person's own name or by any other person for the person's use or 494  
benefit, by the person filing the statement, and a brief 495  
description of the nature of the services for which the income was 496  
received. Division (A)(2)(b)(ii) of this section requires the 497  
disclosure of clients of attorneys or persons licensed under 498  
section 4732.12 of the Revised Code, or patients of persons 499  
licensed under section 4731.14 of the Revised Code, if those 500  
clients or patients are legislative agents. Division (A)(2)(b)(ii) 501  
of this section requires a person filing the statement who derives 502

income from a business or profession to disclose those individual 503  
items of income that constitute the gross income of that business 504  
or profession that are received from legislative agents. 505

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 506  
of this section, division (A)(2)(b)(i) of this section applies to 507  
attorneys, physicians, and other persons who engage in the 508  
practice of a profession and who, pursuant to a section of the 509  
Revised Code, the common law of this state, a code of ethics 510  
applicable to the profession, or otherwise, generally are required 511  
not to reveal, disclose, or use confidences of clients, patients, 512  
or other recipients of professional services except under 513  
specified circumstances or generally are required to maintain 514  
those types of confidences as privileged communications except 515  
under specified circumstances. Division (A)(2)(b)(i) of this 516  
section does not require an attorney, physician, or other 517  
professional subject to a confidentiality requirement as described 518  
in division (A)(2)(b)(iii) of this section to disclose the name, 519  
other identity, or address of a client, patient, or other 520  
recipient of professional services if the disclosure would 521  
threaten the client, patient, or other recipient of professional 522  
services, would reveal details of the subject matter for which 523  
legal, medical, or professional advice or other services were 524  
sought, or would reveal an otherwise privileged communication 525  
involving the client, patient, or other recipient of professional 526  
services. Division (A)(2)(b)(i) of this section does not require 527  
an attorney, physician, or other professional subject to a 528  
confidentiality requirement as described in division 529  
(A)(2)(b)(iii) of this section to disclose in the brief 530  
description of the nature of services required by division 531  
(A)(2)(b)(i) of this section any information pertaining to 532  
specific professional services rendered for a client, patient, or 533  
other recipient of professional services that would reveal details 534  
of the subject matter for which legal, medical, or professional 535

advice was sought or would reveal an otherwise privileged 536  
communication involving the client, patient, or other recipient of 537  
professional services. 538

(c) The name of every corporation on file with the secretary 539  
of state that is incorporated in this state or holds a certificate 540  
of compliance authorizing it to do business in this state, trust, 541  
business trust, partnership, or association that transacts 542  
business in this state in which the person filing the statement or 543  
any other person for the person's use and benefit had during the 544  
preceding calendar year an investment of over one thousand dollars 545  
at fair market value as of the thirty-first day of December of the 546  
preceding calendar year, or the date of disposition, whichever is 547  
earlier, or in which the person holds any office or has a 548  
fiduciary relationship, and a description of the nature of the 549  
investment, office, or relationship. Division (A)(2)(c) of this 550  
section does not require disclosure of the name of any bank, 551  
savings and loan association, credit union, or building and loan 552  
association with which the person filing the statement has a 553  
deposit or a withdrawable share account. 554

(d) All fee simple and leasehold interests to which the 555  
person filing the statement holds legal title to or a beneficial 556  
interest in real property located within the state, excluding the 557  
person's residence and property used primarily for personal 558  
recreation; 559

(e) The names of all persons residing or transacting business 560  
in the state to whom the person filing the statement owes, in the 561  
person's own name or in the name of any other person, more than 562  
one thousand dollars. Division (A)(2)(e) of this section shall not 563  
be construed to require the disclosure of debts owed by the person 564  
resulting from the ordinary conduct of a business or profession or 565  
debts on the person's residence or real property used primarily 566  
for personal recreation, except that the superintendent of 567

financial institutions and any deputy superintendent of banks 568  
shall disclose the names of all state-chartered banks and all bank 569  
subsidiary corporations subject to regulation under section 570  
1109.44 of the Revised Code to whom the superintendent or deputy 571  
superintendent owes any money. 572

(f) The names of all persons residing or transacting business 573  
in the state, other than a depository excluded under division 574  
(A)(2)(c) of this section, who owe more than one thousand dollars 575  
to the person filing the statement, either in the person's own 576  
name or to any person for the person's use or benefit. Division 577  
(A)(2)(f) of this section shall not be construed to require the 578  
disclosure of clients of attorneys or persons licensed under 579  
section 4732.12 of the Revised Code, or patients of persons 580  
licensed under section 4731.14 of the Revised Code, nor the 581  
disclosure of debts owed to the person resulting from the ordinary 582  
conduct of a business or profession. 583

(g) Except as otherwise provided in section 102.022 of the 584  
Revised Code, the source of each gift of over seventy-five 585  
dollars, or of each gift of over twenty-five dollars received by a 586  
member of the general assembly from a legislative agent, received 587  
by the person in the person's own name or by any other person for 588  
the person's use or benefit during the preceding calendar year, 589  
except gifts received by will or by virtue of section 2105.06 of 590  
the Revised Code, or received from spouses, parents, grandparents, 591  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 592  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 593  
fathers-in-law, mothers-in-law, or any person to whom the person 594  
filing the statement stands in loco parentis, or received by way 595  
of distribution from any inter vivos or testamentary trust 596  
established by a spouse or by an ancestor; 597

(h) Except as otherwise provided in section 102.022 of the 598  
Revised Code, identification of the source and amount of every 599

payment of expenses incurred for travel to destinations inside or 600  
outside this state that is received by the person in the person's 601  
own name or by any other person for the person's use or benefit 602  
and that is incurred in connection with the person's official 603  
duties, except for expenses for travel to meetings or conventions 604  
of a national or state organization to which any state agency, 605  
including, but not limited to, any legislative agency or state 606  
institution of higher education as defined in section 3345.011 of 607  
the Revised Code, pays membership dues, or any political 608  
subdivision or any office or agency of a political subdivision 609  
pays membership dues; 610

(i) Except as otherwise provided in section 102.022 of the 611  
Revised Code, identification of the source of payment of expenses 612  
for meals and other food and beverages, other than for meals and 613  
other food and beverages provided at a meeting at which the person 614  
participated in a panel, seminar, or speaking engagement or at a 615  
meeting or convention of a national or state organization to which 616  
any state agency, including, but not limited to, any legislative 617  
agency or state institution of higher education as defined in 618  
section 3345.011 of the Revised Code, pays membership dues, or any 619  
political subdivision or any office or agency of a political 620  
subdivision pays membership dues, that are incurred in connection 621  
with the person's official duties and that exceed one hundred 622  
dollars aggregated per calendar year; 623

(j) If the disclosure statement is filed by a public official 624  
or employee described in division (B)(2) of section 101.73 of the 625  
Revised Code or division (B)(2) of section 121.63 of the Revised 626  
Code who receives a statement from a legislative agent, executive 627  
agency lobbyist, or employer that contains the information 628  
described in division (F)(2) of section 101.73 of the Revised Code 629  
or division (G)(2) of section 121.63 of the Revised Code, all of 630  
the nondisputed information contained in the statement delivered 631

to that public official or employee by the legislative agent, 632  
executive agency lobbyist, or employer under division (F)(2) of 633  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 634

(3) A person may file a statement required by this section in 635  
person, by mail, or by electronic means. 636

(4) A person who is required to file a statement under this 637  
section shall file that statement according to the following 638  
deadlines, as applicable: 639

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 640  
and (d) of this section, the person shall file the statement not 641  
later than the fifteenth day of May of each year. 642

(b) A person who is a candidate for elective office shall 643  
file the statement no later than the thirtieth day before the 644  
primary, special, or general election at which the candidacy is to 645  
be voted on, whichever election occurs soonest, except that a 646  
person who is a write-in candidate shall file the statement no 647  
later than the twentieth day before the earliest election at which 648  
the person's candidacy is to be voted on. 649

(c) A person who is appointed to fill a vacancy for an 650  
unexpired term in an elective office shall file the statement 651  
within fifteen days after the person qualifies for office. 652

(d) A person who is appointed or employed after the fifteenth 653  
day of May, other than a person described in division (A)(4)(c) of 654  
this section, shall file an annual statement within ninety days 655  
after appointment or employment. 656

(5) No person shall be required to file with the appropriate 657  
ethics commission more than one statement or pay more than one 658  
filing fee for any one calendar year. 659

(6) The appropriate ethics commission, for good cause, may 660  
extend for a reasonable time the deadline for filing a statement 661

under this section. 662

(7) A statement filed under this section is subject to public 663  
inspection at locations designated by the appropriate ethics 664  
commission except as otherwise provided in this section. 665

(B) The Ohio ethics commission, the joint legislative ethics 666  
committee, and the board of commissioners on grievances and 667  
discipline of the supreme court, using the rule-making procedures 668  
of Chapter 119. of the Revised Code, may require any class of 669  
public officials or employees under its jurisdiction and not 670  
specifically excluded by this section whose positions involve a 671  
substantial and material exercise of administrative discretion in 672  
the formulation of public policy, expenditure of public funds, 673  
enforcement of laws and rules of the state or a county or city, or 674  
the execution of other public trusts, to file an annual statement 675  
under division (A) of this section. The appropriate ethics 676  
commission shall send the public officials or employees written 677  
notice of the requirement not less than thirty days before the 678  
applicable filing deadline unless the public official or employee 679  
is appointed after that date, in which case the notice shall be 680  
sent within thirty days after appointment, and the filing shall be 681  
made not later than ninety days after appointment. 682

Disclosure statements filed under this division with the Ohio 683  
ethics commission by members of boards, commissions, or bureaus of 684  
the state for which no compensation is received other than 685  
reasonable and necessary expenses shall be kept confidential. 686  
Disclosure statements filed with the Ohio ethics commission under 687  
division (A) of this section by business managers, treasurers, and 688  
superintendents of city, local, exempted village, joint 689  
vocational, or cooperative education school districts or 690  
educational service centers shall be kept confidential, except 691  
that any person conducting an audit of any such school district or 692  
educational service center pursuant to ~~section 115.56~~ or Chapter 693

117. of the Revised Code may examine the disclosure statement of 694  
any business manager, treasurer, or superintendent of that school 695  
district or educational service center. Disclosure statements 696  
filed with the Ohio ethics commission under division (A) of this 697  
section by the individuals set forth in division (B)(2) of section 698  
187.03 of the Revised Code shall be kept confidential. The Ohio 699  
ethics commission shall examine each disclosure statement required 700  
to be kept confidential to determine whether a potential conflict 701  
of interest exists for the person who filed the disclosure 702  
statement. A potential conflict of interest exists if the private 703  
interests of the person, as indicated by the person's disclosure 704  
statement, might interfere with the public interests the person is 705  
required to serve in the exercise of the person's authority and 706  
duties in the person's office or position of employment. If the 707  
commission determines that a potential conflict of interest 708  
exists, it shall notify the person who filed the disclosure 709  
statement and shall make the portions of the disclosure statement 710  
that indicate a potential conflict of interest subject to public 711  
inspection in the same manner as is provided for other disclosure 712  
statements. Any portion of the disclosure statement that the 713  
commission determines does not indicate a potential conflict of 714  
interest shall be kept confidential by the commission and shall 715  
not be made subject to public inspection, except as is necessary 716  
for the enforcement of Chapters 102. and 2921. of the Revised Code 717  
and except as otherwise provided in this division. 718

(C) No person shall knowingly fail to file, on or before the 719  
applicable filing deadline established under this section, a 720  
statement that is required by this section. 721

(D) No person shall knowingly file a false statement that is 722  
required to be filed under this section. 723

(E)(1) Except as provided in divisions (E)(2) and (3) of this 724  
section, the statement required by division (A) or (B) of this 725

section shall be accompanied by a filing fee of sixty dollars. 726

(2) The statement required by division (A) of this section 727  
shall be accompanied by the following filing fee to be paid by the 728  
person who is elected or appointed to, or is a candidate for, any 729  
of the following offices: 730

For state office, except member of the		731
state board of education	\$95	732
For office of member of general assembly	\$40	733
For county office	\$60	734
For city office	\$35	735
For office of member of the state board		736
of education	\$35	737
For office of member of a city, local,		738
exempted village, or cooperative		739
education board of		740
education or educational service		741
center governing board	\$30	742
For position of business manager,		743
treasurer, or superintendent of a		744
city, local, exempted village, joint		745
vocational, or cooperative education		746
school district or		747
educational service center	\$30	748

(3) No judge of a court of record or candidate for judge of a 749  
court of record, and no referee or magistrate serving a court of 750  
record, shall be required to pay the fee required under division 751  
(E)(1) or (2) or (F) of this section. 752

(4) For any public official who is appointed to a nonelective 753  
office of the state and for any employee who holds a nonelective 754  
position in a public agency of the state, the state agency that is 755  
the primary employer of the state official or employee shall pay 756  
the fee required under division (E)(1) or (F) of this section. 757

(F) If a statement required to be filed under this section is 758  
not filed by the date on which it is required to be filed, the 759  
appropriate ethics commission shall assess the person required to 760  
file the statement a late filing fee of ten dollars for each day 761  
the statement is not filed, except that the total amount of the 762  
late filing fee shall not exceed two hundred fifty dollars. 763

(G)(1) The appropriate ethics commission other than the Ohio 764  
ethics commission and the joint legislative ethics committee shall 765  
deposit all fees it receives under divisions (E) and (F) of this 766  
section into the general revenue fund of the state. 767

(2) The Ohio ethics commission shall deposit all receipts, 768  
including, but not limited to, fees it receives under divisions 769  
(E) and (F) of this section, investigative or other fees, costs, 770  
or other funds it receives as a result of court orders, and all 771  
moneys it receives from settlements under division (G) of section 772  
102.06 of the Revised Code, into the Ohio ethics commission fund, 773  
which is hereby created in the state treasury. All moneys credited 774  
to the fund shall be used solely for expenses related to the 775  
operation and statutory functions of the commission. 776

(3) The joint legislative ethics committee shall deposit all 777  
receipts it receives from the payment of financial disclosure 778  
statement filing fees under divisions (E) and (F) of this section 779  
into the joint legislative ethics committee investigative and 780  
financial disclosure fund. 781

(H) Division (A) of this section does not apply to a person 782  
elected or appointed to the office of precinct, ward, or district 783  
committee member under Chapter 3517. of the Revised Code; a 784  
presidential elector; a delegate to a national convention; village 785  
or township officials and employees; any physician or psychiatrist 786  
who is paid a salary or wage in accordance with schedule C of 787  
section 124.15 or schedule E-2 of section 124.152 of the Revised 788  
Code and whose primary duties do not require the exercise of 789

administrative discretion; or any member of a board, commission, 790  
or bureau of any county or city who receives less than one 791  
thousand dollars per year for serving in that position. 792

**Sec. 102.021.** (A)(1) For the twenty-four-month period 793  
immediately following the end of the former state elected 794  
officer's or staff member's service or public employment, except 795  
as provided in division (B) or (D) of this section, each former 796  
state elected officer or staff member who filed or was required to 797  
file a disclosure statement under section 102.02 of the Revised 798  
Code shall file, on or before the deadlines specified in division 799  
(D) of this section, with the joint legislative ethics committee a 800  
statement that shall include the information described in 801  
divisions (A)(2), (3), (4), and (5) of this section, as 802  
applicable. The statement shall be filed on a form and in the 803  
manner specified by the joint legislative ethics committee. This 804  
division does not apply to a state elected officer or staff member 805  
who filed or was required to file a disclosure statement under 806  
section 102.02 of the Revised Code, who leaves service or public 807  
employment, and who takes another position as a state elected 808  
officer or staff member who files or is required to file a 809  
disclosure statement under that section. 810

No person shall fail to file, on or before the deadlines 811  
specified in division (D) of this section, a statement that is 812  
required by this division. 813

(2) The statement referred to in division (A)(1) of this 814  
section shall describe the source of all income received, in the 815  
former state elected officer's or staff member's own name or by 816  
any other person for the person's use or benefit, and briefly 817  
describe the nature of the services for which the income was 818  
received if the source of the income was any of the following: 819

(a) An executive agency lobbyist or a legislative agent; 820

(b) The employer of an executive agency lobbyist or 821  
legislative agent, except that this division does not apply if the 822  
employer is any state agency or political subdivision of the 823  
state; 824

(c) Any entity, association, or business that, at any time 825  
during the two immediately preceding calendar years, was awarded 826  
one or more contracts by one or more state agencies that in the 827  
aggregate had a value of one hundred thousand dollars or more, or 828  
bid on one or more contracts to be awarded by one or more state 829  
agencies that in the aggregate had a value of one hundred thousand 830  
dollars or more. 831

(3) If the former state elected officer or staff member 832  
received no income as described in division (A)(2) of this 833  
section, the statement referred to in division (A)(1) of this 834  
section shall indicate that fact. 835

(4) If the former state elected officer or staff member 836  
directly or indirectly made, either separately or in combination 837  
with another, any expenditure or gift for transportation, lodging, 838  
or food or beverages to, at the request of, for the benefit of, or 839  
on behalf of any public officer or employee, and if the former 840  
state elected officer or staff member would be required to report 841  
the expenditure or gift in a statement under sections 101.70 to 842  
101.79 or sections 121.60 to 121.69 of the Revised Code, whichever 843  
is applicable, if the former state elected officer or staff member 844  
was a legislative agent or executive agency lobbyist at the time 845  
the expenditure or gift was made, the statement referred to in 846  
division (A)(1) of this section shall include all information 847  
relative to that gift or expenditure that would be required in a 848  
statement under sections 101.70 to 101.79 or sections 121.60 to 849  
121.69 of the Revised Code if the former state elected officer or 850  
staff member was a legislative agent or executive agency lobbyist 851  
at the time the expenditure or gift was made. 852

(5) If the former state elected officer or staff member made 853  
no expenditure or gift as described in division (A)(4) of this 854  
section, the statement referred to in division (A)(1) of this 855  
section shall indicate that fact. 856

(B) If, at any time during the twenty-four-month period 857  
immediately following the end of the former state elected 858  
officer's or staff member's service or public employment, a former 859  
state elected officer or staff member who filed or was required to 860  
file a disclosure statement under section 102.02 of the Revised 861  
Code becomes a legislative agent or an executive agency lobbyist, 862  
the former state elected officer or staff member shall comply with 863  
all registration and filing requirements set forth in sections 864  
101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, 865  
whichever is applicable, and, the former state elected officer or 866  
staff member also shall file a statement under division (A)(1) of 867  
this section except that the statement filed under division (A)(1) 868  
of this section does not need to include information regarding any 869  
income source, expenditure, or gift to the extent that that 870  
information was included in any registration or statement filed 871  
under sections 101.70 to 101.79 or sections 121.60 to 121.69 of 872  
the Revised Code. 873

(C) Except as otherwise provided in this division, division 874  
(A)(2) of this section applies to attorneys, physicians, and other 875  
persons who engage in the practice of a profession and who, 876  
pursuant to a section of the Revised Code, the common law of this 877  
state, a code of ethics applicable to the profession, or 878  
otherwise, generally are required not to reveal, disclose, or use 879  
confidences of clients, patients, or other recipients of 880  
professional services except under specified circumstances or 881  
generally are required to maintain those types of confidences as 882  
privileged communications except under specified circumstances. 883  
Division (A)(2) of this section does not require an attorney, 884

physician, or other professional subject to a confidentiality 885  
requirement as described in this division to disclose the name, 886  
other identity, or address of a client, patient, or other 887  
recipient of professional services if the disclosure would 888  
threaten the client, patient, or other recipient of professional 889  
services, would reveal details of the subject matter for which 890  
legal, medical, or professional advice or other services were 891  
sought, or would reveal an otherwise privileged communication 892  
involving the client, patient, or other recipient of professional 893  
services. Division (A)(2) of this section does not require an 894  
attorney, physician, or other professional subject to a 895  
confidentiality requirement as described in this division to 896  
disclose in the brief description of the nature of services 897  
required by division (A)(2) of this section any information 898  
pertaining to specific professional services rendered for a 899  
client, patient, or other recipient of professional services that 900  
would reveal details of the subject matter for which legal, 901  
medical, or professional advice was sought or would reveal an 902  
otherwise privileged communication involving the client, patient, 903  
or other recipient of professional services. 904

(D)(1) Each state elected officer or staff member who filed 905  
or was required to file a disclosure statement under section 906  
102.02 of the Revised Code and who leaves public service or public 907  
employment shall file an initial statement under division (A)(1) 908  
of this section not later than the day on which the former state 909  
elected officer or staff member leaves public service or public 910  
employment. The initial statement shall specify whether the person 911  
will, or will not, receive any income from a source described in 912  
division (A)(2)(a), (b), or (c) of this section. 913

If a person files an initial statement under this division 914  
that states that the person will receive income from a source 915  
described in division (A)(2)(a), (b), or (c) of this section, the 916

person is required to file statements under division (A)(2), (3), 917  
(4), or (5) of this section at the times specified in division 918  
(D)(2) of this section. 919

If a person files an initial statement under this division 920  
that states that the person will not receive income from a source 921  
described in division (A)(2)(a), (b), or (c) of this section, 922  
except as otherwise provided in this division, the person is not 923  
required to file statements under division (A)(2), (4), or (5) of 924  
this section or to file subsequent statements under division 925  
(A)(3) of this section. If a person files an initial statement 926  
under this division that states that the person will not receive 927  
income from a source described in division (A)(2)(a), (b), or (c) 928  
of this section, and, subsequent to the filing of that initial 929  
statement, the person receives any income from a source described 930  
in division (A)(2)(a), (b), or (c) of this section, the person 931  
within ten days shall file a statement under division (A)(2) of 932  
this section that contains the information described in that 933  
division, and the person thereafter shall file statements under 934  
division (A)(2), (3), (4), or (5) of this section at the times 935  
specified in division (D)(2) of this section. 936

(2) After the filing of the initial statement under division 937  
(D)(1) of this section, each person required to file a statement 938  
under division (A)(2), (3), (4), or (5) of this section shall file 939  
it on or before the last calendar day of January, May, and 940  
September. The statements described in divisions (A)(2), (3), and 941  
(5) of this section shall relate to the sources of income the 942  
person received in the immediately preceding filing period from 943  
each source of income in each of the categories listed in division 944  
(A)(2) of this section. The statement described in division (A)(4) 945  
of this section shall include any information required to be 946  
reported regarding expenditures and gifts of the type described in 947  
division (A)(4) of this section occurring since the filing of the 948

immediately preceding statement. 949

If, pursuant to this division, a person files a statement 950  
under division (A)(2) of this section, the person is required to 951  
file statements under division (A)(4) of this section, and 952  
subsequent statements under division (A)(2), (3), or (5) of this 953  
section, at the times specified in this division. In addition, if, 954  
subsequent to the filing of the statement under division (A)(2) of 955  
this section, the person receives any income from a source 956  
described in division (A)(2)(a), (b), or (c) of this section that 957  
was not listed on the statement filed under division (A)(2) of 958  
this section, the person within ten days shall file a statement 959  
under division (A)(2) of this section that contains the 960  
information described in that division regarding the new income 961  
source. 962

If, pursuant to this division, a person files a statement 963  
under division (A)(3) of this section, except as otherwise 964  
provided in this division, the person thereafter is not required 965  
to file statements under division (A)(2), (4), or (5) of this 966  
section, or to file subsequent statements under division (A)(3) of 967  
this section. If, subsequent to the filing of the statement under 968  
division (A)(3) of this section, the person receives any income 969  
from a source described in division (A)(2)(a), (b), or (c) of this 970  
section, the person within ten days shall file a statement under 971  
division (A)(2) of this section that contains the information 972  
described in that division regarding the new income source, and 973  
the person thereafter shall file statements under division (A)(4) 974  
of this section, and subsequent statements under division (A)(2) 975  
or (3) of this section, at the times specified in this division. 976

(3) No fee shall be required for filing ~~an initial a~~ 977  
statement under ~~division (D)(1) of~~ this section. ~~The~~ 978

~~person filing a statement under division (D)(2) of this~~ 979  
~~section that is required to be filed on or before the last~~ 980

~~calendar day of January, May, and September shall pay a ten dollar~~ 981  
~~filing fee with each such statement not to exceed thirty dollars~~ 982  
~~in any calendar year. The, except that the~~ joint legislative 983  
ethics committee may charge late fees in the same manner as 984  
specified in division (G) of section 101.72 of the Revised Code. 985

(E) Any state elected officer or staff member who filed or 986  
was required to file a disclosure statement under section 102.02 987  
of the Revised Code and who leaves public service or public 988  
employment shall provide a forwarding address to the officer's or 989  
staff member's last employer, and the employer shall provide the 990  
person's name and address to the joint legislative ethics 991  
committee. The former elected state officer or staff member shall 992  
provide updated forwarding addresses as necessary to the joint 993  
legislative ethics committee during the twenty-four-month period 994  
during which division (A)(1) of this section applies. The public 995  
agency or appointing authority that was the last employer of a 996  
person required to file a statement under division (A)(2) of this 997  
section shall furnish to the person a copy of the form needed to 998  
complete the initial statement required under division (D)(1) of 999  
this section. 1000

(F) During the twenty-four-month period immediately following 1001  
the end of the former state elected officer's or staff member's 1002  
service or public employment, no person required to file a 1003  
statement under this section shall receive from a source described 1004  
in division (A)(2)(a), (b), or (c) of this section, and no source 1005  
described in division (A)(2)(a), (b), or (c) of this section shall 1006  
pay to that person, any compensation that is contingent in any way 1007  
upon the introduction, modification, passage, or defeat of any 1008  
legislation or the outcome of any executive agency decision. 1009

(G) As used in this section "state elected officer or staff 1010  
member" means any elected officer of this state, any staff, as 1011  
defined in section 101.70 of the Revised Code, or any staff, as 1012

defined in section 121.60 of the Revised Code. 1013

**Sec. 103.41.** (A) As used in sections 103.41 to 103.415 of the 1014  
Revised Code: 1015

(1) "JMOC" means the joint medicaid oversight committee 1016  
created under this section. 1017

(2) "State and local government medicaid agency" means all of 1018  
the following: 1019

(a) The department of medicaid; 1020

(b) ~~The office of health transformation;~~ 1021

~~(e)~~ Each state agency and political subdivision with which 1022  
the department of medicaid contracts under section 5162.35 of the 1023  
Revised Code to have the state agency or political subdivision 1024  
administer one or more components of the medicaid program, or one 1025  
or more aspects of a component, under the department's 1026  
supervision; 1027

~~(d)~~(c) Each agency of a political subdivision that is 1028  
responsible for administering one or more components of the 1029  
medicaid program, or one or more aspects of a component, under the 1030  
supervision of the department or a state agency or political 1031  
subdivision described in division (A)(2)~~(e)~~(b) of this section. 1032

(B) There is hereby created the joint medicaid oversight 1033  
committee. JMOC shall consist of the following members: 1034

(1) Five members of the senate appointed by the president of 1035  
the senate, three of whom are members of the majority party and 1036  
two of whom are members of the minority party; 1037

(2) Five members of the house of representatives appointed by 1038  
the speaker of the house of representatives, three of whom are 1039  
members of the majority party and two of whom are members of the 1040  
minority party. 1041

(C) The term of each JMOC member shall begin on the day of 1042  
appointment to JMOC and end on the last day that the member serves 1043  
in the house (in the case of a member appointed by the speaker) or 1044  
senate (in the case of a member appointed by the president) during 1045  
the general assembly for which the member is appointed to JMOC. 1046  
The president and speaker shall make the initial appointments not 1047  
later than fifteen days after March 20, 2014. However, if this 1048  
section takes effect before January 1, 2014, the president and 1049  
speaker shall make the initial appointments during the period 1050  
beginning January 1, 2014, and ending January 15, 2014. The 1051  
president and speaker shall make subsequent appointments not later 1052  
than fifteen days after the commencement of the first regular 1053  
session of each general assembly. JMOC members may be reappointed. 1054  
A vacancy on JMOC shall be filled in the same manner as the 1055  
original appointment. 1056

(D) In odd-numbered years, the speaker shall designate one of 1057  
the majority members from the house as the JMOC chairperson and 1058  
the president shall designate one of the minority members from the 1059  
senate as the JMOC ranking minority member. In even-numbered 1060  
years, the president shall designate one of the majority members 1061  
from the senate as the JMOC chairperson and the speaker shall 1062  
designate one of the minority members from the house as the JMOC 1063  
ranking minority member. 1064

(E) In appointing members from the minority, and in 1065  
designating ranking minority members, the president and speaker 1066  
shall consult with the minority leader of their respective houses. 1067

(F) JMOC shall meet at the call of the JMOC chairperson. The 1068  
chairperson shall call JMOC to meet not less often than once each 1069  
calendar month, unless the chairperson and ranking minority member 1070  
agree that the chairperson should not call JMOC to meet for a 1071  
particular month. 1072

(G) Notwithstanding section 101.26 of the Revised Code, the 1073

members, when engaged in their duties as members of JMOC on days 1074  
when there is not a voting session of the member's house of the 1075  
general assembly, shall be paid at the per diem rate of one 1076  
hundred fifty dollars, and their necessary traveling expenses, 1077  
which shall be paid from the funds appropriated for the payment of 1078  
expenses of legislative committees. 1079

(H) The JMOC chairperson may, subject to approval by the 1080  
speaker of the house of representatives or the speaker's designee 1081  
and the president of the senate or the president's designee, 1082  
employ professional, technical, and clerical employees as are 1083  
necessary for JMOC to be able successfully and efficiently to 1084  
perform its duties. All such employees are in the unclassified 1085  
service and may be terminated by the chairperson, subject to 1086  
approval of the speaker or the speaker's designee and president or 1087  
the president's designee. JMOC may contract for the services of 1088  
persons who are qualified by education and experience to advise, 1089  
consult with, or otherwise assist JMOC in the performance of its 1090  
duties. 1091

(I) The JMOC chairperson, when authorized by JMOC and the 1092  
president and speaker, may issue subpoenas and subpoenas duces 1093  
tecum in aid of JMOC's performance of its duties. A subpoena may 1094  
require a witness in any part of the state to appear before JMOC 1095  
at a time and place designated in the subpoena to testify. A 1096  
subpoena duces tecum may require witnesses or other persons in any 1097  
part of the state to produce books, papers, records, and other 1098  
tangible evidence before JMOC at a time and place designated in 1099  
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1100  
be issued, served, and returned, and has consequences, as 1101  
specified in sections 101.41 to 101.45 of the Revised Code. 1102

(J) The JMOC chairperson may administer oaths to witnesses 1103  
appearing before JMOC. 1104

~~Sec. 103.416. JMOC on a quarterly basis shall monitor the~~ 1105  
~~actions of the department of medicaid under section 5167.04 of the~~ 1106  
~~Revised Code in preparing to implement inclusion of alcohol, drug~~ 1107  
~~addiction, and mental health services covered by medicaid in the~~ 1108  
~~care management system established under section 5167.03 of the~~ 1109  
~~Revised Code. When the inclusion of these services in the system~~ 1110  
~~begins to be implemented, JMOC on a periodic basis shall monitor~~ 1111  
~~the department's~~ department of medicaid's inclusion of ~~the~~ 1112  
alcohol, drug addiction, and mental health services in the care 1113  
management system established under section 5167.03 of the Revised 1114  
Code. 1115

**Sec. 107.036.** (A) For each business incentive tax credit, the 1116  
main operating appropriations act shall contain a detailed 1117  
estimate of the total amount of credits that may be authorized in 1118  
each year, an estimate of the amount of credits expected to be 1119  
claimed in each year, and an estimate of the amount of credits 1120  
expected to remain outstanding at the end of the biennium. The 1121  
governor shall include such estimates in the state budget 1122  
submitted to the general assembly pursuant to section 107.03 of 1123  
the Revised Code. 1124

(B) As used in this section, "business incentive tax credit" 1125  
means all of the following: 1126

(1) The job creation tax credit under section 122.17 of the 1127  
Revised Code; 1128

(2) The job retention tax credit under section 122.171 of the 1129  
Revised Code; 1130

(3) The historic preservation tax credit under section 1131  
149.311 of the Revised Code; 1132

(4) The motion picture and Broadway theatrical production tax 1133  
credit under section 122.85 of the Revised Code; 1134

(5) The new markets tax credit under section 5725.33 of the Revised Code; 1135  
1136

(6) The research and development credit under section 166.21 of the Revised Code; 1137  
1138

(7) The small business investment credit under section 122.86 of the Revised Code; 1139  
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(8) The rural growth investment credit under section 122.152 of the Revised Code; 1141  
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(9) The opportunity zone investment credit under section 122.84 of the Revised Code. 1143  
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**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1145  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised 1156  
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Code, a violation of section 2905.04 of the Revised Code as it 1165  
existed prior to July 1, 1996, a violation of section 2919.23 of 1166  
the Revised Code that would have been a violation of section 1167  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1168  
had the violation been committed prior to that date, or a 1169  
violation of section 2925.11 of the Revised Code that is not a 1170  
minor drug possession offense; 1171

(b) A violation of an existing or former law of this state, 1172  
any other state, or the United States that is substantially 1173  
equivalent to any of the offenses listed in division (A)(1)(a) of 1174  
this section; 1175

(c) If the request is made pursuant to section 3319.39 of the 1176  
Revised Code for an applicant who is a teacher, any offense 1177  
specified in section 3319.31 of the Revised Code. 1178

(2) On receipt of a request pursuant to section 3712.09 or 1179  
3721.121 of the Revised Code, a completed form prescribed pursuant 1180  
to division (C)(1) of this section, and a set of fingerprint 1181  
impressions obtained in the manner described in division (C)(2) of 1182  
this section, the superintendent of the bureau of criminal 1183  
identification and investigation shall conduct a criminal records 1184  
check with respect to any person who has applied for employment in 1185  
a position for which a criminal records check is required by those 1186  
sections. The superintendent shall conduct the criminal records 1187  
check in the manner described in division (B) of this section to 1188  
determine whether any information exists that indicates that the 1189  
person who is the subject of the request previously has been 1190  
convicted of or pleaded guilty to any of the following: 1191

(a) A violation of section 2903.01, 2903.02, 2903.03, 1192  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1193  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1194  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1195  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1196

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1197  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1198  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1199  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1200

(b) An existing or former law of this state, any other state, 1201  
or the United States that is substantially equivalent to any of 1202  
the offenses listed in division (A)(2)(a) of this section. 1203

(3) On receipt of a request pursuant to section 173.27, 1204  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1205  
5123.081, or 5123.169 of the Revised Code, a completed form 1206  
prescribed pursuant to division (C)(1) of this section, and a set 1207  
of fingerprint impressions obtained in the manner described in 1208  
division (C)(2) of this section, the superintendent of the bureau 1209  
of criminal identification and investigation shall conduct a 1210  
criminal records check of the person for whom the request is made. 1211  
The superintendent shall conduct the criminal records check in the 1212  
manner described in division (B) of this section to determine 1213  
whether any information exists that indicates that the person who 1214  
is the subject of the request previously has been convicted of, 1215  
has pleaded guilty to, or (except in the case of a request 1216  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1217  
Code) has been found eligible for intervention in lieu of 1218  
conviction for any of the following, regardless of the date of the 1219  
conviction, the date of entry of the guilty plea, or (except in 1220  
the case of a request pursuant to section 5164.34, 5164.341, or 1221  
5164.342 of the Revised Code) the date the person was found 1222  
eligible for intervention in lieu of conviction: 1223

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1224  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1225  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1226  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1227  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1228

2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	1229
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	1230
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	1231
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	1232
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	1233
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	1234
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	1235
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	1236
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	1237
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	1238
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	1239
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	1240
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	1241
2927.12, or 3716.11 of the Revised Code;	1242
(b) Felonious sexual penetration in violation of former	1243
section 2907.12 of the Revised Code;	1244
(c) A violation of section 2905.04 of the Revised Code as it	1245
existed prior to July 1, 1996;	1246
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	1247
the Revised Code when the underlying offense that is the object of	1248
the conspiracy, attempt, or complicity is one of the offenses	1249
listed in divisions (A)(3)(a) to (c) of this section;	1250
(e) A violation of an existing or former municipal ordinance	1251
or law of this state, any other state, or the United States that	1252
is substantially equivalent to any of the offenses listed in	1253
divisions (A)(3)(a) to (d) of this section.	1254
(4) On receipt of a request pursuant to section 2151.86 <u>or</u>	1255
<u>2151.904</u> of the Revised Code, a completed form prescribed pursuant	1256
to division (C)(1) of this section, and a set of fingerprint	1257
impressions obtained in the manner described in division (C)(2) of	1258
this section, the superintendent of the bureau of criminal	1259

identification and investigation shall conduct a criminal records 1260  
check in the manner described in division (B) of this section to 1261  
determine whether any information exists that indicates that the 1262  
person who is the subject of the request previously has been 1263  
convicted of or pleaded guilty to any of the following: 1264

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1265  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1266  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1267  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1268  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1269  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1270  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1271  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1272  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1273  
of the Revised Code, a violation of section 2905.04 of the Revised 1274  
Code as it existed prior to July 1, 1996, a violation of section 1275  
2919.23 of the Revised Code that would have been a violation of 1276  
section 2905.04 of the Revised Code as it existed prior to July 1, 1277  
1996, had the violation been committed prior to that date, a 1278  
violation of section 2925.11 of the Revised Code that is not a 1279  
minor drug possession offense, two or more OVI or OVUAC violations 1280  
committed within the three years immediately preceding the 1281  
submission of the application or petition that is the basis of the 1282  
request, or felonious sexual penetration in violation of former 1283  
section 2907.12 of the Revised Code; 1284

(b) A violation of an existing or former law of this state, 1285  
any other state, or the United States that is substantially 1286  
equivalent to any of the offenses listed in division (A)(4)(a) of 1287  
this section. 1288

(5) Upon receipt of a request pursuant to section 5104.013 of 1289  
the Revised Code, a completed form prescribed pursuant to division 1290  
(C)(1) of this section, and a set of fingerprint impressions 1291

obtained in the manner described in division (C)(2) of this 1292  
section, the superintendent of the bureau of criminal 1293  
identification and investigation shall conduct a criminal records 1294  
check in the manner described in division (B) of this section to 1295  
determine whether any information exists that indicates that the 1296  
person who is the subject of the request has been convicted of or 1297  
pleaded guilty to any of the following: 1298

(a) A violation of section 2151.421, 2903.01, 2903.02, 1299  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1300  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1301  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1302  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1303  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1304  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1305  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1306  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1307  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1308  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1309  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1310  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1311  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1312  
Revised Code, felonious sexual penetration in violation of former 1313  
section 2907.12 of the Revised Code, a violation of section 1314  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1315  
violation of section 2919.23 of the Revised Code that would have 1316  
been a violation of section 2905.04 of the Revised Code as it 1317  
existed prior to July 1, 1996, had the violation been committed 1318  
prior to that date, a violation of section 2925.11 of the Revised 1319  
Code that is not a minor drug possession offense, a violation of 1320  
section 2923.02 or 2923.03 of the Revised Code that relates to a 1321  
crime specified in this division, or a second violation of section 1322  
4511.19 of the Revised Code within five years of the date of 1323  
application for licensure or certification. 1324

(b) A violation of an existing or former law of this state, 1325  
any other state, or the United States that is substantially 1326  
equivalent to any of the offenses or violations described in 1327  
division (A)(5)(a) of this section. 1328

(6) Upon receipt of a request pursuant to section 5153.111 of 1329  
the Revised Code, a completed form prescribed pursuant to division 1330  
(C)(1) of this section, and a set of fingerprint impressions 1331  
obtained in the manner described in division (C)(2) of this 1332  
section, the superintendent of the bureau of criminal 1333  
identification and investigation shall conduct a criminal records 1334  
check in the manner described in division (B) of this section to 1335  
determine whether any information exists that indicates that the 1336  
person who is the subject of the request previously has been 1337  
convicted of or pleaded guilty to any of the following: 1338

(a) A violation of section 2903.01, 2903.02, 2903.03, 1339  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1340  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1341  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1342  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1343  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1344  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1345  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1346  
felonious sexual penetration in violation of former section 1347  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1348  
Revised Code as it existed prior to July 1, 1996, a violation of 1349  
section 2919.23 of the Revised Code that would have been a 1350  
violation of section 2905.04 of the Revised Code as it existed 1351  
prior to July 1, 1996, had the violation been committed prior to 1352  
that date, or a violation of section 2925.11 of the Revised Code 1353  
that is not a minor drug possession offense; 1354

(b) A violation of an existing or former law of this state, 1355  
any other state, or the United States that is substantially 1356

equivalent to any of the offenses listed in division (A)(6)(a) of 1357  
this section. 1358

(7) On receipt of a request for a criminal records check from 1359  
an individual pursuant to section 4749.03 or 4749.06 of the 1360  
Revised Code, accompanied by a completed copy of the form 1361  
prescribed in division (C)(1) of this section and a set of 1362  
fingerprint impressions obtained in a manner described in division 1363  
(C)(2) of this section, the superintendent of the bureau of 1364  
criminal identification and investigation shall conduct a criminal 1365  
records check in the manner described in division (B) of this 1366  
section to determine whether any information exists indicating 1367  
that the person who is the subject of the request has been 1368  
convicted of or pleaded guilty to a felony in this state or in any 1369  
other state. If the individual indicates that a firearm will be 1370  
carried in the course of business, the superintendent shall 1371  
require information from the federal bureau of investigation as 1372  
described in division (B)(2) of this section. Subject to division 1373  
(F) of this section, the superintendent shall report the findings 1374  
of the criminal records check and any information the federal 1375  
bureau of investigation provides to the director of public safety. 1376

(8) On receipt of a request pursuant to section 1321.37, 1377  
1321.53, or 4763.05 of the Revised Code, a completed form 1378  
prescribed pursuant to division (C)(1) of this section, and a set 1379  
of fingerprint impressions obtained in the manner described in 1380  
division (C)(2) of this section, the superintendent of the bureau 1381  
of criminal identification and investigation shall conduct a 1382  
criminal records check with respect to any person who has applied 1383  
for a license, permit, or certification from the department of 1384  
commerce or a division in the department. The superintendent shall 1385  
conduct the criminal records check in the manner described in 1386  
division (B) of this section to determine whether any information 1387  
exists that indicates that the person who is the subject of the 1388

request previously has been convicted of or pleaded guilty to any 1389  
of the following: a violation of section 2913.02, 2913.11, 1390  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1391  
criminal offense involving theft, receiving stolen property, 1392  
embezzlement, forgery, fraud, passing bad checks, money 1393  
laundering, or drug trafficking, or any criminal offense involving 1394  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1395  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1396  
existing or former law of this state, any other state, or the 1397  
United States that is substantially equivalent to those offenses. 1398

(9) On receipt of a request for a criminal records check from 1399  
the treasurer of state under section 113.041 of the Revised Code 1400  
or from an individual under section 4701.08, 4715.101, 4717.061, 1401  
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 1402  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1403  
~~4731.296~~, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1404  
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1405  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 1406  
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 1407  
accompanied by a completed form prescribed under division (C)(1) 1408  
of this section and a set of fingerprint impressions obtained in 1409  
the manner described in division (C)(2) of this section, the 1410  
superintendent of the bureau of criminal identification and 1411  
investigation shall conduct a criminal records check in the manner 1412  
described in division (B) of this section to determine whether any 1413  
information exists that indicates that the person who is the 1414  
subject of the request has been convicted of or pleaded guilty to 1415  
any criminal offense in this state or any other state. Subject to 1416  
division (F) of this section, the superintendent shall send the 1417  
results of a check requested under section 113.041 of the Revised 1418  
Code to the treasurer of state and shall send the results of a 1419  
check requested under any of the other listed sections to the 1420  
licensing board specified by the individual in the request. 1421

(10) On receipt of a request pursuant to section 124.74, 1422  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1423  
Code, a completed form prescribed pursuant to division (C)(1) of 1424  
this section, and a set of fingerprint impressions obtained in the 1425  
manner described in division (C)(2) of this section, the 1426  
superintendent of the bureau of criminal identification and 1427  
investigation shall conduct a criminal records check in the manner 1428  
described in division (B) of this section to determine whether any 1429  
information exists that indicates that the person who is the 1430  
subject of the request previously has been convicted of or pleaded 1431  
guilty to any criminal offense under any existing or former law of 1432  
this state, any other state, or the United States. 1433

(11) On receipt of a request for a criminal records check 1434  
from an appointing or licensing authority under section 3772.07 of 1435  
the Revised Code, a completed form prescribed under division 1436  
(C)(1) of this section, and a set of fingerprint impressions 1437  
obtained in the manner prescribed in division (C)(2) of this 1438  
section, the superintendent of the bureau of criminal 1439  
identification and investigation shall conduct a criminal records 1440  
check in the manner described in division (B) of this section to 1441  
determine whether any information exists that indicates that the 1442  
person who is the subject of the request previously has been 1443  
convicted of or pleaded guilty or no contest to any offense under 1444  
any existing or former law of this state, any other state, or the 1445  
United States that is a disqualifying offense as defined in 1446  
section 3772.07 of the Revised Code or substantially equivalent to 1447  
such an offense. 1448

(12) On receipt of a request pursuant to section 2151.33 or 1449  
2151.412 of the Revised Code, a completed form prescribed pursuant 1450  
to division (C)(1) of this section, and a set of fingerprint 1451  
impressions obtained in the manner described in division (C)(2) of 1452  
this section, the superintendent of the bureau of criminal 1453

identification and investigation shall conduct a criminal records 1454  
check with respect to any person for whom a criminal records check 1455  
is required under that section. The superintendent shall conduct 1456  
the criminal records check in the manner described in division (B) 1457  
of this section to determine whether any information exists that 1458  
indicates that the person who is the subject of the request 1459  
previously has been convicted of or pleaded guilty to any of the 1460  
following: 1461

(a) A violation of section 2903.01, 2903.02, 2903.03, 1462  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1463  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1464  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1465  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1466  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1467  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1468  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1469  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1470

(b) An existing or former law of this state, any other state, 1471  
or the United States that is substantially equivalent to any of 1472  
the offenses listed in division (A)(12)(a) of this section. 1473

(13) On receipt of a request pursuant to section 3796.12 of 1474  
the Revised Code, a completed form prescribed pursuant to division 1475  
(C)(1) of this section, and a set of fingerprint impressions 1476  
obtained in a manner described in division (C)(2) of this section, 1477  
the superintendent of the bureau of criminal identification and 1478  
investigation shall conduct a criminal records check in the manner 1479  
described in division (B) of this section to determine whether any 1480  
information exists that indicates that the person who is the 1481  
subject of the request previously has been convicted of or pleaded 1482  
guilty to the following: 1483

(a) A disqualifying offense as specified in rules adopted 1484  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 1485

the person who is the subject of the request is an administrator 1486  
or other person responsible for the daily operation of, or an 1487  
owner or prospective owner, officer or prospective officer, or 1488  
board member or prospective board member of, an entity seeking a 1489  
license from the department of commerce under Chapter 3796. of the 1490  
Revised Code; 1491

(b) A disqualifying offense as specified in rules adopted 1492  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1493  
the person who is the subject of the request is an administrator 1494  
or other person responsible for the daily operation of, or an 1495  
owner or prospective owner, officer or prospective officer, or 1496  
board member or prospective board member of, an entity seeking a 1497  
license from the state board of pharmacy under Chapter 3796. of 1498  
the Revised Code. 1499

(14) On receipt of a request required by section 3796.13 of 1500  
the Revised Code, a completed form prescribed pursuant to division 1501  
(C)(1) of this section, and a set of fingerprint impressions 1502  
obtained in a manner described in division (C)(2) of this section, 1503  
the superintendent of the bureau of criminal identification and 1504  
investigation shall conduct a criminal records check in the manner 1505  
described in division (B) of this section to determine whether any 1506  
information exists that indicates that the person who is the 1507  
subject of the request previously has been convicted of or pleaded 1508  
guilty to the following: 1509

(a) A disqualifying offense as specified in rules adopted 1510  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1511  
the person who is the subject of the request is seeking employment 1512  
with an entity licensed by the department of commerce under 1513  
Chapter 3796. of the Revised Code; 1514

(b) A disqualifying offense as specified in rules adopted 1515  
under division (B)(14)(a) of section 3796.04 of the Revised Code 1516  
if the person who is the subject of the request is seeking 1517

employment with an entity licensed by the state board of pharmacy 1518  
under Chapter 3796. of the Revised Code. 1519

(15) On receipt of a request pursuant to section 4768.06 of 1520  
the Revised Code, a completed form prescribed under division 1521  
(C)(1) of this section, and a set of fingerprint impressions 1522  
obtained in the manner described in division (C)(2) of this 1523  
section, the superintendent of the bureau of criminal 1524  
identification and investigation shall conduct a criminal records 1525  
check in the manner described in division (B) of this section to 1526  
determine whether any information exists indicating that the 1527  
person who is the subject of the request has been convicted of or 1528  
pleaded guilty to a felony in this state or in any other state. 1529

(16) On receipt of a request pursuant to division (B) of 1530  
section 4764.07 or division (A) of section 4735.143 of the Revised 1531  
Code, a completed form prescribed under division (C)(1) of this 1532  
section, and a set of fingerprint impressions obtained in the 1533  
manner described in division (C)(2) of this section, the 1534  
superintendent of the bureau of criminal identification and 1535  
investigation shall conduct a criminal records check in the manner 1536  
described in division (B) of this section to determine whether any 1537  
information exists indicating that the person who is the subject 1538  
of the request has been convicted of or pleaded guilty to any 1539  
crime of moral turpitude, a felony, or an equivalent offense in 1540  
any other state or the United States. 1541

(17) On receipt of a request for a criminal records check 1542  
under section 147.022 of the Revised Code, a completed form 1543  
prescribed under division (C)(1) of this section, and a set of 1544  
fingerprint impressions obtained in the manner prescribed in 1545  
division (C)(2) of this section, the superintendent of the bureau 1546  
of criminal identification and investigation shall conduct a 1547  
criminal records check in the manner described in division (B) of 1548  
this section to determine whether any information exists that 1549

indicates that the person who is the subject of the request 1550  
previously has been convicted of or pleaded guilty or no contest 1551  
to any disqualifying offense, as defined in section 147.011 of the 1552  
Revised Code, or to any offense under any existing or former law 1553  
of this state, any other state, or the United States that is 1554  
substantially equivalent to such a disqualifying offense. 1555

(B) Subject to division (F) of this section, the 1556  
superintendent shall conduct any criminal records check to be 1557  
conducted under this section as follows: 1558

(1) The superintendent shall review or cause to be reviewed 1559  
any relevant information gathered and compiled by the bureau under 1560  
division (A) of section 109.57 of the Revised Code that relates to 1561  
the person who is the subject of the criminal records check, 1562  
including, if the criminal records check was requested under 1563  
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 1564  
1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 1565  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 1566  
3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 1567  
4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 1568  
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any 1569  
relevant information contained in records that have been sealed 1570  
under section 2953.32 of the Revised Code; 1571

(2) If the request received by the superintendent asks for 1572  
information from the federal bureau of investigation, the 1573  
superintendent shall request from the federal bureau of 1574  
investigation any information it has with respect to the person 1575  
who is the subject of the criminal records check, including 1576  
fingerprint-based checks of national crime information databases 1577  
as described in 42 U.S.C. 671 if the request is made pursuant to 1578  
section 2151.86 or 5104.013 of the Revised Code or if any other 1579  
Revised Code section requires fingerprint-based checks of that 1580  
nature, and shall review or cause to be reviewed any information 1581

the superintendent receives from that bureau. If a request under 1582  
section 3319.39 of the Revised Code asks only for information from 1583  
the federal bureau of investigation, the superintendent shall not 1584  
conduct the review prescribed by division (B)(1) of this section. 1585

(3) The superintendent or the superintendent's designee may 1586  
request criminal history records from other states or the federal 1587  
government pursuant to the national crime prevention and privacy 1588  
compact set forth in section 109.571 of the Revised Code. 1589

(4) The superintendent shall include in the results of the 1590  
criminal records check a list or description of the offenses 1591  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1592  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1593  
of this section, whichever division requires the superintendent to 1594  
conduct the criminal records check. The superintendent shall 1595  
exclude from the results any information the dissemination of 1596  
which is prohibited by federal law. 1597

(5) The superintendent shall send the results of the criminal 1598  
records check to the person to whom it is to be sent not later 1599  
than the following number of days after the date the 1600  
superintendent receives the request for the criminal records 1601  
check, the completed form prescribed under division (C)(1) of this 1602  
section, and the set of fingerprint impressions obtained in the 1603  
manner described in division (C)(2) of this section: 1604

(a) If the superintendent is required by division (A) of this 1605  
section (other than division (A)(3) of this section) to conduct 1606  
the criminal records check, thirty; 1607

(b) If the superintendent is required by division (A)(3) of 1608  
this section to conduct the criminal records check, sixty. 1609

(C)(1) The superintendent shall prescribe a form to obtain 1610  
the information necessary to conduct a criminal records check from 1611  
any person for whom a criminal records check is to be conducted 1612

under this section. The form that the superintendent prescribes 1613  
pursuant to this division may be in a tangible format, in an 1614  
electronic format, or in both tangible and electronic formats. 1615

(2) The superintendent shall prescribe standard impression 1616  
sheets to obtain the fingerprint impressions of any person for 1617  
whom a criminal records check is to be conducted under this 1618  
section. Any person for whom a records check is to be conducted 1619  
under this section shall obtain the fingerprint impressions at a 1620  
county sheriff's office, municipal police department, or any other 1621  
entity with the ability to make fingerprint impressions on the 1622  
standard impression sheets prescribed by the superintendent. The 1623  
office, department, or entity may charge the person a reasonable 1624  
fee for making the impressions. The standard impression sheets the 1625  
superintendent prescribes pursuant to this division may be in a 1626  
tangible format, in an electronic format, or in both tangible and 1627  
electronic formats. 1628

(3) Subject to division (D) of this section, the 1629  
superintendent shall prescribe and charge a reasonable fee for 1630  
providing a criminal records check under this section. The person 1631  
requesting the criminal records check shall pay the fee prescribed 1632  
pursuant to this division. In the case of a request under section 1633  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1634  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1635  
the manner specified in that section. 1636

(4) The superintendent of the bureau of criminal 1637  
identification and investigation may prescribe methods of 1638  
forwarding fingerprint impressions and information necessary to 1639  
conduct a criminal records check, which methods shall include, but 1640  
not be limited to, an electronic method. 1641

(D) The results of a criminal records check conducted under 1642  
this section, other than a criminal records check specified in 1643  
division (A)(7) of this section, are valid for the person who is 1644

the subject of the criminal records check for a period of one year 1645  
from the date upon which the superintendent completes the criminal 1646  
records check. If during that period the superintendent receives 1647  
another request for a criminal records check to be conducted under 1648  
this section for that person, the superintendent shall provide the 1649  
results from the previous criminal records check of the person at 1650  
a lower fee than the fee prescribed for the initial criminal 1651  
records check. 1652

(E) When the superintendent receives a request for 1653  
information from a registered private provider, the superintendent 1654  
shall proceed as if the request was received from a school 1655  
district board of education under section 3319.39 of the Revised 1656  
Code. The superintendent shall apply division (A)(1)(c) of this 1657  
section to any such request for an applicant who is a teacher. 1658

(F)(1) Subject to division (F)(2) of this section, all 1659  
information regarding the results of a criminal records check 1660  
conducted under this section that the superintendent reports or 1661  
sends under division (A)(7) or (9) of this section to the director 1662  
of public safety, the treasurer of state, or the person, board, or 1663  
entity that made the request for the criminal records check shall 1664  
relate to the conviction of the subject person, or the subject 1665  
person's plea of guilty to, a criminal offense. 1666

(2) Division (F)(1) of this section does not limit, restrict, 1667  
or preclude the superintendent's release of information that 1668  
relates to the arrest of a person who is eighteen years of age or 1669  
older, to an adjudication of a child as a delinquent child, or to 1670  
a criminal conviction of a person under eighteen years of age in 1671  
circumstances in which a release of that nature is authorized 1672  
under division (E)(2), (3), or (4) of section 109.57 of the 1673  
Revised Code pursuant to a rule adopted under division (E)(1) of 1674  
that section. 1675

(G) As used in this section: 1676

(1) "Criminal records check" means any criminal records check 1677  
conducted by the superintendent of the bureau of criminal 1678  
identification and investigation in accordance with division (B) 1679  
of this section. 1680

(2) "Minor drug possession offense" has the same meaning as 1681  
in section 2925.01 of the Revised Code. 1682

(3) "OVI or OVUAC violation" means a violation of section 1683  
4511.19 of the Revised Code or a violation of an existing or 1684  
former law of this state, any other state, or the United States 1685  
that is substantially equivalent to section 4511.19 of the Revised 1686  
Code. 1687

(4) "Registered private provider" means a nonpublic school or 1688  
entity registered with the superintendent of public instruction 1689  
under section 3310.41 of the Revised Code to participate in the 1690  
autism scholarship program or section 3310.58 of the Revised Code 1691  
to participate in the Jon Peterson special needs scholarship 1692  
program. 1693

Sec. 111.09. The secretary of state shall appoint a chief 1694  
information security officer to advise the secretary of state on 1695  
matters of information security and to perform other duties as 1696  
assigned by the secretary of state. 1697

**Sec. 111.15.** (A) As used in this section: 1698

(1) "Rule" includes any rule, regulation, bylaw, or standard 1699  
having a general and uniform operation adopted by an agency under 1700  
the authority of the laws governing the agency; any appendix to a 1701  
rule; and any internal management rule. "Rule" does not include 1702  
any guideline adopted pursuant to section 3301.0714 of the Revised 1703  
Code, any order respecting the duties of employees, any finding, 1704  
any determination of a question of law or fact in a matter 1705  
presented to an agency, or any rule promulgated pursuant to 1706

Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

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

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

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

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

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

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section

106.03 of the Revised Code. This paragraph does not apply to a 1738  
rule of a state college or university, community college district, 1739  
technical college district, or state community college. 1740

If an agency in adopting a rule designates an effective date 1741  
that is later than the effective date provided for by division 1742  
(B)(1) of this section, the rule if filed as required by such 1743  
division shall become effective on the later date designated by 1744  
the agency. 1745

Any rule that is required to be filed under division (B)(1) 1746  
of this section is also subject to division (D) of this section if 1747  
not exempted by that division. 1748

If a rule incorporates a text or other material by reference, 1749  
the agency shall comply with sections 121.71 to 121.75 of the 1750  
Revised Code. 1751

(2) A rule of an emergency nature necessary for the immediate 1752  
preservation of the public peace, health, or safety shall state 1753  
the reasons for the necessity. The emergency rule, in final form 1754  
and in compliance with division (B)(3) of this section, shall be 1755  
filed in electronic form with the secretary of state, the director 1756  
of the legislative service commission, and the joint committee on 1757  
agency rule review. The emergency rule is effective immediately 1758  
upon completion of the latest filing, except that if the agency in 1759  
adopting the emergency rule designates an effective date, or date 1760  
and time of day, that is later than the effective date and time 1761  
provided for by division (B)(2) of this section, the emergency 1762  
rule if filed as required by such division shall become effective 1763  
at the later date, or later date and time of day, designated by 1764  
the agency. 1765

An emergency rule becomes invalid at the end of the one 1766  
hundred twentieth day it is in effect. Prior to that date, the 1767  
agency may file the emergency rule as a nonemergency rule in 1768

compliance with division (B)(1) of this section. The agency may 1769  
not refile the emergency rule in compliance with division (B)(2) 1770  
of this section so that, upon the emergency rule becoming invalid 1771  
under such division, the emergency rule will continue in effect 1772  
without interruption for another one hundred twenty-day period. 1773

(3) An agency shall file a rule under division (B)(1) or (2) 1774  
of this section in compliance with the following standards and 1775  
procedures: 1776

(a) The rule shall be numbered in accordance with the 1777  
numbering system devised by the director for the Ohio 1778  
administrative code. 1779

(b) The rule shall be prepared and submitted in compliance 1780  
with the rules of the legislative service commission. 1781

(c) The rule shall clearly state the date on which it is to 1782  
be effective and the date on which it will expire, if known. 1783

(d) Each rule that amends or rescinds another rule shall 1784  
clearly refer to the rule that is amended or rescinded. Each 1785  
amendment shall fully restate the rule as amended. 1786

If the director of the legislative service commission or the 1787  
director's designee gives an agency notice pursuant to section 1788  
103.05 of the Revised Code that a rule filed by the agency is not 1789  
in compliance with the rules of the legislative service 1790  
commission, the agency shall within thirty days after receipt of 1791  
the notice conform the rule to the rules of the commission as 1792  
directed in the notice. 1793

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1794  
of this section shall be recorded by the secretary of state and 1795  
the director under the title of the agency adopting the rule and 1796  
shall be numbered according to the numbering system devised by the 1797  
director. The secretary of state and the director shall preserve 1798  
the rules in an accessible manner. Each such rule shall be a 1799

public record open to public inspection and may be transmitted to 1800  
any law publishing company that wishes to reproduce it. 1801

(D) At least sixty-five days before a board, commission, 1802  
department, division, or bureau of the government of the state 1803  
files a rule under division (B)(1) of this section, it shall file 1804  
the full text of the proposed rule in electronic form with the 1805  
joint committee on agency rule review, and the proposed rule is 1806  
subject to legislative review and invalidation under section 1807  
106.021 of the Revised Code. If a state board, commission, 1808  
department, division, or bureau makes a revision in a proposed 1809  
rule after it is filed with the joint committee, the state board, 1810  
commission, department, division, or bureau shall promptly file 1811  
the full text of the proposed rule in its revised form in 1812  
electronic form with the joint committee. A state board, 1813  
commission, department, division, or bureau shall also file the 1814  
rule summary and fiscal analysis prepared under section 106.024 of 1815  
the Revised Code in electronic form along with a proposed rule, 1816  
and along with a proposed rule in revised form, that is filed 1817  
under this division. If a proposed rule has an adverse impact on 1818  
businesses, the state board, commission, department, division, or 1819  
bureau also shall file the business impact analysis, any 1820  
recommendations received from the common sense initiative office, 1821  
and the associated memorandum of response, if any, in electronic 1822  
form along with the proposed rule, or the proposed rule in revised 1823  
form, that is filed under this division. 1824

A proposed rule that is subject to legislative review under 1825  
this division may not be adopted and filed in final form under 1826  
division (B)(1) of this section unless the proposed rule has been 1827  
filed with the joint committee on agency rule review under this 1828  
division and the time for the joint committee to review the 1829  
proposed rule has expired without recommendation of a concurrent 1830  
resolution to invalidate the proposed rule. 1831

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

This division does not apply to any of the following:

(1) A proposed rule of an emergency nature;

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

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

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

(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

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

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

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

under this section; 1862

(7) A rule of the state lottery commission pertaining to 1863  
instant game rules. 1864

If a rule is exempt from legislative review under division 1865  
(D)(5) of this section, and if the federal law or rule pursuant to 1866  
which the rule was adopted expires, is repealed or rescinded, or 1867  
otherwise terminates, the rule is thereafter subject to 1868  
legislative review under division (D) of this section. 1869

Whenever a state board, commission, department, division, or 1870  
bureau files a proposed rule or a proposed rule in revised form 1871  
under division (D) of this section, it shall also file the full 1872  
text of the same proposed rule or proposed rule in revised form in 1873  
electronic form with the secretary of state and the director of 1874  
the legislative service commission. A state board, commission, 1875  
department, division, or bureau shall file the rule summary and 1876  
fiscal analysis prepared under section 106.024 of the Revised Code 1877  
in electronic form along with a proposed rule or proposed rule in 1878  
revised form that is filed with the secretary of state or the 1879  
director of the legislative service commission. 1880

**Sec. 111.28.** (A) There is hereby created in the state 1881  
treasury the help America vote act (HAVA) fund. All moneys 1882  
received by the secretary of state from the United States election 1883  
assistance commission shall be credited to the fund. The secretary 1884  
of state shall use the moneys credited to the fund for activities 1885  
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1886  
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1887  
shall be credited to the fund. 1888

~~(B) There is hereby created in the state treasury the 1889  
election reform/health and human services fund. All moneys 1890  
received by the secretary of state from the United States 1891  
department of health and human services shall be credited to the 1892~~

~~fund. The secretary of state shall use the moneys credited to the 1893  
fund for activities conducted pursuant to grants awarded to the 1894  
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1895  
America Vote Act of 2002 to assure access for individuals with 1896  
disabilities. All investment earnings of the fund shall be 1897  
credited to the fund. 1898~~

(C) There is hereby created in the state treasury the 1899  
miscellaneous federal grants fund. All moneys the secretary of 1900  
state receives as grants from federal sources that are not 1901  
otherwise designated shall be credited to the fund. The secretary 1902  
of state shall use the moneys credited to the fund for the 1903  
purposes and activities required by the applicable federal grant 1904  
agreements. All investment earnings of the fund shall be credited 1905  
to the fund. 1906

**Sec. 113.55.** (A) The Ohio ABLE savings program trust fund is 1907  
hereby created, which shall be in the custody of the treasurer of 1908  
state but shall not be part of the state treasury. The fund shall 1909  
be used if the treasurer of state elects to accept deposits from 1910  
contributors rather than have deposits sent directly to a program 1911  
manager. The fund shall consist of any moneys deposited by 1912  
contributors in accordance with sections 113.50 to 113.56 of the 1913  
Revised Code that are not deposited directly with the program 1914  
manager. Money shall be disbursed from the fund upon an order of 1915  
the treasurer. All interest from the money in the fund shall be 1916  
credited to the Ohio ABLE savings expense fund. 1917

(B)(1) The Ohio ABLE savings expense fund is hereby created 1918  
in the state treasury. The fund shall consist of money received 1919  
from program managers, governmental or private grants, or 1920  
appropriations for the program. 1921

(2) All expenses incurred by the treasurer of state in 1922  
developing and administering the ABLE account program and all 1923

expenses and reimbursements allowed for the ABLE STABLE account 1924  
program advisory board created under section 113.56 of the Revised 1925  
Code shall be payable from the Ohio ABLE savings expense fund. 1926

**Sec. 113.56.** (A) There is hereby created the ABLE STABLE 1927  
account program advisory board, consisting of nine members, 1928  
composed of the following: 1929

(1) The director of developmental disabilities or the 1930  
director's designee; 1931

(2) One member of the house of representatives appointed by 1932  
the speaker of the house of representatives; 1933

(3) One member of the senate appointed by the president of 1934  
the senate; 1935

(4) One member appointed by the governor who is a 1936  
representative of an intellectual or developmental disability 1937  
advocacy organization; 1938

(5) One member appointed by the governor who is a 1939  
representative of a service provider for individuals with 1940  
disabilities; 1941

(6) One member appointed by the governor who is the parent of 1942  
a child with a disability and who has significant experience with 1943  
disability issues; 1944

(7) One member appointed by the governor who is a person with 1945  
a disability and who has significant experience with disability 1946  
issues; 1947

(8) Two members appointed by the governor who have 1948  
significant experience in finance, accounting, investment 1949  
management, or other areas that may assist the board in carrying 1950  
out its duties. 1951

(B) Terms of office of the appointed members described in 1952

divisions (A)(4) to (8) of this section are for four years, which 1953  
shall end on the thirty-first day of December. Terms of office of 1954  
the appointed members described in divisions (A)(2) and (3) of 1955  
this section shall be for the term of the general assembly. Any 1956  
member may be reappointed, provided the member continues to meet 1957  
all other eligibility requirements. Vacancies shall be filled in 1958  
the manner provided for original appointments. Any such member 1959  
appointed to fill a vacancy before the expiration of the term for 1960  
which the predecessor was appointed shall hold office as a member 1961  
for the remainder of that term. Appointed members of the board 1962  
serve at the pleasure of the member's appointing authority and may 1963  
be removed only by that authority. 1964

~~(C) The member described in division (A)(1) of this section 1965  
shall call the first meeting of the ABLE account program advisory 1966  
board, which shall occur not later than sixty days after the 1967  
effective date of the enactment of this section. At the board's 1968  
first meeting, members of the board shall elect a chairperson. If 1969  
a vacancy occurs in the office of chairperson, members shall elect 1970  
a new chairperson. The board shall meet at least four times each 1971  
year or more frequently at the call of the chairperson. The board 1972  
is a public body for purposes of section 121.22 of the Revised 1973  
Code. 1974~~

(D) A vacancy on the board does not impair the right of the 1975  
other members to exercise all the functions of the board. The 1976  
presence of a majority of the members of the board constitutes a 1977  
quorum for the conduct of business of the board. The concurrence 1978  
of at least a majority of the members of the board is necessary 1979  
for any action to be taken by the board. On request to the 1980  
treasurer of state, each member of the board shall be reimbursed 1981  
for the actual and necessary travel expenses incurred in the 1982  
performance of the member's official duties. 1983

(E)(1) The board shall do all of the following: 1984

(a) Review the work of the treasurer of state related to the program;	1985 1986
(b) Advise the treasurer on the program as requested by the treasurer;	1987 1988
(c) Make recommendations to the treasurer for the improvement of the program;	1989 1990
(d) On or before the thirty-first day of December of each year, in consultation with the treasurer of state, prepare a report of the board's activities and recommendations and deliver that report to the governor, speaker of the house of representatives, and president of the senate.	1991 1992 1993 1994 1995
(2) The board may prepare reports of the board's activities and recommendations in addition to the report described in division (E)(1)(d) of this section. The board shall deliver such a report to the governor, speaker of the house of representatives, and president of the senate.	1996 1997 1998 1999 2000
(F) The treasurer of state shall provide the board with the resources necessary to conduct its business. The board may accept uncompensated assistance from individuals, research organizations, and other state agencies.	2001 2002 2003 2004
<b>Sec. <del>125.66</del> <u>113.60</u>.</b> (A) As used in this section and <del>section 125.661</del> <u>sections 113.61 and 113.62</u> of the Revised Code:	2005 2006
(1) " <del>Social service</del> <u>Service</u> intermediary" means a <del>nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a wholly owned subsidiary of a nonprofit organization, that delivers or contracts for the delivery of social services, raises capital to finance the delivery of social services, and provides ongoing project management and investor relations for these activities</del> <u>person or entity that enters into a pay for success contract under</u>	2007 2008 2009 2010 2011 2012 2013 2014

this section and sections 113.61 and 113.62 of the Revised Code. 2015  
The service intermediary may act as the service provider that 2016  
delivers the services specified in the contract or may contract 2017  
with a separate service provider to deliver those services. 2018

(2) "State agency" ~~has~~ and "political subdivision" have the 2019  
same meaning meanings as in section 9.23 of the Revised Code. 2020

(B) ~~There is hereby established~~ The treasurer of state shall 2021  
administer the pay for success contracting program, shall develop 2022  
procedures for awarding pay for success contracts, and may take 2023  
any action necessary to implement and administer the program. 2024  
~~Under the program, the director of administrative services~~ 2025  
treasurer of state may enter into multi-year contracts a pay for 2026  
success contract with social a service intermediaries to achieve 2027  
certain social goals in this state intermediary for the delivery 2028  
of specified services that benefit the state, a political 2029  
subdivision, or a group of political subdivisions, such as 2030  
programs addressing education, public health, criminal justice, or 2031  
natural resource management. In the case of a contract for the 2032  
delivery of services that benefit the state, the treasurer of 2033  
state shall enter into the contract jointly with the director of 2034  
administrative services. The treasurer of state and, as 2035  
applicable, the director of administrative services, may enter 2036  
into a pay for success contract under either of the following 2037  
circumstances: 2038

(1) Upon receiving an appropriation from the general assembly 2039  
for the purpose of entering into a pay for success contract; 2040

(2)(a) At the request of a state agency, a political 2041  
subdivision, or a group of state agencies or political 2042  
subdivisions that the treasurer of state and, as applicable, the 2043  
director of administrative services, enter into a pay for success 2044  
contract on behalf of the requesting state agency, political 2045  
subdivision, or group. The requesting state agency, political 2046

subdivision, or group shall deposit the cost of the contract with 2047  
the treasurer of state in the appropriate fund established in 2048  
section 113.62 of the Revised Code. 2049

(b) A political subdivision or group of political 2050  
subdivisions that requests the treasurer of state to enter into a 2051  
pay for success contract on behalf of the political subdivision or 2052  
group shall not use state funds to pay the cost of the contract. 2053

(c) The treasurer of state may apply for federal grant moneys 2054  
on behalf of a requesting state agency, political subdivision, or 2055  
group to pay the cost of all or part of the contract. The 2056  
treasurer of state shall not apply for federal grant moneys for 2057  
the purpose of entering into a pay for success contract without 2058  
first entering into an agreement with a requesting state agency, 2059  
political subdivision, or group for the treasurer of state to 2060  
apply for those moneys. 2061

~~(C) A contract entered into under the program shall include~~ 2062  
~~provisions that do all of the following:~~ 2063

~~(1) Require the department of administrative services, in~~ 2064  
~~consultation with an agency of this state that administers~~ 2065  
~~programs or services related to the contract's subject matter, to~~ 2066  
~~specify performance targets to be met by the social service~~ 2067  
~~intermediary;~~ 2068

~~(2) Specify the process or methodology that an independent~~ 2069  
~~evaluator contracted by the department of administrative services~~ 2070  
~~under section 125.661 of the Revised Code must use to evaluate the~~ 2071  
~~social service intermediary's progress toward meeting each~~ 2072  
~~performance target;~~ 2073

~~(3) Require the department of administrative services to pay~~ 2074  
~~the social service intermediary in installments at times~~ 2075  
~~determined by the director of administrative services that are~~ 2076  
~~specified in the contract and are consistent with applicable state~~ 2077

law;	2078
<del>(4) Require the installment payments to the social service intermediary to be based on the social service intermediary's progress toward achieving each performance target, as determined by the independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code;</del>	2079 2080 2081 2082 2083
<del>(5) Specify the maximum amount a social service intermediary may earn for its progress toward achieving performance targets specified under division (C)(1) of this section;</del>	2084 2085 2086
<del>(6) Require the department of administrative services to ensure, in accordance with applicable state and federal laws, that the social service intermediary has access to any data in the possession of a state agency, including historical data, that the social service intermediary requests for the purpose of performing contractual duties. <u>The treasurer of state may adopt rules in accordance with Chapter 119. of the Revised Code to administer the pay for success contracting program, including rules concerning both of the following:</u></del>	2087 2088 2089 2090 2091 2092 2093 2094 2095
<del><u>(1) The procedure for a state agency, political subdivision, or group of state agencies or political subdivisions to request the treasurer of state and, as applicable, the director of administrative services to enter into a pay for success contract and to deposit the cost of the contract with the treasurer of state;</u></del>	2096 2097 2098 2099 2100 2101
<del><u>(2) The types of services that are appropriate for a service provider to provide under a pay for success contract.</u></del>	2102 2103
<del><u>(D) The rules of the treasurer of state shall include both of the following:</u></del>	2104 2105
<del><u>(1) A requirement that for not less than seventy-five per cent of the pay for success contracts entered into under this section, the performance targets specified in the contract require</u></del>	2106 2107 2108

that, based on available regional or national data, the 2109  
improvement in the status of this state or the relevant area of 2110  
this state with respect to the issue the contract is meant to 2111  
address be greater than the average improvement in status with 2112  
respect to that issue in other geographical areas during the 2113  
period of the contract; 2114

(2) A process to ensure that any regional or national data 2115  
used to determine whether a service provider has met its 2116  
performance targets under a pay for success contract are 2117  
scientifically valid. 2118

**Sec. ~~125.661~~ 113.61.** ~~¶~~ (A) A pay for success contract 2119  
entered into under section 113.60 of the Revised Code shall 2120  
include provisions that do all of the following: 2121

(1) Require the treasurer of state, in consultation with the 2122  
requesting state agency or agencies and the director of 2123  
administrative services, or in consultation with the requesting 2124  
political subdivision or group of political subdivisions, to 2125  
specify performance targets to be met by the service provider. If 2126  
scientifically valid regional or national data are available to 2127  
compare the status of this state or the relevant area of this 2128  
state with respect to the issue the contract is meant to address 2129  
against the status of other geographical areas with respect to 2130  
that issue, the performance targets shall require the improvement 2131  
in the status of this state or the relevant area of this state 2132  
with respect to that issue to be greater than the average 2133  
improvement in status with respect to that issue in other 2134  
geographical areas during the period of the contract. 2135

(2) Specify the process or methodology that an independent 2136  
evaluator contracted by the treasurer of state under division (B) 2137  
of this section must use to evaluate whether the service provider 2138  
has met each performance target; 2139

(3) Require the treasurer of state to pay the service intermediary in installments at times determined by the treasurer that are specified in the contract and are consistent with applicable state law; 2140  
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(4) Require the installment payments to the service intermediary to be based on whether the service provider has met each performance target, as determined by the independent evaluator; 2144  
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(5) Specify the maximum amount a service intermediary may earn for meeting the performance targets; 2148  
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(6) Require a state agency, political subdivision, or group that requested the treasurer of state and, as applicable, the director of administrative services to enter into the contract to determine, in accordance with applicable laws, to which data in the possession of the state agency, political subdivision, or group the service intermediary shall have access for the purpose of fulfilling the contract and any limitations on the use of the data. The state agency, political subdivision, or group shall retain control over the data and shall provide the data directly to the service intermediary in accordance with the terms of the contract. If any dispute arises concerning the data, the state agency, political subdivision, or group shall work directly with the service intermediary to resolve the dispute. 2150  
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(B) When the ~~director of administrative services~~ treasurer of state ~~contracts~~ and, as applicable, the director of administrative services contract with a ~~social~~ service intermediary under section ~~125.66~~ 113.60 of the Revised Code, the treasurer of state and, as applicable, the director also shall contract with a person or government entity, other than a state agency, a political subdivision, or a group of state agencies or political subdivisions that requested the treasurer and, as applicable, the director to enter into the contract, to evaluate whether the 2163  
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~~social service intermediary's progress toward meeting provider has~~ 2172  
~~met~~ each performance target specified in the contract ~~pursuant to~~ 2173  
~~division (C)(1) of section 125.66 of the Revised Code.~~ The 2174  
~~director~~ treasurer and, as applicable, the director shall choose 2175  
an evaluator that is independent from the ~~social service~~ 2176  
~~intermediary and the service provider~~, ensuring that ~~both parties~~ 2177  
~~do~~ the evaluator does not have common owners or administrators, 2178  
managers, or employees with the service intermediary or the 2179  
service provider. 2180

Sec. 113.62. (A) There is in the state treasury the state pay 2181  
for success contract fund. The fund shall consist of any moneys 2182  
transferred to the treasurer of state by state agencies for the 2183  
purpose of making payments to service intermediaries under pay for 2184  
success contracts the treasurer of state and the director of 2185  
administrative services enter into on behalf of the state agencies 2186  
and any moneys appropriated to the fund. Any investment earnings 2187  
on the fund shall be credited to it. The treasurer shall use the 2188  
moneys in the fund for the purpose of making those payments to 2189  
service intermediaries, provided that the treasurer may use any 2190  
investment earnings on the fund to pay the costs of administering 2191  
the pay for success contracting program. When the term of a pay 2192  
for success contract expires, the treasurer of state shall 2193  
transfer any remaining unencumbered funds received from a state 2194  
agency or group of state agencies for the purpose of making 2195  
payments under the contract to that agency or group. 2196

(B) There is in the state treasury the federal pay for 2197  
success contract fund. The fund shall consist of any moneys the 2198  
treasurer receives from federal agencies pursuant to grant 2199  
agreements for the purpose of entering into pay for success 2200  
contracts. Any investment earnings on the fund shall be credited 2201  
to it. The treasurer shall use the moneys in the fund for the 2202  
purpose of making payments to service intermediaries under pay for 2203

success contracts pursuant to those grant agreements, provided 2204  
that the treasurer may use any investment earnings on the fund to 2205  
pay the costs of administering the pay for success contracting 2206  
program. When the term of a pay for success contract expires, the 2207  
treasurer of state shall transfer any remaining unencumbered funds 2208  
received from a federal agency pursuant to a grant agreement in 2209  
accordance with the grant agreement. 2210

(C) There is in the state treasury the local government pay 2211  
for success contract fund. The fund shall consist of any moneys 2212  
paid to the treasurer of state by political subdivisions for the 2213  
purpose of making payments to service intermediaries under pay for 2214  
success contracts the treasurer enters into on behalf of the 2215  
political subdivisions. Any investment earnings on the fund shall 2216  
be credited to it. The treasurer shall use the moneys in the fund 2217  
for the purpose of making those payments to service 2218  
intermediaries, provided that the treasurer may use any investment 2219  
earnings on the fund to pay the costs of administering the pay for 2220  
success contracting program. When the term of a pay for success 2221  
contract expires, the treasurer of state shall transfer any 2222  
remaining unencumbered funds received from a political subdivision 2223  
or group of political subdivisions for the purpose of making 2224  
payments under the contract to that political subdivision or 2225  
group. 2226

**Sec. 117.11.** (A) Except as otherwise provided in this 2227  
division and in sections 117.112, 117.113, and 117.114 of the 2228  
Revised Code, the auditor of state shall audit each public office 2229  
at least once every two fiscal years. The auditor of state shall 2230  
audit a public office each fiscal year if that public office is 2231  
required to be audited on an annual basis pursuant to "The Single 2232  
Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as 2233  
amended. In the annual or biennial audit, inquiry shall be made 2234  
into the methods, accuracy, and legality of the accounts, 2235

financial reports, records, files, and reports of the office, 2236  
whether the laws, rules, ordinances, and orders pertaining to the 2237  
office have been observed, and whether the requirements and rules 2238  
of the auditor of state have been complied with. Except as 2239  
otherwise provided in this division or where auditing standards or 2240  
procedures dictate otherwise, each audit shall cover at least one 2241  
fiscal year. If a public office is audited only once every two 2242  
fiscal years, the audit shall cover both fiscal years. 2243

(B) In addition to the annual or biennial audit provided for 2244  
in division (A) of this section or in section 117.114 of the 2245  
Revised Code, the auditor of state may conduct an audit of a 2246  
public office at any time when so requested by the public office 2247  
or upon the auditor of state's own initiative if the auditor of 2248  
state has reasonable cause to believe that an additional audit is 2249  
in the public interest. 2250

(C)(1) The auditor of state shall identify any public office 2251  
in which the auditor of state will be unable to conduct an audit 2252  
at least once every two fiscal years as required by division (A) 2253  
of this section and shall provide immediate written notice to the 2254  
clerk of the legislative authority or governing board of the 2255  
public office so identified. Within six months of the receipt of 2256  
such notice, the legislative authority or governing board may 2257  
engage an independent certified public accountant to conduct an 2258  
audit pursuant to section 117.12 of the Revised Code. 2259

(2) When the chief fiscal officer of a public office notifies 2260  
the auditor of state that an audit is required at a time prior to 2261  
the next regularly scheduled audit by the auditor of state, the 2262  
auditor of state shall either cause an earlier audit to be made by 2263  
the auditor of state or authorize the legislative authority or 2264  
governing board of the public office to engage an independent 2265  
certified public accountant to conduct the required audit. The 2266  
scope of the audit shall be as authorized by the auditor of state. 2267

(3) The auditor of state shall approve the scope of an audit 2268  
under division (C)(1) or (2) of this section as set forth in the 2269  
contract for the proposed audit before the contract is executed on 2270  
behalf of the public office that is to be audited. The independent 2271  
accountant conducting an audit under division (C)(1) or (2) of 2272  
this section shall be paid by the public office. 2273

(4) The contract for attest services with an independent 2274  
accountant employed pursuant to this section or section ~~115.56~~ 2275  
117.115 of the Revised Code may include binding arbitration 2276  
provisions, provisions of Chapter 2711. of the Revised Code, or 2277  
any other alternative dispute resolution procedures to be followed 2278  
in the event a dispute remains between the state or public office 2279  
and the independent accountant concerning the terms of or services 2280  
under the contract, or a breach of the contract, after the 2281  
administrative provisions of the contract have been exhausted. 2282

(D) If a uniform accounting network is established under 2283  
section 117.101 of the Revised Code, the auditor of state or a 2284  
certified public accountant employed pursuant to this section or 2285  
section ~~115.56~~ or 117.112 or 117.115 of the Revised Code shall, to 2286  
the extent practicable, utilize services offered by the network in 2287  
order to conduct efficient and economical audits of public 2288  
offices. 2289

(E) The auditor of state, in accordance with division (A)(3) 2290  
of section 9.65 of the Revised Code and this section, may audit an 2291  
annuity program for volunteer fire fighters established by a 2292  
political subdivision under section 9.65 of the Revised Code. As 2293  
used in this section, "volunteer fire fighters" and "political 2294  
subdivision" have the same meanings as in division (C) of section 2295  
9.65 of the Revised Code. 2296

**Sec. ~~115.56~~117.115.** (A) The auditor of state shall adopt 2297  
rules in accordance with Chapter 119. of the Revised Code under 2298

which any public office, other than a state agency, may request, 2299  
and participate in the selection of, an independent certified 2300  
public accountant to perform any required audit of the public 2301  
office, in lieu of the auditor of state. 2302

(B) Except as provided in division (A) of this section, when 2303  
the auditor of state determines that the auditor's office will not 2304  
audit a public office other than a state agency, the auditor shall 2305  
contract with a certified public accountant, ~~public accountant~~, or 2306  
an official governmental audit organization to perform this audit 2307  
on behalf of the auditor of state's office. 2308

(C) The auditor of state shall prescribe rules to ensure 2309  
compliance by independent auditors with generally accepted 2310  
government auditing standards. The auditor of state shall be 2311  
granted access to the working papers of an independent auditor 2312  
during the audit and after its termination. A sum totaling twenty 2313  
per cent of the total audit cost shall be withheld until 2314  
certification of the audit report by the auditor of state. The 2315  
independent audit cost shall be borne by the office that is to be 2316  
audited. Such contracts for auditing services are void, and no 2317  
payment shall be issued for services received under such 2318  
contracts, unless they are executed by the auditor of state. 2319

**Sec. 117.13.** (A) The total costs of audits of state agencies, 2320  
both direct and indirect, shall be recovered by the auditor of 2321  
state in the following manner: 2322

(1) The total costs of all audits of state agencies, both 2323  
direct and indirect, shall be paid to the auditor of state on 2324  
statements rendered by the auditor of state. Money so received by 2325  
the auditor of state shall be paid into the state treasury to the 2326  
credit of the public audit expense fund--intrastate, which is 2327  
hereby created, and shall be used to pay costs related to such 2328  
audits. The costs of audits of a state agency shall be charged to 2329

the state agency being audited, unless otherwise determined by the auditor of state. The costs of any assistant auditor, employee, or expert employed pursuant to section 117.09 of the Revised Code called upon to testify in any legal proceedings in regard to any audit, or called upon to review or discuss any matter related to any audit, may be charged to the state agency to which the audit relates.

(2) The auditor of state shall ~~establish by rule~~ determine and publish annually rates to be charged to state agencies for recovering the costs of audits of state agencies. The rates shall take into consideration federal cost recovery guidelines.

(B) As used in this division, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office.

(1) Except as provided in divisions (B)(2) and (3) of this section, any costs of an audit of a private institution, association, board, or corporation receiving public money for its use shall be charged to the public office providing the public money in the same manner as costs of an audit of the public office.

(2) If an audit of a private child placing agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards.

(3) If such an audit does not set forth that money has been

illegally expended, converted, misappropriated, or is unaccounted 2361  
for or sets forth findings that are inconsequential, as defined by 2362  
government auditing standards, the costs of the audit shall be 2363  
charged as follows: 2364

(a) One-third of the costs to the agency being audited; 2365

(b) One-third of the costs to the public children services 2366  
agency that provided the public money to the agency being audited; 2367

(c) One-third of the costs to the department of job and 2368  
family services. 2369

(C) The total costs of audits of local public offices, both 2370  
direct and indirect, shall be recovered by the auditor of state in 2371  
the following manner: 2372

~~(1) The total amount of compensation paid assistant auditors 2373  
of state, their expenses, the cost of employees assigned to assist 2374  
the assistant auditors of state, the cost of experts employed 2375  
pursuant to section 117.09 of the Revised Code, and the cost of 2376  
typing, reviewing, and copying reports shall be borne by the 2377  
public office to which such assistant auditors of state are so 2378  
assigned. Assistant auditors of state shall be compensated by the 2379  
taxing district or other public office audited for activities 2380  
undertaken pursuant to division (B) of section 117.18 and section 2381  
117.24 of the Revised Code. costs of all audits of local public 2382  
offices, both direct and indirect, shall be paid to the auditor of 2383  
state on statements rendered by the auditor of state. Money so 2384  
received by the auditor of state shall be paid into the state 2385  
treasury to the credit of the public audit expense fund-local 2386  
government, which is hereby created, and shall be used to pay 2387  
costs related to such audits. The costs of audits of a local 2388  
public office shall be charged to the local public office being 2389  
audited, unless otherwise determined by the auditor of state. The 2390  
charges billed to the local public office for the cost of audits 2391~~

performed shall be offset subject to the availability of resources 2392  
from the local government audit support fund created under section 2393  
117.131 of the Revised Code, the general revenue fund, or other 2394  
state sources provided to the auditor of state for such purposes. 2395  
The auditor of state shall establish the manner in which the 2396  
offset shall be determined. The costs of any assistant auditor, 2397  
employee, or expert employed pursuant to section 117.09 of the 2398  
Revised Code called upon to testify in any legal proceedings in 2399  
regard to any audit, or called upon to review or discuss any 2400  
matter related to any audit, may be charged to the public office 2401  
to which the audit relates. 2402

(2) ~~The auditor of state shall certify the amount of such~~ 2403  
~~compensation, expenses, cost of experts, reviewing, copying, and~~ 2404  
~~typing to the fiscal officer of the local public office audited.~~ 2405  
~~The fiscal officer of the local public office shall forthwith draw~~ 2406  
~~a warrant upon the general fund or other appropriate funds of the~~ 2407  
~~local public office to the order of the auditor of state;~~ 2408  
~~provided, that the auditor of state is authorized to negotiate~~ 2409  
~~with any local public office and, upon agreement between the~~ 2410  
~~auditor of state and the local public office, may adopt a schedule~~ 2411  
~~for payment of the amount due under this section. Money so~~ 2412  
~~received by the auditor of state shall be paid into the state~~ 2413  
~~treasury to the credit of the public audit expense fund local~~ 2414  
~~government, which is hereby created, and shall be used to pay the~~ 2415  
~~compensation, expense, cost of experts and employees, reviewing,~~ 2416  
~~copying, and typing of reports.~~ 2417

(3) At the conclusion of each audit, or analysis and report 2418  
made pursuant to section 117.24 of the Revised Code, ~~the auditor~~ 2419  
~~of state shall furnish~~ the fiscal officer of the local public 2420  
office audited a statement showing may allocate the total charges 2421  
billed for the cost of the audit, or of the audit and the analysis 2422  
and report, ~~and the percentage of the total cost chargeable to~~ 2423

~~each fund audited. The fiscal officer may distribute such total~~ 2424  
~~cost to each fund audited in accordance with its percentage of the~~ 2425  
~~total cost~~ to appropriate funds using a methodology that follows 2426  
guidance provided by the auditor of state. 2427

~~(4)~~(3) The auditor of state shall provide each local public 2428  
office a statement or certification of the amount due from the 2429  
public office for services performed by the auditor of state under 2430  
this or any other section of the Revised Code, as well as the date 2431  
upon which payment is due to the auditor of state. The auditor of 2432  
state is authorized to negotiate with any local public office and, 2433  
upon agreement between the auditor of state and the local public 2434  
office, may adopt a schedule for payment of the amount due under 2435  
this section. Any local public office that does not pay the amount 2436  
due to the auditor of state by that date may be assessed by the 2437  
auditor of state for interest from the date upon which the payment 2438  
is due at the rate per annum prescribed by section 5703.47 of the 2439  
Revised Code. All interest charges assessed by the auditor of 2440  
state may be collected in the same manner as audit costs pursuant 2441  
to division (D) of this section. 2442

~~(5)~~(4) The auditor of state shall ~~establish by rule~~ determine 2443  
and publish annually rates to be charged to local public offices 2444  
for recovering the costs of audits of local public offices. 2445

(D) If the auditor of state fails to receive payment for any 2446  
amount due, including, but not limited to, fines, fees, and costs, 2447  
from a public office for services performed under this or any 2448  
other section of the Revised Code, the auditor of state may seek 2449  
payment through the office of budget and management. (Amounts due 2450  
include any amount due to an independent public accountant with 2451  
whom the auditor has contracted to perform services, all costs and 2452  
fees associated with participation in the uniform accounting 2453  
network, and all costs associated with the auditor's provision of 2454  
local government services.) Upon certification by the auditor of 2455

state to the director of budget and management of any such amount 2456  
due, the director shall withhold from the public office any amount 2457  
available, up to and including the amount certified as due, from 2458  
any funds under the director's control that belong to or are 2459  
lawfully payable or due to the public office. The director shall 2460  
promptly pay the amount withheld to the auditor of state. If the 2461  
director determines that no funds due and payable to the public 2462  
office are available or that insufficient amounts of such funds 2463  
are available to cover the amount due, the director shall withhold 2464  
and pay to the auditor of state the amounts available and, in the 2465  
case of a local public office, certify the remaining amount to the 2466  
county auditor of the county in which the local public office is 2467  
located. The county auditor shall withhold from the local public 2468  
office any amount available, up to and including the amount 2469  
certified as due, from any funds under the county auditor's 2470  
control and belonging to or lawfully payable or due to the local 2471  
public office. The county auditor shall promptly pay any such 2472  
amount withheld to the auditor of state. 2473

Sec. 117.131. There is hereby created in the state treasury 2474  
the local government audit support fund. The fund shall consist of 2475  
revenue credited pursuant to section 131.511 of the Revised Code 2476  
and any other revenue as provided by law. The appropriation for 2477  
the fund shall remain at the amount designated by the general 2478  
assembly. The controlling board shall not authorize additional 2479  
spending from the fund in excess of any appropriation made by the 2480  
general assembly. 2481

The auditor of state shall use the fund to support the cost 2482  
of financial audits, performance audits, and other audits of local 2483  
public offices performed pursuant to Chapter 117. of the Revised 2484  
Code or as otherwise provided by law. 2485

The fund shall be used in a manner to be determined by the 2486

auditor of state to offset the audit costs that would otherwise be 2487  
charged to local public offices in the absence of the fund. 2488

**Sec. 117.14.** An annual audit of the office of the auditor of 2489  
state shall be made by an independent certified public accountant 2490  
appointed by the governor and the chairpersons of the finance 2491  
committees of the senate and the house of representatives, upon 2492  
recommendation from a committee consisting of ~~the~~: 2493

(A) The governor and the chairpersons or the governor's 2494  
designee; 2495

(B) The chairperson of the finance ~~committees~~ committee of 2496  
the senate and or the chairperson's designee; 2497

(C) The chairperson of the finance committee of the house of 2498  
representatives or the chairperson's designee. The ~~committee shall~~ 2499  
make the appointment by 2500

Not later than the thirty-first day of March immediately 2501  
preceding the last day of the fiscal year to be audited, the 2502  
governor and chairpersons shall make the appointment and shall 2503  
prescribe the contract terms of the audit. 2504

On or before the fifteenth day of October, the accountant 2505  
shall submit a report of the audit completed under this section 2506  
for the immediately preceding fiscal year to each member of the 2507  
committee. One copy of the audit report shall be filed with the 2508  
state library for public inspection. The audit report is not a 2509  
public record under section 149.43 of the Revised Code until it is 2510  
filed with the state library. 2511

The records of the auditor of state shall be made available 2512  
to the accountant. 2513

The office of budget and management shall provide staff 2514  
services to the committee. 2515

**Sec. 117.46.** Each biennium the auditor of state shall conduct 2516  
a minimum of four performance audits under this section. Except as 2517  
otherwise provided in this section, at least two of the audits 2518  
shall be of state agencies selected from a list comprised of the 2519  
administrative departments listed in section 121.02 of the Revised 2520  
Code and the department of education and at least two of the 2521  
audits shall be of other state agencies. At the auditor of state's 2522  
discretion, the auditor of state may also conduct a performance 2523  
~~audit~~ audits of a state ~~institution~~ institutions of higher 2524  
education ~~as one of the four required performance audits~~. The 2525  
offices of the attorney general, auditor of state, governor, 2526  
secretary of state, and treasurer of state and agencies of the 2527  
legislative and judicial branches are not subject to an audit 2528  
under this section. 2529

The auditor shall select each agency or institution to be 2530  
audited and shall determine whether to audit the entire agency or 2531  
institution or a portion of the agency or institution by auditing 2532  
one or more programs, offices, boards, councils, or other entities 2533  
within that agency or institution. The auditor shall make the 2534  
selection and determination in consultation with the governor and 2535  
the speaker and minority leader of the house of representatives 2536  
and president and minority leader of the senate. 2537

An audit of a portion of an agency or institution shall be 2538  
considered an audit of one agency or institution. The authority to 2539  
audit a portion of an agency or institution in no way limits the 2540  
auditor's ability to audit an entire agency or institution if it 2541  
is in the best interest of the state. 2542

The performance audits under this section shall be conducted 2543  
pursuant to sections 117.01 and 117.13 of the Revised Code. In 2544  
conducting a performance audit, the auditor of state shall 2545  
determine the scope of the audit, but shall consider, if 2546

appropriate, supervisory and subordinate level operations in the 2547  
agency or institution. A performance audit under this section 2548  
shall not include review or evaluation of an institution's 2549  
academic performance. 2550

As used in this section and in sections 117.461, 117.462, 2551  
117.463, 117.47, 117.471, and 147.472 of the Revised Code, "state 2552  
institution of higher education" has the meaning defined in 2553  
section 3345.011 of the Revised Code. 2554

**Sec. 120.04.** (A) The state public defender shall serve at the 2555  
pleasure of the Ohio public defender commission and shall be an 2556  
attorney with a minimum of four years of experience in the 2557  
practice of law and be admitted to the practice of law in this 2558  
state at least one year prior to appointment. 2559

(B) The state public defender shall do all of the following: 2560

(1) Maintain a central office in Columbus. The central office 2561  
shall be provided with a library of adequate size, considering the 2562  
needs of the office and the accessibility of other libraries, and 2563  
other necessary facilities and equipment. 2564

(2) Appoint assistant state public defenders, all of whom 2565  
shall be attorneys admitted to the practice of law in this state, 2566  
and other personnel necessary for the operation of the state 2567  
public defender office. Assistant state public defenders shall be 2568  
appointed on a full-time basis. The state public defender, 2569  
assistant state public defenders, and employees appointed by the 2570  
state public defender shall not engage in the private practice of 2571  
law. 2572

(3) Supervise the compliance of county public defender 2573  
offices, joint county public defender offices, and county 2574  
appointed counsel systems with standards established by rules of 2575  
the Ohio public defender commission pursuant to division (B) of 2576

section 120.03 of the Revised Code; 2577

(4) Keep and maintain financial records of all cases handled 2578  
and develop records for use in the calculation of direct and 2579  
indirect costs, in the operation of the office, and report 2580  
periodically, but not less than annually, to the commission on all 2581  
relevant data on the operations of the office, costs, projected 2582  
needs, and recommendations for legislation or amendments to court 2583  
rules, as may be appropriate to improve the criminal justice 2584  
system; 2585

(5) Collect all moneys due the state for reimbursement for 2586  
legal services under this chapter and under section 2941.51 of the 2587  
Revised Code and institute any actions in court on behalf of the 2588  
state for the collection of such sums that the state public 2589  
defender considers advisable. Except as provided otherwise in 2590  
division (D) of section 120.06 of the Revised Code, all moneys 2591  
collected by the state public defender under this chapter and 2592  
section 2941.51 of the Revised Code shall be deposited in the 2593  
state treasury to the credit of the client payment fund, which is 2594  
hereby created. All moneys credited to the fund shall be used by 2595  
the state public defender to appoint assistant state public 2596  
defenders and to provide other personnel, equipment, and 2597  
facilities necessary for the operation of the state public 2598  
defender office, to reimburse counties for the operation of county 2599  
public defender offices, joint county public defender offices, and 2600  
county appointed counsel systems pursuant to sections 120.18, 2601  
120.28, and 120.33 of the Revised Code, or to provide assistance 2602  
to counties in the operation of county indigent defense systems. 2603

(6) With respect to funds appropriated to the commission to 2604  
pay criminal costs, perform the duties imposed by sections 2949.19 2605  
and 2949.201 of the Revised Code; 2606

(7) Establish standards and guidelines for the reimbursement, 2607  
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2608

of the Revised Code, of counties for the operation of county 2609  
public defender offices, joint county public defender offices, and 2610  
county appointed counsel systems and for other costs related to 2611  
felony prosecutions; 2612

(8) Establish maximum amounts that the state will reimburse 2613  
the counties pursuant to sections 120.18, 120.28, 120.33, and 2614  
2941.51 of the Revised Code; 2615

(9) Establish maximum amounts that the state will reimburse 2616  
the counties pursuant to section 120.33 of the Revised Code for 2617  
each specific type of legal service performed by a county 2618  
appointed counsel system; 2619

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2620  
2949.19 of the Revised Code and make reimbursements pursuant to 2621  
those sections; 2622

(11) Administer the program established pursuant to sections 2623  
120.51 to 120.55 of the Revised Code for the charitable public 2624  
purpose of providing financial assistance to legal aid societies. 2625  
Neither the state public defender nor any of the state public 2626  
defender's employees who is responsible in any way for the 2627  
administration of that program and who performs those 2628  
administrative responsibilities in good faith is in any manner 2629  
liable if a legal aid society that is provided financial 2630  
assistance under the program uses the financial assistance other 2631  
than in accordance with sections 120.51 to 120.55 of the Revised 2632  
Code or fails to comply with the requirements of those sections. 2633

(12) Establish an office for the handling of appeal and 2634  
postconviction matters; 2635

(13) Provide technical aid and assistance to county public 2636  
defender offices, joint county public defender offices, and other 2637  
local counsel providing legal representation to indigent persons, 2638  
including representation and assistance on appeals. 2639

(C) The state public defender may do any of the following:	2640
(1) In providing legal representation, conduct	2641
investigations, obtain expert testimony, take depositions, use	2642
other discovery methods, order transcripts, and make all other	2643
preparations which are appropriate and necessary to an adequate	2644
defense or the prosecution of appeals and other legal proceedings;	2645
(2) Seek, solicit, and apply for grants for the operation of	2646
programs for the defense of indigent persons from any public or	2647
private source, and may receive donations, grants, awards, and	2648
similar funds from any lawful source. Such funds shall be	2649
deposited in the state treasury to the credit of the public	2650
defender gifts and grants fund, which is hereby created.	2651
(3) Make all the necessary arrangements to coordinate the	2652
services of the office with any federal, county, or private	2653
programs established to provide legal representation to indigent	2654
persons and others, and to obtain and provide all funds allowable	2655
under any such programs;	2656
(4) Consult and cooperate with professional groups concerned	2657
with the causes of criminal conduct, the reduction of crime, the	2658
rehabilitation and correction of persons convicted of crime, the	2659
administration of criminal justice, and the administration and	2660
operation of the state public defender's office;	2661
(5) Accept the services of volunteer workers and consultants	2662
at no compensation other than reimbursement for actual and	2663
necessary expenses;	2664
(6) Prescribe any forms that are necessary for the uniform	2665
operation of this chapter;	2666
(7) Contract with a county public defender commission or a	2667
joint county public defender commission to provide all or any part	2668
of the services that a county public defender or joint county	2669
public defender is required or permitted to provide by this	2670

chapter, or contract with a board of county commissioners of a 2671  
county that is not served by a county public defender commission 2672  
or a joint county public defender commission for the provision of 2673  
services in accordance with section 120.33 of the Revised Code. 2674  
All money received by the state public defender pursuant to such a 2675  
contract shall be credited to either the ~~multi-county~~ multicounty: 2676  
county share fund or, if received as a result of a contract with 2677  
Trumbull county, the Trumbull county: county share fund. 2678

(8) Authorize persons employed as criminal investigators to 2679  
attend the Ohio peace officer training academy or any other peace 2680  
officer training school for training; 2681

(9) Procure a policy or policies of malpractice insurance 2682  
that provide coverage for the state public defender and assistant 2683  
state public defenders in connection with malpractice claims that 2684  
may arise from their actions or omissions related to 2685  
responsibilities derived pursuant to this chapter; 2686

(10) Enter into agreements to license, lease, sell, and 2687  
market for sale intellectual property owned by the office and 2688  
receive payments from those agreements for use in the operation of 2689  
the office and programs for the defense of indigent persons. All 2690  
funds received by the state public defender pursuant to such 2691  
agreements shall be deposited in the state treasury to the credit 2692  
of the public defender gifts and grants fund. 2693

(D) No person employed by the state public defender as a 2694  
criminal investigator shall attend the Ohio peace officer training 2695  
academy or any other peace officer training school unless 2696  
authorized to do so by the state public defender. 2697

Sec. 120.041. (A) In addition to the state public defender's 2698  
other duties under this chapter and other Revised Code provisions, 2699  
the state public defender shall do all of the following for each 2700  
state fiscal year: 2701

<u>(1) Determine the total dollar amount of all requests for</u>	2702
<u>reimbursements that were submitted for that fiscal year by</u>	2703
<u>counties under sections 120.18, 120.28, 120.33, 120.35, and</u>	2704
<u>2941.51 of the Revised Code;</u>	2705
<u>(2) Determine the total dollar amount paid to all counties as</u>	2706
<u>reimbursements under the requests described in division (A)(1) of</u>	2707
<u>this section that were submitted for that fiscal year;</u>	2708
<u>(3) Determine the percentage of total costs submitted by</u>	2709
<u>counties under the requests described in division (A)(1) of this</u>	2710
<u>section that was paid to all counties as reimbursements for that</u>	2711
<u>fiscal year;</u>	2712
<u>(4) Commencing in state fiscal year 2021, determine the</u>	2713
<u>increase or decrease in the total dollar amount found under</u>	2714
<u>division (A)(2) of this section for that fiscal year from the</u>	2715
<u>total dollar amount found under that division for the previous</u>	2716
<u>fiscal year;</u>	2717
<u>(5) Determine, out of the total dollar amount found under</u>	2718
<u>division (A)(2) of this section that was paid to all counties as a</u>	2719
<u>reimbursement, the total amount of that money used by all of the</u>	2720
<u>counties for each of the following categories of costs in that</u>	2721
<u>fiscal year:</u>	2722
<u>(a) Costs for appointed counsel;</u>	2723
<u>(b) Costs for personnel;</u>	2724
<u>(c) Costs for expert witnesses;</u>	2725
<u>(d) Costs for investigations;</u>	2726
<u>(e) Costs for transcripts;</u>	2727
<u>(f) Costs for rent or lease, utilities, furnishings,</u>	2728
<u>maintenance, and equipment;</u>	2729
<u>(g) Costs for travel;</u>	2730

(h) Any other category of costs set by the state public defender. 2731  
2732

(6) Commencing in state fiscal year 2021, determine the increase or decrease in the amount of money found under division (A)(5) of this section to have been used for each category of costs described in divisions (A)(5)(a) to (h) of this section for that fiscal year from the amount of money found under that division to have been used for each such category of costs for the previous fiscal year; 2733  
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(7) Analyze the cost per each felony, misdemeanor, traffic, or juvenile delinquency case assigned to a public defender or counsel pursuant to section 120.06, 120.16, 120.26, or 120.33 of the Revised Code. 2740  
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(B) For each state fiscal year, the state public defender shall prepare a report that includes all of its findings and determinations for that fiscal year and, not later than the first day of October in the state fiscal year following the fiscal year covered by the report, shall submit copies of the report to the president of the senate, the speaker of the house of representatives, the minority leader of the senate, the minority leader of the house of representatives, and the governor. 2744  
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**Sec. 120.06.** (A)(1) The state public defender, when 2752  
designated by the court or requested by a county public defender 2753  
or joint county public defender, may provide legal representation 2754  
in all courts throughout the state to indigent adults and 2755  
juveniles who are charged with the commission of an offense or act 2756  
for which the penalty or any possible adjudication includes the 2757  
potential loss of liberty. 2758

(2) The state public defender may provide legal 2759  
representation to any indigent person who, while incarcerated in 2760  
any state correctional institution, is charged with a felony 2761

offense, for which the penalty or any possible adjudication that 2762  
may be imposed by a court upon conviction includes the potential 2763  
loss of liberty. 2764

(3) The state public defender may provide legal 2765  
representation to any person incarcerated in any correctional 2766  
institution of the state, in any matter in which the person 2767  
asserts the person is unlawfully imprisoned or detained. 2768

(4) The state public defender, in any case in which the state 2769  
public defender has provided legal representation or is requested 2770  
to do so by a county public defender or joint county public 2771  
defender, may provide legal representation on appeal. 2772

(5) The state public defender, when designated by the court 2773  
or requested by a county public defender, joint county public 2774  
defender, or the director of rehabilitation and correction, shall 2775  
provide legal representation in parole and probation revocation 2776  
matters or matters relating to the revocation of community control 2777  
or post-release control under a community control sanction or 2778  
post-release control sanction, unless the state public defender 2779  
finds that the alleged parole or probation violator or alleged 2780  
violator of a community control sanction or post-release control 2781  
sanction has the financial capacity to retain the alleged 2782  
violator's own counsel. 2783

(6) If the state public defender contracts with a county 2784  
public defender commission, a joint county public defender 2785  
commission, or a board of county commissioners for the provision 2786  
of services, under authority of division (C)(7) of section 120.04 2787  
of the Revised Code, the state public defender shall provide legal 2788  
representation in accordance with the contract. 2789

(B) The state public defender shall not be required to 2790  
prosecute any appeal, postconviction remedy, or other proceeding 2791  
pursuant to division (A)(3), (4), or (5) of this section, unless 2792

the state public defender first is satisfied that there is 2793  
arguable merit to the proceeding. 2794

(C) A court may appoint counsel or allow an indigent person 2795  
to select the indigent's own personal counsel to assist the state 2796  
public defender as co-counsel when the interests of justice so 2797  
require. When co-counsel is appointed to assist the state public 2798  
defender, the co-counsel shall receive any compensation that the 2799  
court may approve, not to exceed the amounts provided for in 2800  
section 2941.51 of the Revised Code. 2801

(D)(1) When the state public defender is designated by the 2802  
court or requested by a county public defender or joint county 2803  
public defender to provide legal representation for an indigent 2804  
person in any case, other than pursuant to a contract entered into 2805  
under authority of division (C)(7) of section 120.04 of the 2806  
Revised Code, the state public defender shall send to the county 2807  
in which the case is filed a bill detailing the actual cost of the 2808  
representation that separately itemizes legal fees and expenses. 2809  
The county, upon receipt of an itemized bill from the state public 2810  
defender pursuant to this division, shall pay the state public 2811  
defender ~~each of the following amounts:~~ 2812

~~(a) For the amount identified as legal fees in the itemized 2813  
bill, one hundred per cent of the amount identified as legal fees 2814  
less the state reimbursement rate as calculated by the state 2815  
public defender pursuant to section 120.34 of the Revised Code for 2816  
the month the case terminated, as set forth and expenses in the 2817  
itemized bill;~~ 2818

~~(b) For the amount identified as expenses in the itemized 2819  
bill, one hundred per cent. 2820~~

(2) Upon payment of the itemized bill under division (D)(1) 2821  
of this section, the county may submit the cost of the legal fees 2822  
and expenses, ~~excluding legal fees~~, to the state public defender 2823

for reimbursement pursuant to section 120.33 of the Revised Code. 2824

(3) When the state public defender provides investigation or 2825  
mitigation services to private appointed counsel or to a county or 2826  
joint county public defender as approved by the appointing court, 2827  
other than pursuant to a contract entered into under authority of 2828  
division (C)(7) of section 120.04 of the Revised Code, the state 2829  
public defender shall send to the county in which the case is 2830  
filed a bill itemizing the actual cost of the services provided. 2831  
The county, upon receipt of an itemized bill from the state public 2832  
defender pursuant to this division, shall pay one hundred per cent 2833  
of the amount as set forth in the itemized bill. Upon payment of 2834  
the itemized bill received pursuant to this division, the county 2835  
may submit the cost of the investigation and mitigation services 2836  
to the state public defender for reimbursement pursuant to section 2837  
120.33 of the Revised Code. 2838

(4) There is hereby created in the state treasury the county 2839  
representation fund for the deposit of moneys received from 2840  
counties under this division. All moneys credited to the fund 2841  
shall be used by the state public defender to provide legal 2842  
representation for indigent persons when designated by the court 2843  
or requested by a county or joint county public defender or to 2844  
provide investigation or mitigation services, including 2845  
investigation or mitigation services to private appointed counsel 2846  
or a county or joint county public defender, as approved by the 2847  
court. 2848

(E)(1) Notwithstanding any contrary provision of sections 2849  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 2850  
that pertains to representation by the attorney general, an 2851  
assistant attorney general, or special counsel of an officer or 2852  
employee, as defined in section 109.36 of the Revised Code, or of 2853  
an entity of state government, the state public defender may elect 2854  
to contract with, and to have the state pay pursuant to division 2855

(E)(2) of this section for the services of, private legal counsel 2856  
to represent the Ohio public defender commission, the state public 2857  
defender, assistant state public defenders, other employees of the 2858  
commission or the state public defender, and attorneys described 2859  
in division (C) of section 120.41 of the Revised Code in a 2860  
malpractice or other civil action or proceeding that arises from 2861  
alleged actions or omissions related to responsibilities derived 2862  
pursuant to this chapter, or in a civil action that is based upon 2863  
alleged violations of the constitution or statutes of the United 2864  
States, including section 1983 of Title 42 of the United States 2865  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 2866  
arises from alleged actions or omissions related to 2867  
responsibilities derived pursuant to this chapter, if the state 2868  
public defender determines, in good faith, that the defendant in 2869  
the civil action or proceeding did not act manifestly outside the 2870  
scope of the defendant's employment or official responsibilities, 2871  
with malicious purpose, in bad faith, or in a wanton or reckless 2872  
manner. If the state public defender elects not to contract 2873  
pursuant to this division for private legal counsel in a civil 2874  
action or proceeding, then, in accordance with sections 109.02, 2875  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 2876  
attorney general shall represent or provide for the representation 2877  
of the Ohio public defender commission, the state public defender, 2878  
assistant state public defenders, other employees of the 2879  
commission or the state public defender, or attorneys described in 2880  
division (C) of section 120.41 of the Revised Code in the civil 2881  
action or proceeding. 2882

(2)(a) Subject to division (E)(2)(b) of this section, payment 2883  
from the state treasury for the services of private legal counsel 2884  
with whom the state public defender has contracted pursuant to 2885  
division (E)(1) of this section shall be accomplished only through 2886  
the following procedure: 2887

(i) The private legal counsel shall file with the attorney 2888  
general a copy of the contract; a request for an award of legal 2889  
fees, court costs, and expenses earned or incurred in connection 2890  
with the defense of the Ohio public defender commission, the state 2891  
public defender, an assistant state public defender, an employee, 2892  
or an attorney in a specified civil action or proceeding; a 2893  
written itemization of those fees, costs, and expenses, including 2894  
the signature of the state public defender and the state public 2895  
defender's attestation that the fees, costs, and expenses were 2896  
earned or incurred pursuant to division (E)(1) of this section to 2897  
the best of the state public defender's knowledge and information; 2898  
a written statement whether the fees, costs, and expenses are for 2899  
all legal services to be rendered in connection with that defense, 2900  
are only for legal services rendered to the date of the request 2901  
and additional legal services likely will have to be provided in 2902  
connection with that defense, or are for the final legal services 2903  
rendered in connection with that defense; a written statement 2904  
indicating whether the private legal counsel previously submitted 2905  
a request for an award under division (E)(2) of this section in 2906  
connection with that defense and, if so, the date and the amount 2907  
of each award granted; and, if the fees, costs, and expenses are 2908  
for all legal services to be rendered in connection with that 2909  
defense or are for the final legal services rendered in connection 2910  
with that defense, a certified copy of any judgment entry in the 2911  
civil action or proceeding or a signed copy of any settlement 2912  
agreement entered into between the parties to the civil action or 2913  
proceeding. 2914

(ii) Upon receipt of a request for an award of legal fees, 2915  
court costs, and expenses and the requisite supportive 2916  
documentation described in division (E)(2)(a)(i) of this section, 2917  
the attorney general shall review the request and documentation; 2918  
determine whether any of the limitations specified in division 2919  
(E)(2)(b) of this section apply to the request; and, if an award 2920

of legal fees, court costs, or expenses is permissible after 2921  
applying the limitations, prepare a document awarding legal fees, 2922  
court costs, or expenses to the private legal counsel. The 2923  
document shall name the private legal counsel as the recipient of 2924  
the award; specify the total amount of the award as determined by 2925  
the attorney general; itemize the portions of the award that 2926  
represent legal fees, court costs, and expenses; specify any 2927  
limitation applied pursuant to division (E)(2)(b) of this section 2928  
to reduce the amount of the award sought by the private legal 2929  
counsel; state that the award is payable from the state treasury 2930  
pursuant to division (E)(2)(a)(iii) of this section; and be 2931  
approved by the inclusion of the signatures of the attorney 2932  
general, the state public defender, and the private legal counsel. 2933

(iii) The attorney general shall forward a copy of the 2934  
document prepared pursuant to division (E)(2)(a)(ii) of this 2935  
section to the director of budget and management. The award of 2936  
legal fees, court costs, or expenses shall be paid out of the 2937  
state public defender's appropriations, to the extent there is a 2938  
sufficient available balance in those appropriations. If the state 2939  
public defender does not have a sufficient available balance in 2940  
the state public defender's appropriations to pay the entire award 2941  
of legal fees, court costs, or expenses, the director shall make 2942  
application for a transfer of appropriations out of the emergency 2943  
purposes account or any other appropriation for emergencies or 2944  
contingencies in an amount equal to the portion of the award that 2945  
exceeds the sufficient available balance in the state public 2946  
defender's appropriations. A transfer of appropriations out of the 2947  
emergency purposes account or any other appropriation for 2948  
emergencies or contingencies shall be authorized if there are 2949  
sufficient moneys greater than the sum total of then pending 2950  
emergency purposes account requests, or requests for releases from 2951  
the other appropriation. If a transfer of appropriations out of 2952  
the emergency purposes account or other appropriation for 2953

emergencies or contingencies is made to pay an amount equal to the 2954  
portion of the award that exceeds the sufficient available balance 2955  
in the state public defender's appropriations, the director shall 2956  
cause the payment to be made to the private legal counsel. If 2957  
sufficient moneys do not exist in the emergency purposes account 2958  
or other appropriation for emergencies or contingencies to pay an 2959  
amount equal to the portion of the award that exceeds the 2960  
sufficient available balance in the state public defender's 2961  
appropriations, the private legal counsel shall request the 2962  
general assembly to make an appropriation sufficient to pay an 2963  
amount equal to the portion of the award that exceeds the 2964  
sufficient available balance in the state public defender's 2965  
appropriations, and no payment in that amount shall be made until 2966  
the appropriation has been made. The private legal counsel shall 2967  
make the request during the current biennium and during each 2968  
succeeding biennium until a sufficient appropriation is made. 2969

(b) An award of legal fees, court costs, and expenses 2970  
pursuant to division (E) of this section is subject to the 2971  
following limitations: 2972

(i) The maximum award or maximum aggregate of a series of 2973  
awards of legal fees, court costs, and expenses to the private 2974  
legal counsel in connection with the defense of the Ohio public 2975  
defender commission, the state public defender, an assistant state 2976  
public defender, an employee, or an attorney in a specified civil 2977  
action or proceeding shall not exceed fifty thousand dollars. 2978

(ii) The private legal counsel shall not be awarded legal 2979  
fees, court costs, or expenses to the extent the fees, costs, or 2980  
expenses are covered by a policy of malpractice or other 2981  
insurance. 2982

(iii) The private legal counsel shall be awarded legal fees 2983  
and expenses only to the extent that the fees and expenses are 2984  
reasonable in light of the legal services rendered by the private 2985

legal counsel in connection with the defense of the Ohio public 2986  
defender commission, the state public defender, an assistant state 2987  
public defender, an employee, or an attorney in a specified civil 2988  
action or proceeding. 2989

(c) If, pursuant to division (E)(2)(a) of this section, the 2990  
attorney general denies a request for an award of legal fees, 2991  
court costs, or expenses to private legal counsel because of the 2992  
application of a limitation specified in division (E)(2)(b) of 2993  
this section, the attorney general shall notify the private legal 2994  
counsel in writing of the denial and of the limitation applied. 2995

(d) If, pursuant to division (E)(2)(c) of this section, a 2996  
private legal counsel receives a denial of an award notification 2997  
or if a private legal counsel refuses to approve a document under 2998  
division (E)(2)(a)(ii) of this section because of the proposed 2999  
application of a limitation specified in division (E)(2)(b) of 3000  
this section, the private legal counsel may commence a civil 3001  
action against the attorney general in the court of claims to 3002  
prove the private legal counsel's entitlement to the award sought, 3003  
to prove that division (E)(2)(b) of this section does not prohibit 3004  
or otherwise limit the award sought, and to recover a judgment for 3005  
the amount of the award sought. A civil action under division 3006  
(E)(2)(d) of this section shall be commenced no later than two 3007  
years after receipt of a denial of award notification or, if the 3008  
private legal counsel refused to approve a document under division 3009  
(E)(2)(a)(ii) of this section because of the proposed application 3010  
of a limitation specified in division (E)(2)(b) of this section, 3011  
no later than two years after the refusal. Any judgment of the 3012  
court of claims in favor of the private legal counsel shall be 3013  
paid from the state treasury in accordance with division (E)(2)(a) 3014  
of this section. 3015

(F) If a court appoints the office of the state public 3016  
defender to represent a petitioner in a postconviction relief 3017

proceeding under section 2953.21 of the Revised Code, the 3018  
petitioner has received a sentence of death, and the proceeding 3019  
relates to that sentence, all of the attorneys who represent the 3020  
petitioner in the proceeding pursuant to the appointment, whether 3021  
an assistant state public defender, the state public defender, or 3022  
another attorney, shall be certified under Rule 20 of the Rules of 3023  
Superintendence for the Courts of Ohio to represent indigent 3024  
defendants charged with or convicted of an offense for which the 3025  
death penalty can be or has been imposed. 3026

(G)(1) The state public defender may conduct a legal 3027  
assistance referral service for children committed to the 3028  
department of youth services relative to conditions of confinement 3029  
claims. If the legal assistance referral service receives a 3030  
request for assistance from a child confined in a facility 3031  
operated, or contracted for, by the department of youth services 3032  
and the state public defender determines that the child has a 3033  
conditions of confinement claim that has merit, the state public 3034  
defender may refer the child to a private attorney. If no private 3035  
attorney who the child has been referred to by the state public 3036  
defender accepts the case within a reasonable time, the state 3037  
public defender may prepare, as appropriate, pro se pleadings in 3038  
the form of a complaint regarding the conditions of confinement at 3039  
the facility where the child is confined with a motion for 3040  
appointment of counsel and other applicable pleadings necessary 3041  
for sufficient pro se representation. 3042

(2) Division (G)(1) of this section does not authorize the 3043  
state public defender to represent a child committed to the 3044  
department of youth services in general civil matters arising 3045  
solely out of state law. 3046

(3) The state public defender shall not undertake the 3047  
representation of a child in court based on a conditions of 3048  
confinement claim arising under this division. 3049

(H) A child's right to representation or services under this 3050  
section is not affected by the child, or another person on behalf 3051  
of the child, previously having paid for similar representation or 3052  
services or having waived legal representation. 3053

(I) The state public defender shall have reasonable access to 3054  
any child committed to the department of youth services, 3055  
department of youth services institution, and department of youth 3056  
services record as needed to implement this section. 3057

(J) As used in this section: 3058

(1) "Community control sanction" has the same meaning as in 3059  
section 2929.01 of the Revised Code. 3060

(2) "Conditions of confinement" means any issue involving a 3061  
constitutional right or other civil right related to a child's 3062  
incarceration, including, but not limited to, actions cognizable 3063  
under 42 U.S.C. 1983. 3064

(3) "Post-release control sanction" has the same meaning as 3065  
in section 2967.01 of the Revised Code. 3066

**Sec. 120.08.** There is hereby created in the state treasury 3067  
the indigent defense support fund, consisting of money paid into 3068  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 3069  
4511.19 of the Revised Code and pursuant to sections 2937.22, 3070  
2949.091, and 2949.094 of the Revised Code out of the additional 3071  
court costs imposed under those sections. The state public 3072  
defender shall use at least eighty-three per cent of the money in 3073  
the fund for the purposes of reimbursing county governments for 3074  
expenses incurred pursuant to sections 120.18, 120.28, and 120.33 3075  
of the Revised Code and operating its system pursuant to division 3076  
(C)(7) of section 120.04 of the Revised Code and division (B) of 3077  
section 120.33 of the Revised Code. Disbursements from the fund to 3078  
county governments shall be made at least once per year and shall 3079

be allocated proportionately so that each county receives an equal 3080  
percentage of its ~~total~~ cost for operating its county public 3081  
defender system, its joint county public defender system, its 3082  
county appointed counsel system, or its system operated under 3083  
division (C)(7) of section 120.04 of the Revised Code and division 3084  
(B) of section 120.33 of the Revised Code. The state public 3085  
defender may use not more than seventeen per cent of the money in 3086  
the fund for the purposes of appointing assistant state public 3087  
defenders, providing other personnel, equipment, and facilities 3088  
necessary for the operation of the state public defender office, 3089  
and providing training, developing and implementing electronic 3090  
forms, or establishing and maintaining an information technology 3091  
system used for the uniform operation of this chapter. 3092

**Sec. 120.18.** (A) The county public defender commission's 3093  
report to the board of county commissioners shall be audited by 3094  
the county auditor. The board of county commissioners, after 3095  
review and approval of the audited report, may then certify it to 3096  
the state public defender for reimbursement. If a request for the 3097  
reimbursement of any operating expenditure incurred by a county 3098  
public defender office is not received by the state public 3099  
defender within sixty days after the end of the calendar month in 3100  
which the expenditure is incurred, the state public defender shall 3101  
not pay the requested reimbursement, unless the county has 3102  
requested, and the state public defender has granted, an extension 3103  
of the sixty-day time limit. Each request for reimbursement shall 3104  
include a certification by the county public defender that the 3105  
persons provided representation by the county public defender's 3106  
office during the period covered by the report were indigent and, 3107  
for each person provided representation during that period, a 3108  
financial disclosure form completed by the person on a form 3109  
prescribed by the state public defender. The state public defender 3110

shall also review the report and, in accordance with the 3111  
standards, guidelines, and maximums established pursuant to 3112  
divisions (B)(7) and (8) of section 120.04 of the Revised Code and 3113  
the payment determination provisions of section 120.34 of the 3114  
Revised Code, prepare a voucher for ~~fifty per cent~~ of the total 3115  
cost of each county public defender's office for the period of 3116  
time covered by the certified report and a voucher for ~~fifty per~~ 3117  
~~cent~~ of the costs and expenses that are reimbursable under section 3118  
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 3119  
~~appropriated by the general assembly to reimburse counties for the~~ 3120  
~~operation of county public defender offices, joint county public~~ 3121  
~~defender offices, and county appointed counsel systems is not~~ 3122  
~~sufficient to pay fifty per cent of the total cost of all of the~~ 3123  
~~offices and systems, for the lesser amount required by section~~ 3124  
~~120.34 of the Revised Code. The amount of payments to be included~~ 3125  
~~in and made under the voucher shall be determined as specified in~~ 3126  
~~section 120.34 of the Revised Code.~~ For the purposes of this 3127  
section, ~~total~~ "cost" means total expenses minus costs and 3128  
expenses reimbursable under section 120.35 of the Revised Code and 3129  
any funds received by the county public defender commission 3130  
pursuant to a contract, except a contract entered into with a 3131  
municipal corporation pursuant to division (E) of section 120.14 3132  
of the Revised Code, gift, or grant. 3133

(B) If the county public defender fails to maintain the 3134  
standards for the conduct of the office established by rules of 3135  
the Ohio public defender commission pursuant to divisions (B) and 3136  
(C) of section 120.03 or the standards established by the state 3137  
public defender pursuant to division (B)(7) of section 120.04 of 3138  
the Revised Code, the Ohio public defender commission shall notify 3139  
the county public defender commission and the board of county 3140  
commissioners of the county that the county public defender has 3141  
failed to comply with its rules or the standards of the state 3142  
public defender. Unless the county public defender commission or 3143

the county public defender corrects the conduct of the county 3144  
public defender's office to comply with the rules and standards 3145  
within ninety days after the date of the notice, the state public 3146  
defender may deny payment of all or part of the county's 3147  
reimbursement from the state provided for in division (A) of this 3148  
section. 3149

**Sec. 120.28.** (A) The joint county public defender 3150  
commission's report to the joint board of county commissioners 3151  
shall be audited by the fiscal officer of the district. The joint 3152  
board of county commissioners, after review and approval of the 3153  
audited report, may then certify it to the state public defender 3154  
for reimbursement. If a request for the reimbursement of any 3155  
operating expenditure incurred by a joint county public defender 3156  
office is not received by the state public defender within sixty 3157  
days after the end of the calendar month in which the expenditure 3158  
is incurred, the state public defender shall not pay the requested 3159  
reimbursement, unless the joint board of county commissioners has 3160  
requested, and the state public defender has granted, an extension 3161  
of the sixty-day time limit. Each request for reimbursement shall 3162  
include a certification by the joint county public defender that 3163  
all persons provided representation by the joint county public 3164  
defender's office during the period covered by the request were 3165  
indigent and, for each person provided representation during that 3166  
period, a financial disclosure form completed by the person on a 3167  
form prescribed by the state public defender. The state public 3168  
defender shall also review the report and, in accordance with the 3169  
standards, guidelines, and maximums established pursuant to 3170  
divisions (B)(7) and (8) of section 120.04 of the Revised Code and 3171  
the payment determination provisions of section 120.34 of the 3172  
Revised Code, prepare a voucher for ~~fifty per cent~~ of the ~~total~~ 3173  
cost of each joint county public defender's office for the period 3174  
of time covered by the certified report and a voucher for ~~fifty~~ 3175

~~per cent of the costs and expenses that are reimbursable under~~ 3176  
~~section 120.35 of the Revised Code, if any, or, if the amount of~~ 3177  
~~money appropriated by the general assembly to reimburse counties~~ 3178  
~~for the operation of county public defender offices, joint county~~ 3179  
~~public defender offices, and county appointed counsel systems is~~ 3180  
~~not sufficient to pay fifty per cent of the total cost of all of~~ 3181  
~~the offices and systems, for the lesser amount required by section~~ 3182  
~~120.34 of the Revised Code. The amount of payments to be included~~ 3183  
~~in and made under the voucher shall be determined as specified in~~ 3184  
~~section 120.34 of the Revised Code. For purposes of this section,~~ 3185  
~~total "cost" means total expenses minus costs and expenses~~ 3186  
~~reimbursable under section 120.35 of the Revised Code and any~~ 3187  
~~funds received by the joint county public defender commission~~ 3188  
~~pursuant to a contract, except a contract entered into with a~~ 3189  
~~municipal corporation pursuant to division (E) of section 120.24~~ 3190  
~~of the Revised Code, gift, or grant. Each county in the district~~ 3191  
~~shall be entitled to a share of such state reimbursement in~~ 3192  
~~proportion to the percentage of the total cost it has agreed to~~ 3193  
~~pay.~~ 3194

(B) If the joint county public defender fails to maintain the 3195  
standards for the conduct of the office established by the rules 3196  
of the Ohio public defender commission pursuant to divisions (B) 3197  
and (C) of section 120.03 or the standards established by the 3198  
state public defender pursuant to division (B)(7) of section 3199  
120.04 of the Revised Code, the Ohio public defender commission 3200  
shall notify the joint county public defender commission and the 3201  
board of county commissioners of each county in the district that 3202  
the joint county public defender has failed to comply with its 3203  
rules or the standards of the state public defender. Unless the 3204  
joint public defender commission or the joint county public 3205  
defender corrects the conduct of the joint county public 3206  
defender's office to comply with the rules and standards within 3207  
ninety days after the date of the notice, the state public 3208

defender may deny all or part of the counties' reimbursement from 3209  
the state provided for in division (A) of this section. 3210

**Sec. 120.33.** (A) In lieu of using a county public defender or 3211  
joint county public defender to represent indigent persons in the 3212  
proceedings set forth in division (A) of section 120.16 of the 3213  
Revised Code, the board of county commissioners of any county may 3214  
adopt a resolution to pay counsel who are either personally 3215  
selected by the indigent person or appointed by the court. The 3216  
resolution shall include those provisions the board of county 3217  
commissioners considers necessary to provide effective 3218  
representation of indigent persons in any proceeding for which 3219  
counsel is provided under this section. The resolution shall 3220  
include provisions for contracts with any municipal corporation 3221  
under which the municipal corporation shall reimburse the county 3222  
for counsel appointed to represent indigent persons charged with 3223  
violations of the ordinances of the municipal corporation. 3224

(1) In a county that adopts a resolution to pay counsel, an 3225  
indigent person shall have the right to do either of the 3226  
following: 3227

(a) To select the person's own personal counsel to represent 3228  
the person in any proceeding included within the provisions of the 3229  
resolution; 3230

(b) To request the court to appoint counsel to represent the 3231  
person in such a proceeding. 3232

(2) The court having jurisdiction over the proceeding in a 3233  
county that adopts a resolution to pay counsel shall, after 3234  
determining that the person is indigent and entitled to legal 3235  
representation under this section, do either of the following: 3236

(a) By signed journal entry recorded on its docket, enter the 3237  
name of the lawyer selected by the indigent person as counsel of 3238

record; 3239

(b) Appoint counsel for the indigent person if the person has 3240  
requested the court to appoint counsel and, by signed journal 3241  
entry recorded on its dockets, enter the name of the lawyer 3242  
appointed for the indigent person as counsel of record. 3243

(3) The board of county commissioners shall establish a 3244  
schedule of fees by case or on an hourly basis to be paid to 3245  
counsel for legal services provided pursuant to a resolution 3246  
adopted under this section. Prior to establishing the schedule, 3247  
the board of county commissioners shall request the bar 3248  
association or associations of the county to submit a proposed 3249  
schedule for cases other than capital cases. The schedule 3250  
submitted shall be subject to the review, amendment, and approval 3251  
of the board of county commissioners, except with respect to 3252  
capital cases. With respect to capital cases, the schedule shall 3253  
provide for fees by case or on an hourly basis to be paid to 3254  
counsel in the amount or at the rate set by the capital case 3255  
attorney fee council pursuant to division (D) of this section, and 3256  
the board of county commissioners shall approve that amount or 3257  
rate. 3258

(4) Counsel selected by the indigent person or appointed by 3259  
the court at the request of an indigent person in a county that 3260  
adopts a resolution to pay counsel, except for counsel appointed 3261  
to represent a person charged with any violation of an ordinance 3262  
of a municipal corporation that has not contracted with the county 3263  
commissioners for the payment of appointed counsel, shall be paid 3264  
by the county and shall receive the compensation and expenses the 3265  
court approves. With respect to capital cases, the court shall 3266  
approve compensation and expenses in accordance with the amount or 3267  
at the rate set by the capital case attorney fee council pursuant 3268  
to division (D) of this section. Each request for payment shall 3269  
include a financial disclosure form completed by the indigent 3270

person on a form prescribed by the state public defender. 3271  
Compensation and expenses shall not exceed the amounts fixed by 3272  
the board of county commissioners in the schedule adopted pursuant 3273  
to division (A)(3) of this section. No court shall approve 3274  
compensation and expenses that exceed the amount fixed pursuant to 3275  
division (A)(3) of this section. 3276

The fees and expenses approved by the court shall not be 3277  
taxed as part of the costs and shall be paid by the county. 3278  
However, if the person represented has, or may reasonably be 3279  
expected to have, the means to meet some part of the cost of the 3280  
services rendered to the person, the person shall pay the county 3281  
an amount that the person reasonably can be expected to pay. 3282  
Pursuant to section 120.04 of the Revised Code, the county shall 3283  
pay to the state public defender a percentage of the payment 3284  
received from the person in an amount proportionate to the 3285  
percentage of the costs of the person's case that were paid to the 3286  
county by the state public defender pursuant to this section. The 3287  
money paid to the state public defender shall be credited to the 3288  
client payment fund created pursuant to division (B)(5) of section 3289  
120.04 of the Revised Code. 3290

The county auditor shall draw a warrant on the county 3291  
treasurer for the payment of counsel in the amount fixed by the 3292  
court, plus the expenses the court fixes and certifies to the 3293  
auditor. The county auditor shall report periodically, but not 3294  
less than annually, to the board of county commissioners and to 3295  
the state public defender the amounts paid out pursuant to the 3296  
approval of the court. The board of county commissioners, after 3297  
review and approval of the auditor's report, or the county 3298  
auditor, with permission from and notice to the board of county 3299  
commissioners, may then certify it to the state public defender 3300  
for reimbursement. The state public defender may pay a requested 3301  
reimbursement only if the request for reimbursement includes a 3302

financial disclosure form completed by the indigent person on a 3303  
form prescribed by the state public defender or if the court 3304  
certifies by electronic signature as prescribed by the state 3305  
public defender that a financial disclosure form has been 3306  
completed by the indigent person and is available for inspection. 3307  
If a request for the reimbursement of the cost of counsel in any 3308  
case is not received by the state public defender within ninety 3309  
days after the end of the calendar month in which the case is 3310  
finally disposed of by the court, unless the county has requested 3311  
and the state public defender has granted an extension of the 3312  
ninety-day limit, the state public defender shall not pay the 3313  
requested reimbursement. The state public defender shall also 3314  
review the report and, in accordance with the standards, 3315  
guidelines, and maximums established pursuant to divisions (B)(7) 3316  
and (8) of section 120.04 of the Revised Code and the payment 3317  
determination provisions of section 120.34 of the Revised Code, 3318  
prepare a voucher for ~~fifty per cent of the total~~ cost of each 3319  
county appointed counsel system in the period of time covered by 3320  
the certified report and a voucher for ~~fifty per cent of the costs~~ 3321  
and expenses that are reimbursable under section 120.35 of the 3322  
Revised Code, if any, ~~or, if the amount of money appropriated by~~ 3323  
~~the general assembly to reimburse counties for the operation of~~ 3324  
~~county public defender offices, joint county public defender~~ 3325  
~~offices, and county appointed counsel systems is not sufficient to~~ 3326  
~~pay fifty per cent of the total cost of all of the offices and~~ 3327  
~~systems other than costs and expenses that are reimbursable under~~ 3328  
~~section 120.35 of the Revised Code, for the lesser amount required~~ 3329  
~~by section 120.34 of the Revised Code. The amount of payments to~~ 3330  
be included in and made under the voucher shall be determined as 3331  
specified in section 120.34 of the Revised Code. 3332

(5) If any county appointed counsel system fails to maintain 3333  
the standards for the conduct of the system established by the 3334  
rules of the Ohio public defender commission pursuant to divisions 3335

(B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the board of county commissioners of the county that the county appointed counsel system has failed to comply with its rules or the standards of the state public defender. Unless the board of county commissioners corrects the conduct of its appointed counsel system to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in division (A)(4) of this section.

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

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

(D)(1) There is hereby created the capital case attorney fee council, appointed as described in division (D)(2) of this

section. The council shall set an amount by case, or a rate on an 3368  
hourly basis, to be paid under this section to counsel in a 3369  
capital case. 3370

(2) The capital case attorney fee council shall consist of 3371  
five members, all of whom shall be active judges serving on one of 3372  
the district courts of appeals in this state. Terms for council 3373  
members shall be the lesser of three years or until the member 3374  
ceases to be an active judge of a district court of appeals. The 3375  
initial terms shall commence ninety days after September 28, 2016. 3376  
The chief justice of the supreme court shall appoint the members 3377  
of the council, and shall make all of the appointments not later 3378  
than sixty days after September 28, 2016. When any vacancy occurs, 3379  
the chief justice shall appoint an active judge of a district 3380  
court of appeals in this state to fill the vacancy for the 3381  
unexpired term, in the same manner as prescribed in this division. 3382  
The chief justice shall designate a chairperson from the appointed 3383  
members of the council. Members of the council shall receive no 3384  
additional compensation for their service as a member, but may be 3385  
reimbursed for expenses reasonably incurred in service to the 3386  
council, to be paid by the supreme court. The supreme court may 3387  
provide administrative support to the council. 3388

(3) The capital case attorney fee council initially shall 3389  
meet not later than one hundred twenty days after September 28, 3390  
2016. Thereafter, the council shall meet not less than annually. 3391

(4) Upon setting the amount or rate described in division 3392  
(D)(1) of this section, the chairperson of the capital case 3393  
attorney fee council promptly shall provide written notice to the 3394  
state public defender of the amount or rate so set. The amount or 3395  
rate so set shall become effective ninety days after the date on 3396  
which the chairperson provides that written notice to the state 3397  
public defender. The council shall specify that effective date in 3398  
the written notice provided to the state public defender. All 3399

amounts or rates set by the council shall be final, subject to 3400  
modification as described in division (D)(5) of this section, and 3401  
not subject to appeal. 3402

(5) The capital case attorney fee council may modify an 3403  
amount or rate set as described in division (D)(4) of this 3404  
section. The provisions of that division apply with respect to any 3405  
such modification of an amount or rate. 3406

**Sec. 120.34.** The total amount of money paid to all counties 3407  
in any fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3408  
120.33, 120.35, and 2941.51 of the Revised Code for the 3409  
reimbursement of ~~a percentage of~~ the counties' cost of operating 3410  
county public defender offices, joint county public defender 3411  
offices, and county appointed counsel systems, the counties' costs 3412  
and expenses of conducting the defense in capital cases, and the 3413  
counties' costs and expenses of appointed counsel covered by 3414  
section 2941.51 of the Revised Code shall not exceed the total 3415  
amount appropriated for that fiscal year by the general assembly 3416  
for the reimbursement of the counties for the operation of the 3417  
offices and systems and for those appointed counsel costs and 3418  
expenses, and shall be determined as specified in this section. If 3419  
the amount appropriated by the general assembly in any fiscal year 3420  
is insufficient to pay ~~fifty per cent of the total~~ cost in the 3421  
fiscal year of all county public defender offices, all joint 3422  
county public defender offices, ~~and~~ all county appointed counsel 3423  
systems, and all costs and expenses of appointed counsel covered 3424  
by section 2941.51 of the Revised Code, the amount of money paid 3425  
in that fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3426  
120.33, 120.35, and 2941.51 of the Revised Code to each county for 3427  
the fiscal year shall be reduced proportionately so that each 3428  
county is paid an equal percentage of its ~~total~~ cost in the fiscal 3429  
year for operating its county public defender system, its joint 3430  
county public defender system, and its county appointed counsel 3431

system, an equal percentage of its costs and expenses of 3432  
conducting the defense in capital cases in the fiscal year, and an 3433  
equal percentage of its costs and expenses of appointed counsel 3434  
covered by section 2941.51 of the Revised Code. 3435

~~The total amount of money paid to all counties in any fiscal~~ 3436  
~~year pursuant to section 120.35 of the Revised Code for the~~ 3437  
~~reimbursement of a percentage of the counties' costs and expenses~~ 3438  
~~of conducting the defense in capital cases shall not exceed the~~ 3439  
~~total amount appropriated for that fiscal year by the general~~ 3440  
~~assembly for the reimbursement of the counties for conducting the~~ 3441  
~~defense in capital cases. If the amount appropriated by the~~ 3442  
~~general assembly in any fiscal year is insufficient to pay fifty~~ 3443  
~~per cent of the counties' total costs and expenses of conducting~~ 3444  
~~the defense in capital cases in the fiscal year, the amount of~~ 3445  
~~money paid in that fiscal year pursuant to section 120.35 of the~~ 3446  
~~Revised Code to each county for the fiscal year shall be reduced~~ 3447  
~~proportionately so that each county is paid an equal percentage of~~ 3448  
~~its costs and expenses of conducting the defense in capital cases~~ 3449  
~~in the fiscal year.~~ 3450

If any county receives an amount of money pursuant to section 3451  
120.18, 120.28, 120.33, ~~or~~ 120.35, or 2941.51 of the Revised Code 3452  
that is in excess of the amount of reimbursement it is entitled to 3453  
receive pursuant to this section, the state public defender shall 3454  
request the board of county commissioners to return the excess 3455  
payment and the board of county commissioners, upon receipt of the 3456  
request, shall direct the appropriate county officer to return the 3457  
excess payment to the state. 3458

Within thirty days of the end of each fiscal quarter, the 3459  
state public defender shall provide to the office of budget and 3460  
management and the ~~legislative budget office of the legislative~~ 3461  
service commission an estimate of the amount of money that will be 3462  
required for the balance of the fiscal year to make the payments 3463

required by sections 120.18, 120.28, 120.33, ~~and 120.35,~~ and  
2941.51 of the Revised Code. 3464  
3465

**Sec. 120.35.** The state public defender shall, pursuant to 3466  
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 3467  
reimburse ~~fifty per cent of all~~ the costs and expenses of 3468  
conducting the defense in capital cases, in an amount determined  
as specified in section 120.34 of the Revised Code. ~~If~~ 3469  
~~appropriations are insufficient to pay fifty per cent of such~~ 3470  
~~costs and expenses, the state public defender shall reimburse such~~ 3471  
~~costs and expenses as provided in section 120.34 of the Revised~~ 3472  
~~Code.~~ 3473  
3474

**Sec. 120.52.** There is hereby established in the state 3475  
treasury the legal aid fund, which shall be for the charitable 3476  
public purpose of providing financial assistance to legal aid 3477  
societies that provide civil legal services to indigents. The fund 3478  
shall contain all funds credited to it by the treasurer of state 3479  
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 3480  
4705.09, and 4705.10 of the Revised Code. 3481

The treasurer of state may invest moneys contained in the 3482  
legal aid fund in any manner authorized by the Revised Code for 3483  
the investment of state moneys. However, no such investment shall 3484  
interfere with any apportionment, allocation, or payment of moneys 3485  
as required by section 120.53 of the Revised Code. 3486

The state public defender, through the Ohio ~~legal assistance~~ 3487  
access to justice foundation, shall administer the payment of 3488  
moneys out of the fund. Four and one-half per cent of the moneys 3489  
in the fund shall be reserved for the actual, reasonable costs of 3490  
administering sections 120.51 to 120.55 and sections 1901.26, 3491  
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3492  
Code. Moneys that are reserved for administrative costs but that 3493

are not used for actual, reasonable administrative costs shall be 3494  
set aside for use in the manner described in division (A) of 3495  
section 120.521 of the Revised Code. The remainder of the moneys 3496  
in the legal aid fund shall be distributed in accordance with 3497  
section 120.53 of the Revised Code. The Ohio ~~legal assistance~~ 3498  
access to justice foundation shall establish, in accordance with 3499  
Chapter 119. of the Revised Code, rules governing the 3500  
administration of the legal aid fund, including the programs 3501  
established under sections 1901.26, 1907.24, 2303.201, 4705.09, 3502  
and 4705.10 of the Revised Code regarding interest on 3503  
interest-bearing trust accounts of an attorney, law firm, or legal 3504  
professional association. 3505

**Sec. 120.521.** (A) The state public defender shall establish a 3506  
charitable, tax exempt foundation, named the Ohio ~~legal assistance~~ 3507  
access to justice foundation, to actively solicit and accept 3508  
gifts, bequests, donations, and contributions for use in providing 3509  
financial assistance to legal aid societies, enhancing or 3510  
improving the delivery of civil legal services to indigents, and 3511  
operating the foundation. The Ohio ~~legal assistance~~ access to 3512  
justice foundation shall deposit all gifts, bequests, donations, 3513  
and contributions accepted by it into the ~~legal assistance~~ access 3514  
to justice foundation fund established under this section. If the 3515  
state public defender, pursuant to section 120.52 of the Revised 3516  
Code as it existed prior to June 30, 1995, established a 3517  
charitable, tax exempt foundation named the Ohio ~~legal assistance~~ 3518  
access to justice foundation and if that foundation is in 3519  
existence on the day before June 30, 1995, that foundation shall 3520  
continue in existence and shall serve as the Ohio ~~legal assistance~~ 3521  
access to justice foundation described in this section. 3522

There is hereby established the ~~legal assistance~~ access to 3523  
justice foundation fund, which shall be under the custody and 3524  
control of the Ohio ~~legal assistance~~ access to justice foundation. 3525

The fund shall contain all moneys distributed to the Ohio ~~legal~~ 3526  
~~assistance~~ access to justice foundation pursuant to section 120.53 3527  
of the Revised Code and all gifts, bequests, donations, and 3528  
contributions accepted by the Ohio ~~legal~~ ~~assistance~~ access to 3529  
justice foundation under this section. 3530

The Ohio ~~legal~~ ~~assistance~~ access to justice foundation shall 3531  
distribute or use all moneys in the ~~legal~~ ~~assistance~~ access to 3532  
justice foundation fund for the charitable public purpose of 3533  
providing financial assistance to legal aid societies that provide 3534  
civil legal services to indigents, enhancing or improving the 3535  
delivery of civil legal services to indigents, and operating the 3536  
foundation. The Ohio ~~legal~~ ~~assistance~~ access to justice foundation 3537  
shall establish rules governing the administration of the ~~legal~~ 3538  
~~assistance~~ access to justice foundation fund. 3539

The Ohio ~~legal~~ ~~assistance~~ access to justice foundation shall 3540  
include, in the annual report it is required to make to the 3541  
governor, the general assembly, and the supreme court pursuant to 3542  
division (G)(2) of section 120.53 of the Revised Code, an audited 3543  
financial statement on the distribution and use of the ~~legal~~ 3544  
~~assistance~~ access to justice foundation fund. No information 3545  
contained in the statement shall identify or enable the 3546  
identification of any person served by a legal aid society or in 3547  
any way breach confidentiality. 3548

Membership on the board of the Ohio ~~legal~~ ~~assistance~~ access 3549  
to justice foundation does not constitute holding another public 3550  
office and does not constitute grounds for resignation from the 3551  
senate or house of representatives under section 101.26 of the 3552  
Revised Code. 3553

(B) A foundation is tax exempt for purposes of this section 3554  
if the foundation is exempt from federal income taxation under 3555  
subsection 501(a) of the "Internal Revenue Code of 1986," 100 3556  
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 3557

has received from the internal revenue service a determination 3558  
letter that is in effect stating that the foundation is exempt 3559  
from federal income taxation under that subsection. 3560

**Sec. 120.53.** (A) A legal aid society that operates within the 3561  
state may apply to the Ohio ~~legal assistance~~ access to justice 3562  
foundation for financial assistance from the legal aid fund 3563  
established by section 120.52 of the Revised Code to be used for 3564  
the funding of the society during the calendar year following the 3565  
calendar year in which application is made. 3566

(B) An application for financial assistance made under 3567  
division (A) of this section shall be submitted by the first day 3568  
of November of the calendar year preceding the calendar year for 3569  
which financial assistance is desired and shall include all of the 3570  
following: 3571

(1) Evidence that the applicant is incorporated in this state 3572  
as a nonprofit corporation; 3573

(2) A list of the trustees of the applicant; 3574

(3) The proposed budget of the applicant for these funds for 3575  
the following calendar year; 3576

(4) A summary of the services to be offered by the applicant 3577  
in the following calendar year; 3578

(5) A specific description of the territory or constituency 3579  
served by the applicant; 3580

(6) An estimate of the number of persons to be served by the 3581  
applicant during the following calendar year; 3582

(7) A general description of the additional sources of the 3583  
applicant's funding; 3584

(8) The amount of the applicant's total budget for the 3585  
calendar year in which the application is filed that it will 3586

expend in that calendar year for legal services in each of the 3587  
counties it serves; 3588

(9) A specific description of any services, programs, 3589  
training, and legal technical assistance to be delivered by the 3590  
applicant or by another person pursuant to a contract with the 3591  
applicant, including, but not limited to, by private attorneys or 3592  
through reduced fee plans, judicare panels, organized pro bono 3593  
programs, and mediation programs. 3594

(C) The Ohio ~~legal assistance~~ access to justice foundation 3595  
shall determine whether each applicant that filed an application 3596  
for financial assistance under division (A) of this section in a 3597  
calendar year is eligible for financial assistance under this 3598  
section. To be eligible for such financial assistance, an 3599  
applicant shall satisfy the criteria for being a legal aid society 3600  
and shall be in compliance with the provisions of sections 120.51 3601  
to 120.55 of the Revised Code and with the rules and requirements 3602  
the foundation establishes pursuant to section 120.52 of the 3603  
Revised Code. The Ohio ~~legal assistance~~ access to justice 3604  
foundation then, on or before the fifteenth day of December of the 3605  
calendar year in which the application is filed, shall notify each 3606  
such applicant, in writing, whether it is eligible for financial 3607  
assistance under this section, and if it is eligible, estimate the 3608  
amount that will be available for that applicant for each 3609  
six-month distribution period, as determined under division (D) of 3610  
this section. 3611

(D) The Ohio ~~legal assistance~~ access to justice foundation 3612  
shall allocate moneys contained in the legal aid fund monthly for 3613  
distribution to applicants that filed their applications in the 3614  
previous calendar year and are determined to be eligible 3615  
applicants. 3616

All moneys contained in the fund on the first day of each 3617  
month shall be allocated, after deduction of the costs of 3618

administering sections 120.51 to 120.55 and sections 1901.26, 3619  
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3620  
Code that are authorized by section 120.52 of the Revised Code, 3621  
according to this section and shall be distributed accordingly not 3622  
later than the last day of the month following the month the 3623  
moneys were received. In making the allocations under this 3624  
section, the moneys in the fund that were generated pursuant to 3625  
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 3626  
4705.10 of the Revised Code shall be apportioned as follows: 3627

(1) After deduction of the amount authorized and used for 3628  
actual, reasonable administrative costs under section 120.52 of 3629  
the Revised Code: 3630

(a) Five per cent of the moneys remaining in the fund shall 3631  
be reserved for use in the manner described in division (A) of 3632  
section 120.521 of the Revised Code or for distribution to legal 3633  
aid societies that provide assistance to special population groups 3634  
of their eligible clients, engage in special projects that have a 3635  
substantial impact on their local service area or on significant 3636  
segments of the state's poverty population, or provide legal 3637  
training or support to other legal aid societies in the state; 3638

(b) After deduction of the amount described in division 3639  
(D)(1)(a) of this section, one and three-quarters per cent of the 3640  
moneys remaining in the fund shall be apportioned among entities 3641  
that received financial assistance from the legal aid fund prior 3642  
to July 1, 1993, but that, on and after July 1, 1993, no longer 3643  
qualify as a legal aid society that is eligible for financial 3644  
assistance under this section. 3645

(c) After deduction of the amounts described in divisions 3646  
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 3647  
remaining in the fund shall be placed in the ~~legal assistance~~ 3648  
access to justice foundation fund for use in the manner described 3649  
in division (A) of section 120.521 of the Revised Code. 3650

(2) After deduction of the actual, reasonable administrative costs under section 120.52 of the Revised Code and after deduction of the amounts identified in divisions (D)(1)(a), (b), and (c) of this section, the remaining moneys shall be apportioned among the counties that are served by eligible legal aid societies that have applied for financial assistance under this section so that each such county is apportioned a portion of those moneys, based upon the ratio of the number of indigents who reside in that county to the total number of indigents who reside in all counties of this state that are served by eligible legal aid societies that have applied for financial assistance under this section. Subject to division (E) of this section, the moneys apportioned to a county under this division then shall be allocated to the eligible legal aid society that serves the county and that has applied for financial assistance under this section. For purposes of this division, the source of data identifying the number of indigent persons who reside in a county shall be selected by the Ohio ~~legal assistance~~ access to justice foundation from the best available figures maintained by the United States census bureau.

(E) If the Ohio ~~legal assistance~~ access to justice foundation, in attempting to make an allocation of moneys under division (D)(2) of this section, determines that a county that has been apportioned money under that division is served by more than one eligible legal aid society that has applied for financial assistance under this section, the Ohio ~~legal assistance~~ access to justice foundation shall allocate the moneys that have been apportioned to that county under division (D)(2) of this section among all eligible legal aid societies that serve that county and that have applied for financial assistance under this section on a pro rata basis, so that each such eligible society is allocated a portion based upon the amount of its total budget expended in the prior calendar year for legal services in that county as compared to the total amount expended in the prior calendar year for legal

services in that county by all eligible legal aid societies that 3684  
serve that county and that have applied for financial assistance 3685  
under this section. 3686

(F) Moneys allocated to eligible applicants under this 3687  
section shall be paid monthly beginning the calendar year 3688  
following the calendar year in which the application is filed. 3689

(G)(1) A legal aid society that receives financial assistance 3690  
in any calendar year under this section shall file an annual 3691  
report with the Ohio ~~legal assistance~~ access to justice foundation 3692  
detailing the number and types of cases handled, and the amount 3693  
and types of legal training, legal technical assistance, and other 3694  
service provided, by means of that financial assistance. No 3695  
information contained in the report shall identify or enable the 3696  
identification of any person served by the legal aid society or in 3697  
any way breach client confidentiality. 3698

(2) The Ohio ~~legal assistance~~ access to justice foundation 3699  
shall make an annual report to the governor, the general assembly, 3700  
and the supreme court on the distribution and use of the legal aid 3701  
fund. The foundation also shall include in the annual report an 3702  
audited financial statement of all gifts, bequests, donations, 3703  
contributions, and other moneys the foundation receives. No 3704  
information contained in the report shall identify or enable the 3705  
identification of any person served by a legal aid society, or in 3706  
any way breach confidentiality. 3707

(H) A legal aid society may enter into agreements for the 3708  
provision of services, programs, training, or legal technical 3709  
assistance for the legal aid society or to indigent persons. 3710

**Sec. 121.083.** (A) The superintendent of industrial compliance 3711  
in the department of commerce shall do all of the following: 3712  
3713

~~(A)~~(1) Administer and enforce the general laws of this state 3714  
pertaining to buildings, pressure piping, boilers, bedding, 3715  
upholstered furniture, and stuffed toys, steam engineering, 3716  
elevators, plumbing, licensed occupations regulated by the 3717  
department, and travel agents, as they apply to plans review, 3718  
inspection, code enforcement, testing, licensing, registration, 3719  
and certification. 3720

~~(B)~~(2) Exercise the powers and perform the duties delegated 3721  
to the superintendent by the director of commerce under Chapters 3722  
4109., 4111., and 4115. of the Revised Code. 3723

~~(C)~~(3) Collect and collate statistics as are necessary. 3724

~~(D)~~(4) Examine and license persons who desire to act as steam 3725  
engineers, to operate steam boilers, and to act as inspectors of 3726  
steam boilers, provide for the scope, conduct, and time of such 3727  
examinations, provide for, regulate, and enforce the renewal and 3728  
revocation of such licenses, inspect and examine steam boilers and 3729  
make, publish, and enforce rules and orders for the construction, 3730  
installation, inspection, and operation of steam boilers, and do, 3731  
require, and enforce all things necessary to make such 3732  
examination, inspection, and requirement efficient. 3733

~~(E)~~(5) Rent and furnish offices as needed in cities in this 3734  
state for the conduct of its affairs. 3735

~~(F)~~(6) Oversee a chief of construction and compliance, a 3736  
chief of operations and maintenance, a chief of licensing and 3737  
certification, a chief of worker protection, and other designees 3738  
appointed by the director to perform the duties described in this 3739  
section. 3740

~~(G)~~(7) Enforce the rules the board of building standards 3741  
adopts pursuant to division (A)(2) of section 4104.43 of the 3742  
Revised Code under the circumstances described in division (D) of 3743  
that section. 3744

~~(H)~~(8) Accept submissions, establish a fee for submissions, 3745  
and review submissions of certified welding and brazing procedure 3746  
specifications, procedure qualification records, and performance 3747  
qualification records for building services piping as required by 3748  
section 4104.44 of the Revised Code. 3749

(B) The superintendent may enter into a contract with a 3750  
municipal corporation, township, or county building department 3751  
certified by the board of building standards pursuant to division 3752  
(E) of section 3781.10 of the Revised Code, or a municipal or 3753  
county health district, to do any of the following on behalf of 3754  
the building department or health district: 3755

(1) Exercise enforcement authority pursuant to section 3756  
3781.03 of the Revised Code; 3757

(2) Accept and approve plans and specifications, and make 3758  
inspections, pursuant to section 3791.04 of the Revised Code; 3759

(3) Enforce the rules adopted pursuant to division (A)(2) of 3760  
section 4104.43 of the Revised Code. 3761

**Sec. 121.22.** (A) This section shall be liberally construed to 3762  
require public officials to take official action and to conduct 3763  
all deliberations upon official business only in open meetings 3764  
unless the subject matter is specifically excepted by law. 3765

(B) As used in this section: 3766

(1) "Public body" means any of the following: 3767

(a) Any board, commission, committee, council, or similar 3768  
decision-making body of a state agency, institution, or authority, 3769  
and any legislative authority or board, commission, committee, 3770  
council, agency, authority, or similar decision-making body of any 3771  
county, township, municipal corporation, school district, or other 3772  
political subdivision or local public institution; 3773

(b) Any committee or subcommittee of a body described in 3774

division (B)(1)(a) of this section; 3775

(c) A court of jurisdiction of a sanitary district organized 3776  
wholly for the purpose of providing a water supply for domestic, 3777  
municipal, and public use when meeting for the purpose of the 3778  
appointment, removal, or reappointment of a member of the board of 3779  
directors of such a district pursuant to section 6115.10 of the 3780  
Revised Code, if applicable, or for any other matter related to 3781  
such a district other than litigation involving the district. As 3782  
used in division (B)(1)(c) of this section, "court of 3783  
jurisdiction" has the same meaning as "court" in section 6115.01 3784  
of the Revised Code. 3785

(2) "Meeting" means any prearranged discussion of the public 3786  
business of the public body by a majority of its members. 3787

(3) "Regulated individual" means either of the following: 3788

(a) A student in a state or local public educational 3789  
institution; 3790

(b) A person who is, voluntarily or involuntarily, an inmate, 3791  
patient, or resident of a state or local institution because of 3792  
criminal behavior, mental illness, an intellectual disability, 3793  
disease, disability, age, or other condition requiring custodial 3794  
care. 3795

(4) "Public office" has the same meaning as in section 3796  
149.011 of the Revised Code. 3797

(C) All meetings of any public body are declared to be public 3798  
meetings open to the public at all times. A member of a public 3799  
body shall be present in person at a meeting open to the public to 3800  
be considered present or to vote at the meeting and for purposes 3801  
of determining whether a quorum is present at the meeting. 3802

The minutes of a regular or special meeting of any public 3803  
body shall be promptly prepared, filed, and maintained and shall 3804

be open to public inspection. The minutes need only reflect the 3805  
general subject matter of discussions in executive sessions 3806  
authorized under division (G) or (J) of this section. 3807

(D) This section does not apply to any of the following: 3808

(1) A grand jury; 3809

(2) An audit conference conducted by the auditor of state or 3810  
independent certified public accountants with officials of the 3811  
public office that is the subject of the audit; 3812

(3) The adult parole authority when its hearings are 3813  
conducted at a correctional institution for the sole purpose of 3814  
interviewing inmates to determine parole or pardon and the 3815  
department of rehabilitation and correction when its hearings are 3816  
conducted at a correctional institution for the sole purpose of 3817  
making determinations under section 2967.271 of the Revised Code 3818  
regarding the release or maintained incarceration of an offender 3819  
to whom that section applies; 3820

(4) The organized crime investigations commission established 3821  
under section 177.01 of the Revised Code; 3822

(5) Meetings of a child fatality review board established 3823  
under section 307.621 of the Revised Code, meetings related to a 3824  
review conducted pursuant to guidelines established by the 3825  
director of health under section 3701.70 of the Revised Code, and 3826  
meetings conducted pursuant to sections 5153.171 to 5153.173 of 3827  
the Revised Code; 3828

(6) The state medical board when determining whether to 3829  
suspend a license or certificate without a prior hearing pursuant 3830  
to division (G) of either section 4730.25 or 4731.22 of the 3831  
Revised Code; 3832

(7) The board of nursing when determining whether to suspend 3833  
a license or certificate without a prior hearing pursuant to 3834

division (B) of section 4723.281 of the Revised Code;	3835
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	3836 3837 3838
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	3839 3840 3841
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	3842 3843 3844 3845
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	3846 3847 3848 3849
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	3850 3851 3852 3853
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	3854 3855 3856 3857 3858
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	3859 3860 3861 3862
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when	3863 3864

determining whether to suspend a license without a hearing	3865
pursuant to division (D) of section 4755.64 of the Revised Code;	3866
<u>(16) Meetings of the pregnancy-associated mortality review</u>	3867
<u>board established under section 3738.01 of the Revised Code;</u>	3868
<u>(17) Meetings of a fetal-infant mortality review board</u>	3869
<u>established under section 3707.71 of the Revised Code.</u>	3870
(E) The controlling board, the tax credit authority, or the	3871
minority development financing advisory board, when meeting to	3872
consider granting assistance pursuant to Chapter 122. or 166. of	3873
the Revised Code, in order to protect the interest of the	3874
applicant or the possible investment of public funds, by unanimous	3875
vote of all board or authority members present, may close the	3876
meeting during consideration of the following information	3877
confidentially received by the authority or board from the	3878
applicant:	3879
(1) Marketing plans;	3880
(2) Specific business strategy;	3881
(3) Production techniques and trade secrets;	3882
(4) Financial projections;	3883
(5) Personal financial statements of the applicant or members	3884
of the applicant's immediate family, including, but not limited	3885
to, tax records or other similar information not open to public	3886
inspection.	3887
The vote by the authority or board to accept or reject the	3888
application, as well as all proceedings of the authority or board	3889
not subject to this division, shall be open to the public and	3890
governed by this section.	3891
(F) Every public body, by rule, shall establish a reasonable	3892
method whereby any person may determine the time and place of all	3893
regularly scheduled meetings and the time, place, and purpose of	3894

all special meetings. A public body shall not hold a special 3895  
meeting unless it gives at least twenty-four hours' advance notice 3896  
to the news media that have requested notification, except in the 3897  
event of an emergency requiring immediate official action. In the 3898  
event of an emergency, the member or members calling the meeting 3899  
shall notify the news media that have requested notification 3900  
immediately of the time, place, and purpose of the meeting. 3901

The rule shall provide that any person, upon request and 3902  
payment of a reasonable fee, may obtain reasonable advance 3903  
notification of all meetings at which any specific type of public 3904  
business is to be discussed. Provisions for advance notification 3905  
may include, but are not limited to, mailing the agenda of 3906  
meetings to all subscribers on a mailing list or mailing notices 3907  
in self-addressed, stamped envelopes provided by the person. 3908

(G) Except as provided in divisions (G)(8) and (J) of this 3909  
section, the members of a public body may hold an executive 3910  
session only after a majority of a quorum of the public body 3911  
determines, by a roll call vote, to hold an executive session and 3912  
only at a regular or special meeting for the sole purpose of the 3913  
consideration of any of the following matters: 3914

(1) To consider the appointment, employment, dismissal, 3915  
discipline, promotion, demotion, or compensation of a public 3916  
employee or official, or the investigation of charges or 3917  
complaints against a public employee, official, licensee, or 3918  
regulated individual, unless the public employee, official, 3919  
licensee, or regulated individual requests a public hearing. 3920  
Except as otherwise provided by law, no public body shall hold an 3921  
executive session for the discipline of an elected official for 3922  
conduct related to the performance of the elected official's 3923  
official duties or for the elected official's removal from office. 3924  
If a public body holds an executive session pursuant to division 3925  
(G)(1) of this section, the motion and vote to hold that executive 3926

session shall state which one or more of the approved purposes 3927  
listed in division (G)(1) of this section are the purposes for 3928  
which the executive session is to be held, but need not include 3929  
the name of any person to be considered at the meeting. 3930

(2) To consider the purchase of property for public purposes, 3931  
the sale of property at competitive bidding, or the sale or other 3932  
disposition of unneeded, obsolete, or unfit-for-use property in 3933  
accordance with section 505.10 of the Revised Code, if premature 3934  
disclosure of information would give an unfair competitive or 3935  
bargaining advantage to a person whose personal, private interest 3936  
is adverse to the general public interest. No member of a public 3937  
body shall use division (G)(2) of this section as a subterfuge for 3938  
providing covert information to prospective buyers or sellers. A 3939  
purchase or sale of public property is void if the seller or buyer 3940  
of the public property has received covert information from a 3941  
member of a public body that has not been disclosed to the general 3942  
public in sufficient time for other prospective buyers and sellers 3943  
to prepare and submit offers. 3944

If the minutes of the public body show that all meetings and 3945  
deliberations of the public body have been conducted in compliance 3946  
with this section, any instrument executed by the public body 3947  
purporting to convey, lease, or otherwise dispose of any right, 3948  
title, or interest in any public property shall be conclusively 3949  
presumed to have been executed in compliance with this section 3950  
insofar as title or other interest of any bona fide purchasers, 3951  
lessees, or transferees of the property is concerned. 3952

(3) Conferences with an attorney for the public body 3953  
concerning disputes involving the public body that are the subject 3954  
of pending or imminent court action; 3955

(4) Preparing for, conducting, or reviewing negotiations or 3956  
bargaining sessions with public employees concerning their 3957  
compensation or other terms and conditions of their employment; 3958

(5) Matters required to be kept confidential by federal law	3959
or regulations or state statutes;	3960
(6) Details relative to the security arrangements and	3961
emergency response protocols for a public body or a public office,	3962
if disclosure of the matters discussed could reasonably be	3963
expected to jeopardize the security of the public body or public	3964
office;	3965
(7) In the case of a county hospital operated pursuant to	3966
Chapter 339. of the Revised Code, a joint township hospital	3967
operated pursuant to Chapter 513. of the Revised Code, or a	3968
municipal hospital operated pursuant to Chapter 749. of the	3969
Revised Code, to consider trade secrets, as defined in section	3970
1333.61 of the Revised Code;	3971
(8) To consider confidential information related to the	3972
marketing plans, specific business strategy, production	3973
techniques, trade secrets, or personal financial statements of an	3974
applicant for economic development assistance, or to negotiations	3975
with other political subdivisions respecting requests for economic	3976
development assistance, provided that both of the following	3977
conditions apply:	3978
(a) The information is directly related to a request for	3979
economic development assistance that is to be provided or	3980
administered under any provision of Chapter 715., 725., 1724., or	3981
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43,	3982
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of	3983
the Revised Code, or that involves public infrastructure	3984
improvements or the extension of utility services that are	3985
directly related to an economic development project.	3986
(b) A unanimous quorum of the public body determines, by a	3987
roll call vote, that the executive session is necessary to protect	3988
the interests of the applicant or the possible investment or	3989

expenditure of public funds to be made in connection with the 3990  
economic development project. 3991

If a public body holds an executive session to consider any 3992  
of the matters listed in divisions (G)(2) to (8) of this section, 3993  
the motion and vote to hold that executive session shall state 3994  
which one or more of the approved matters listed in those 3995  
divisions are to be considered at the executive session. 3996

A public body specified in division (B)(1)(c) of this section 3997  
shall not hold an executive session when meeting for the purposes 3998  
specified in that division. 3999

(H) A resolution, rule, or formal action of any kind is 4000  
invalid unless adopted in an open meeting of the public body. A 4001  
resolution, rule, or formal action adopted in an open meeting that 4002  
results from deliberations in a meeting not open to the public is 4003  
invalid unless the deliberations were for a purpose specifically 4004  
authorized in division (G) or (J) of this section and conducted at 4005  
an executive session held in compliance with this section. A 4006  
resolution, rule, or formal action adopted in an open meeting is 4007  
invalid if the public body that adopted the resolution, rule, or 4008  
formal action violated division (F) of this section. 4009

(I)(1) Any person may bring an action to enforce this 4010  
section. An action under division (I)(1) of this section shall be 4011  
brought within two years after the date of the alleged violation 4012  
or threatened violation. Upon proof of a violation or threatened 4013  
violation of this section in an action brought by any person, the 4014  
court of common pleas shall issue an injunction to compel the 4015  
members of the public body to comply with its provisions. 4016

(2)(a) If the court of common pleas issues an injunction 4017  
pursuant to division (I)(1) of this section, the court shall order 4018  
the public body that it enjoins to pay a civil forfeiture of five 4019  
hundred dollars to the party that sought the injunction and shall 4020

award to that party all court costs and, subject to reduction as 4021  
described in division (I)(2) of this section, reasonable 4022  
attorney's fees. The court, in its discretion, may reduce an award 4023  
of attorney's fees to the party that sought the injunction or not 4024  
award attorney's fees to that party if the court determines both 4025  
of the following: 4026

(i) That, based on the ordinary application of statutory law 4027  
and case law as it existed at the time of violation or threatened 4028  
violation that was the basis of the injunction, a well-informed 4029  
public body reasonably would believe that the public body was not 4030  
violating or threatening to violate this section; 4031

(ii) That a well-informed public body reasonably would 4032  
believe that the conduct or threatened conduct that was the basis 4033  
of the injunction would serve the public policy that underlies the 4034  
authority that is asserted as permitting that conduct or 4035  
threatened conduct. 4036

(b) If the court of common pleas does not issue an injunction 4037  
pursuant to division (I)(1) of this section and the court 4038  
determines at that time that the bringing of the action was 4039  
frivolous conduct, as defined in division (A) of section 2323.51 4040  
of the Revised Code, the court shall award to the public body all 4041  
court costs and reasonable attorney's fees, as determined by the 4042  
court. 4043

(3) Irreparable harm and prejudice to the party that sought 4044  
the injunction shall be conclusively and irrebuttably presumed 4045  
upon proof of a violation or threatened violation of this section. 4046

(4) A member of a public body who knowingly violates an 4047  
injunction issued pursuant to division (I)(1) of this section may 4048  
be removed from office by an action brought in the court of common 4049  
pleas for that purpose by the prosecuting attorney or the attorney 4050  
general. 4051

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

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the executive director of the opportunities for Ohioans with disabilities

agency, the medicaid director, and the directors of youth 4082  
services, job and family services, mental health and addiction 4083  
services, health, developmental disabilities, aging, 4084  
rehabilitation and correction, and budget and management. The 4085  
chairperson of the council shall be the governor or the governor's 4086  
designee and shall establish procedures for the council's internal 4087  
control and management. 4088

The purpose of the cabinet council is to help families 4089  
seeking government services. This section shall not be interpreted 4090  
or applied to usurp the role of parents, but solely to streamline 4091  
and coordinate existing government services for families seeking 4092  
assistance for their children. 4093

(2) In seeking to fulfill its purpose, the council may do any 4094  
of the following: 4095

(a) Advise and make recommendations to the governor and 4096  
general assembly regarding the provision of services to children; 4097

(b) Advise and assess local governments on the coordination 4098  
of service delivery to children; 4099

(c) Hold meetings at such times and places as may be 4100  
prescribed by the council's procedures and maintain records of the 4101  
meetings, except that records identifying individual children are 4102  
confidential and shall be disclosed only as provided by law; 4103

(d) Develop programs and projects, including pilot projects, 4104  
to encourage coordinated efforts at the state and local level to 4105  
improve the state's social service delivery system; 4106

(e) Enter into contracts with and administer grants to county 4107  
family and children first councils, as well as other county or 4108  
multicounty organizations to plan and coordinate service delivery 4109  
between state agencies and local service providers for families 4110  
and children; 4111

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	4112 4113
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	4114 4115 4116 4117 4118
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	4119 4120 4121 4122
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	4123 4124 4125 4126
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	4127 4128 4129 4130
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	4131 4132 4133 4134
(3) The cabinet council shall provide for the following:	4135
(a) Reviews of service and treatment plans for children for which such reviews are requested;	4136 4137
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	4138 4139 4140
(c) Monitoring and supervision of a statewide, comprehensive,	4141

coordinated, multi-disciplinary, interagency system for infants 4142  
and toddlers with developmental disabilities or delays and their 4143  
families, as established pursuant to federal grants received and 4144  
administered by the department of health for early intervention 4145  
services under the "Individuals with Disabilities Education Act of 4146  
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 4147

(4) The cabinet council shall develop and implement the 4148  
following: 4149

(a) An interagency process to select the indicators that will 4150  
be used to measure progress toward increasing child well-being in 4151  
the state and to update the indicators on an annual basis. The 4152  
indicators shall focus on expectant parents and newborns thriving; 4153  
infants and toddlers thriving; children being ready for school; 4154  
children and youth succeeding in school; youth choosing healthy 4155  
behaviors; and youth successfully transitioning into adulthood. 4156

(b) An interagency system to offer guidance and monitor 4157  
progress toward increasing child well-being in the state and in 4158  
each county; 4159

(c) An annual plan that identifies state-level agency efforts 4160  
taken to ensure progress towards increasing child well-being in 4161  
the state. 4162

On an annual basis, the cabinet council shall submit to the 4163  
governor and the general assembly a report on the status of 4164  
efforts to increase child well-being in the state. This report 4165  
shall be made available to any other person on request. 4166

(B)(1) Each board of county commissioners shall establish a 4167  
county family and children first council. The board may invite any 4168  
local public or private agency or group that funds, advocates, or 4169  
provides services to children and families to have a 4170  
representative become a permanent or temporary member of its 4171  
county council. Each county council must include the following 4172

individuals:	4173
(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.	4174 4175 4176 4177 4178 4179
(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.	4180 4181 4182 4183 4184 4185 4186
(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.	4187 4188 4189 4190 4191
(d) The director of the county department of job and family services;	4192 4193
(e) The executive director of the public children services agency;	4194 4195
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	4196 4197 4198 4199
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its	4200 4201 4202 4203

determination at least biennially;	4204
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	4205 4206 4207
(i) A representative of the municipal corporation with the largest population in the county;	4208 4209
(j) The president of the board of county commissioners or an individual designated by the board;	4210 4211
(k) A representative of the <del>regional office of the</del> department of youth services <u>or an individual designated by the department;</u>	4212 4213
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	4214 4215
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	4216 4217 4218 4219
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	4220 4221
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	4222 4223 4224 4225 4226 4227
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state	4228 4229 4230 4231 4232 4233

funds for services to children and families be redirected to a county's board of county commissioners.

The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge, by the judge senior in service shall serve as the judicial advisor to the county family and children first council. The judge may advise the county council on the court's utilization of resources, services, or programs provided by the entities represented by the members of the county council and how those resources, services, or programs assist the court in its administration of justice. Service of a judge as a judicial advisor pursuant to this section is a judicial function.

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

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

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

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

(d) Maintenance of an accountability system to monitor the

county council's progress in achieving results for families and children;	4265 4266
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	4267 4268 4269
(3) A county council shall develop and implement the following:	4270 4271
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	4272 4273 4274
(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.	4275 4276 4277 4278 4279 4280 4281 4282
(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.	4283 4284
On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.	4285 4286 4287 4288 4289
(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.	4290 4291 4292 4293 4294 4295

(b) On application of a county council, the cabinet council 4296  
may grant an exemption from any rules or interagency agreements of 4297  
a state department participating on the council if an exemption is 4298  
necessary for the council to implement an alternative program or 4299  
approach for service delivery to families and children. The 4300  
application shall describe the proposed program or approach and 4301  
specify the rules or interagency agreements from which an 4302  
exemption is necessary. The cabinet council shall approve or 4303  
disapprove the application in accordance with standards and 4304  
procedures it shall adopt. If an application is approved, the 4305  
exemption is effective only while the program or approach is being 4306  
implemented, including a reasonable period during which the 4307  
program or approach is being evaluated for effectiveness. 4308

(5)(a) Each county council shall designate an administrative 4309  
agent for the council from among the following public entities: 4310  
the board of alcohol, drug addiction, and mental health services, 4311  
including a board of alcohol and drug addiction or a community 4312  
mental health board if the county is served by separate boards; 4313  
the board of county commissioners; any board of health of the 4314  
county's city and general health districts; the county department 4315  
of job and family services; the county agency responsible for the 4316  
administration of children services pursuant to section 5153.15 of 4317  
the Revised Code; the county board of developmental disabilities; 4318  
any of the county's boards of education or governing boards of 4319  
educational service centers; or the county's juvenile court. Any 4320  
of the foregoing public entities, other than the board of county 4321  
commissioners, may decline to serve as the council's 4322  
administrative agent. 4323

A county council's administrative agent shall serve as the 4324  
council's appointing authority for any employees of the council. 4325  
The council shall file an annual budget with its administrative 4326  
agent, with copies filed with the county auditor and with the 4327

board of county commissioners, unless the board is serving as the 4328  
council's administrative agent. The council's administrative agent 4329  
shall ensure that all expenditures are handled in accordance with 4330  
policies, procedures, and activities prescribed by state 4331  
departments in rules or interagency agreements that are applicable 4332  
to the council's functions. 4333

The administrative agent of a county council shall send 4334  
notice of a member's absence if a member listed in division (B)(1) 4335  
of this section has been absent from either three consecutive 4336  
meetings of the county council or a county council subcommittee, 4337  
or from one-quarter of such meetings in a calendar year, whichever 4338  
is less. The notice shall be sent to the board of county 4339  
commissioners that establishes the county council and, for the 4340  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4341  
section, to the governing board overseeing the respective entity; 4342  
for the member listed in division (B)(1)(f) of this section, to 4343  
the county board of developmental disabilities that employs the 4344  
superintendent; for a member listed in division (B)(1)(g) or (h) 4345  
of this section, to the school board that employs the 4346  
superintendent; for the member listed in division (B)(1)(i) of 4347  
this section, to the mayor of the municipal corporation; for the 4348  
member listed in division (B)(1)(k) of this section, to the 4349  
director of youth services; and for the member listed in division 4350  
(B)(1)(n) of this section, to that member's board of trustees. 4351

The administrative agent for a county council may do any of 4352  
the following on behalf of the council: 4353

(i) Enter into agreements or administer contracts with public 4354  
or private entities to fulfill specific council business. Such 4355  
agreements and contracts are exempt from the competitive bidding 4356  
requirements of section 307.86 of the Revised Code if they have 4357  
been approved by the county council and they are for the purchase 4358  
of family and child welfare or child protection services or other 4359

social or job and family services for families and children. The 4360  
approval of the county council is not required to exempt 4361  
agreements or contracts entered into under section 5139.34, 4362  
5139.41, or 5139.43 of the Revised Code from the competitive 4363  
bidding requirements of section 307.86 of the Revised Code. 4364

(ii) As determined by the council, provide financial 4365  
stipends, reimbursements, or both, to family representatives for 4366  
expenses related to council activity; 4367

(iii) Receive by gift, grant, devise, or bequest any moneys, 4368  
lands, or other property for the purposes for which the council is 4369  
established. The agent shall hold, apply, and dispose of the 4370  
moneys, lands, or other property according to the terms of the 4371  
gift, grant, devise, or bequest. Any interest or earnings shall be 4372  
treated in the same manner and are subject to the same terms as 4373  
the gift, grant, devise, or bequest from which it accrues. 4374

(b)(i) If the county council designates the board of county 4375  
commissioners as its administrative agent, the board may, by 4376  
resolution, delegate any of its powers and duties as 4377  
administrative agent to an executive committee the board 4378  
establishes from the membership of the county council. The board 4379  
shall name to the executive committee at least the individuals 4380  
described in divisions (B)(1)(b) to (h) of this section and may 4381  
appoint the president of the board or another individual as the 4382  
chair of the executive committee. The executive committee must 4383  
include at least one family county council representative who does 4384  
not have a family member employed by an agency represented on the 4385  
council. 4386

(ii) The executive committee may, with the approval of the 4387  
board, hire an executive director to assist the county council in 4388  
administering its powers and duties. The executive director shall 4389  
serve in the unclassified civil service at the pleasure of the 4390  
executive committee. The executive director may, with the approval 4391

of the executive committee, hire other employees as necessary to 4392  
properly conduct the county council's business. 4393

(iii) The board may require the executive committee to submit 4394  
an annual budget to the board for approval and may amend or repeal 4395  
the resolution that delegated to the executive committee its 4396  
authority as the county council's administrative agent. 4397

(6) Two or more county councils may enter into an agreement 4398  
to administer their county councils jointly by creating a regional 4399  
family and children first council. A regional council possesses 4400  
the same duties and authority possessed by a county council, 4401  
except that the duties and authority apply regionally rather than 4402  
to individual counties. Prior to entering into an agreement to 4403  
create a regional council, the members of each county council to 4404  
be part of the regional council shall meet to determine whether 4405  
all or part of the members of each county council will serve as 4406  
members of the regional council. 4407

(7) A board of county commissioners may approve a resolution 4408  
by a majority vote of the board's members that requires the county 4409  
council to submit a statement to the board each time the council 4410  
proposes to enter into an agreement, adopt a plan, or make a 4411  
decision, other than a decision pursuant to section 121.38 of the 4412  
Revised Code, that requires the expenditure of funds for two or 4413  
more families. The statement shall describe the proposed 4414  
agreement, plan, or decision. 4415

Not later than fifteen days after the board receives the 4416  
statement, it shall, by resolution approved by a majority of its 4417  
members, approve or disapprove the agreement, plan, or decision. 4418  
Failure of the board to pass a resolution during that time period 4419  
shall be considered approval of the agreement, plan, or decision. 4420

An agreement, plan, or decision for which a statement is 4421  
required to be submitted to the board shall be implemented only if 4422

it is approved by the board. 4423

(C) Each county shall develop a county service coordination 4424  
mechanism. The county service coordination mechanism shall serve 4425  
as the guiding document for coordination of services in the 4426  
county. For children who also receive services under the help me 4427  
grow program, the service coordination mechanism shall be 4428  
consistent with rules adopted by the department of health under 4429  
section 3701.61 of the Revised Code. All family service 4430  
coordination plans shall be developed in accordance with the 4431  
county service coordination mechanism. The mechanism shall be 4432  
developed and approved with the participation of the county 4433  
entities representing child welfare; developmental disabilities; 4434  
alcohol, drug addiction, and mental health services; health; 4435  
juvenile judges; education; the county family and children first 4436  
council; and the county early intervention collaborative 4437  
established pursuant to the federal early intervention program 4438  
operated under the "Individuals with Disabilities Education Act of 4439  
2004." The county shall establish an implementation schedule for 4440  
the mechanism. The cabinet council may monitor the implementation 4441  
and administration of each county's service coordination 4442  
mechanism. 4443

Each mechanism shall include all of the following: 4444

(1) A procedure for an agency, including a juvenile court, or 4445  
a family voluntarily seeking service coordination, to refer the 4446  
child and family to the county council for service coordination in 4447  
accordance with the mechanism; 4448

(2) A procedure ensuring that a family and all appropriate 4449  
staff from involved agencies, including a representative from the 4450  
appropriate school district, are notified of and invited to 4451  
participate in all family service coordination plan meetings; 4452

(3) A procedure that permits a family to initiate a meeting 4453

to develop or review the family's service coordination plan and 4454  
allows the family to invite a family advocate, mentor, or support 4455  
person of the family's choice to participate in any such meeting; 4456

(4) A procedure for ensuring that a family service 4457  
coordination plan meeting is conducted for each child who receives 4458  
service coordination under the mechanism and for whom an emergency 4459  
out-of-home placement has been made or for whom a nonemergency 4460  
out-of-home placement is being considered. The meeting shall be 4461  
conducted within ten days of an emergency out-of-home placement. 4462  
The meeting shall be conducted before a nonemergency out-of-home 4463  
placement. The family service coordination plan shall outline how 4464  
the county council members will jointly pay for services, where 4465  
applicable, and provide services in the least restrictive 4466  
environment. 4467

(5) A procedure for monitoring the progress and tracking the 4468  
outcomes of each service coordination plan requested in the county 4469  
including monitoring and tracking children in out-of-home 4470  
placements to assure continued progress, appropriateness of 4471  
placement, and continuity of care after discharge from placement 4472  
with appropriate arrangements for housing, treatment, and 4473  
education; 4474

(6) A procedure for protecting the confidentiality of all 4475  
personal family information disclosed during service coordination 4476  
meetings or contained in the comprehensive family service 4477  
coordination plan; 4478

(7) A procedure for assessing the needs and strengths of any 4479  
child or family that has been referred to the council for service 4480  
coordination, including a child whose parent or custodian is 4481  
voluntarily seeking services, and for ensuring that parents and 4482  
custodians are afforded the opportunity to participate; 4483

(8) A procedure for development of a family service 4484

coordination plan described in division (D) of this section; 4485

(9) A local dispute resolution process to serve as the 4486  
process that must be used first to resolve disputes among the 4487  
agencies represented on the county council concerning the 4488  
provision of services to children, including children who are 4489  
abused, neglected, dependent, unruly, alleged unruly, or 4490  
delinquent children and under the jurisdiction of the juvenile 4491  
court and children whose parents or custodians are voluntarily 4492  
seeking services. The local dispute resolution process shall 4493  
comply with sections 121.38, 121.381, and 121.382 of the Revised 4494  
Code. The local dispute resolution process shall be used to 4495  
resolve disputes between a child's parents or custodians and the 4496  
county council regarding service coordination. The county council 4497  
shall inform the parents or custodians of their right to use the 4498  
dispute resolution process. Parents or custodians shall use 4499  
existing local agency grievance procedures to address disputes not 4500  
involving service coordination. The dispute resolution process is 4501  
in addition to and does not replace other rights or procedures 4502  
that parents or custodians may have under other sections of the 4503  
Revised Code. 4504

The cabinet council shall adopt rules in accordance with 4505  
Chapter 119. of the Revised Code establishing an administrative 4506  
review process to address problems that arise concerning the 4507  
operation of a local dispute resolution process. 4508

Nothing in division (C)(4) of this section shall be 4509  
interpreted as overriding or affecting decisions of a juvenile 4510  
court regarding an out-of-home placement, long-term placement, or 4511  
emergency out-of-home placement. 4512

(D) Each county shall develop a family service coordination 4513  
plan that does all of the following: 4514

(1) Designates service responsibilities among the various 4515

state and local agencies that provide services to children and 4516  
their families, including children who are abused, neglected, 4517  
dependent, unruly, or delinquent children and under the 4518  
jurisdiction of the juvenile court and children whose parents or 4519  
custodians are voluntarily seeking services; 4520

(2) Designates an individual, approved by the family, to 4521  
track the progress of the family service coordination plan, 4522  
schedule reviews as necessary, and facilitate the family service 4523  
coordination plan meeting process; 4524

(3) Ensures that assistance and services to be provided are 4525  
responsive to the strengths and needs of the family, as well as 4526  
the family's culture, race, and ethnic group, by allowing the 4527  
family to offer information and suggestions and participate in 4528  
decisions. Identified assistance and services shall be provided in 4529  
the least restrictive environment possible. 4530

(4) Includes a process for dealing with a child who is 4531  
alleged to be an unruly child. The process shall include methods 4532  
to divert the child from the juvenile court system; 4533

(5) Includes timelines for completion of goals specified in 4534  
the plan with regular reviews scheduled to monitor progress toward 4535  
those goals; 4536

(6) Includes a plan for dealing with short-term crisis 4537  
situations and safety concerns. 4538

(E)(1) The process provided for under division (D)(4) of this 4539  
section may include, but is not limited to, the following: 4540

(a) Designation of the person or agency to conduct the 4541  
assessment of the child and the child's family as described in 4542  
division (C)(7) of this section and designation of the instrument 4543  
or instruments to be used to conduct the assessment; 4544

(b) An emphasis on the personal responsibilities of the child 4545

and the parental responsibilities of the parents, guardian, or  
custodian of the child; 4546  
4547

(c) Involvement of local law enforcement agencies and  
officials. 4548  
4549

(2) The method to divert a child from the juvenile court  
system that must be included in the service coordination process 4550  
4551  
may include, but is not limited to, the following: 4552

(a) The preparation of a complaint under section 2151.27 of  
the Revised Code alleging that the child is an unruly child and 4553  
4554  
notifying the child and the parents, guardian, or custodian that 4555  
the complaint has been prepared to encourage the child and the 4556  
parents, guardian, or custodian to comply with other methods to 4557  
divert the child from the juvenile court system; 4558

(b) Conducting a meeting with the child, the parents,  
guardian, or custodian, and other interested parties to determine 4559  
4560  
the appropriate methods to divert the child from the juvenile 4561  
court system; 4562

(c) A method to provide to the child and the child's family a  
short-term respite from a short-term crisis situation involving a 4563  
4564  
confrontation between the child and the parents, guardian, or 4565  
custodian; 4566

(d) A program to provide a mentor to the child or the  
parents, guardian, or custodian; 4567  
4568

(e) A program to provide parenting education to the parents,  
guardian, or custodian; 4569  
4570

(f) An alternative school program for children who are truant  
from school, repeatedly disruptive in school, or suspended or 4571  
4572  
expelled from school; 4573

(g) Other appropriate measures, including, but not limited  
to, any alternative methods to divert a child from the juvenile 4574  
4575

court system that are identified by the Ohio family and children 4576  
first cabinet council. 4577

(F) Each county may review and revise the service 4578  
coordination process described in division (D) of this section 4579  
based on the availability of funds under Title IV-A of the "Social 4580  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4581  
or to the extent resources are available from any other federal, 4582  
state, or local funds. 4583

Sec. 121.374. (A) It is the intent of this state and the 4584  
general assembly that custody relinquishment for the sole purpose 4585  
of gaining access to child-specific services for multi-system 4586  
children and youth shall cease. 4587

(B) The Ohio family and children first council established 4588  
under section 121.37 of the Revised Code shall develop a 4589  
comprehensive multi-system youth action plan that does the 4590  
following: 4591

(1) Defines and establishes shared responsibility between 4592  
county and state child-serving systems for providing and funding 4593  
multi-system youth services; 4594

(2) Provides recommendations for flexible spending at the 4595  
state level within the cabinet council; 4596

(3) Defines the model and process by which the flexible 4597  
spending may be accessed to pay for services for multi-system 4598  
youth; 4599

(4) Identifies strategies to assist with reducing custody 4600  
relinquishment for the sole purpose of gaining access to services 4601  
for multi-system children and youth; 4602

(5) Implements the full final recommendations of the joint 4603  
legislative committee for multi-system youth; 4604

(6) Conducts an assessment of the legal and financial 4605

conditions that contribute to custody relinquishment for the 4606  
purposes of receiving child-specific services. 4607

(C) Not later than December 31, 2019, the cabinet council 4608  
shall submit its final action plan to the general assembly. 4609

**Sec. 121.93.** (A) An agency, ~~at reasonable intervals,~~ shall 4610  
review its operations to identify principles of law or policy that 4611  
have not been stated in a rule and that the agency is relying upon 4612  
in conducting adjudications or other determinations of rights and 4613  
liabilities or in issuing writings and other materials, such as 4614  
instructions, directives, policy statements, guidelines, 4615  
handbooks, manuals, advisories, notices, circulars, 4616  
advertisements, forms, letters, and opinions. An agency is not 4617  
required to identify principles of law or policy relied upon in 4618  
issuing internal management rules as defined in section 111.15 of 4619  
the Revised Code. The agency shall complete at least one of the 4620  
reviews during a governor's term. ~~Within~~ 4621

Within three months after the expiration of a governor's 4622  
term, the agency electronically shall transmit a report to the 4623  
joint committee on agency rule review, ~~a notice stating~~ containing 4624  
the following: 4625

(1) A statement that the agency has completed one or more of 4626  
the reviews, specifying the exact number of reviews completed 4627  
during the governor's expired term; 4628

(2) The principles of law or policies identified under this 4629  
division; 4630

(3) The agency's considerations regarding the identified 4631  
principles of law or policies under division (B) of this section; 4632

(4) Any principles of law or policies for which the agency 4633  
determines rulemaking is indicated or for which the agency has 4634  
commenced the rule-making process under division (C) of this 4635

section. 4636

The joint committee on agency rule review shall make the 4637  
reports available on its web site. 4638

(B) The agency shall determine whether a principle of law or 4639  
policy thus identified has a general and uniform operation and 4640  
establishes a legal regulation or standard that would not exist in 4641  
its absence. If the principle of law or policy has these 4642  
characteristics, the agency shall determine whether the principle 4643  
of law or policy should be supplanted by its restatement in a rule 4644  
to achieve one or more of the following as they are relevant to 4645  
the principle of law or policy: 4646

(1) Assert the general and uniform operation of the principle 4647  
of law or policy; 4648

(2) Make the principle of law or policy more readily 4649  
available to the public; 4650

(3) Make the principle of law or policy more readily 4651  
available to persons who specifically are affected by the 4652  
principle of law or policy; 4653

(4) Enable the principle of law or policy to be better known 4654  
in advance of its application; 4655

(5) Enable greater public participation in improvement and 4656  
further development of the principle of law or policy; 4657

(6) Enable greater participation by persons specifically 4658  
affected by the principle of law or policy in the improvement and 4659  
further development of the principle of law or policy; 4660

(7) Make the principle of law or policy more easily 4661  
understandable; or 4662

(8) Make the principle of law or policy more readily 4663  
available to those legally charged with monitoring or reviewing 4664  
the agency's operations. 4665

If a principle of law or policy aids in the interpretation of 4666  
an existing rule or statute, the agency shall consider whether the 4667  
aiding effect clarifies or otherwise resolves an uncertainty in 4668  
the existing rule or statute. If the principle of law or policy 4669  
can be so characterized, the agency shall consider whether the 4670  
principle of law or policy should be supplanted by its restatement 4671  
in an interpretive rule. The agency may not presume that a 4672  
principle of law or policy that aids in the interpretation of an 4673  
existing rule or statute is simply a reiteration of the existing 4674  
rule or statute. 4675

(C) If the agency determines, in light of the foregoing 4676  
standards, that rulemaking is indicated, the agency shall commence 4677  
the rule-making process as soon as it is reasonably feasible to do 4678  
so, but not later than the date that is six months after the 4679  
determination was made. The principle of law or policy as it is 4680  
restated in a rule does not need to be wholly congruent with the 4681  
supplanted principle of law or policy. The agency lawfully may 4682  
improve or develop further the supplanted principle of law or 4683  
policy as it is restated in a rule. 4684

The agency may continue to rely upon the principle of law or 4685  
policy, but only while it is complying with the preceding 4686  
paragraph. The agency may not rely upon the principle of law or 4687  
policy in advising with regard to or in determining the rights or 4688  
liabilities of a person if the agency fails to commence the 4689  
rule-making process by the deadline specified in the preceding 4690  
paragraph, or if, after commencing the rule-making process, the 4691  
agency neglects or abandons the rule-making process before it is 4692  
completed. 4693

(D) A principle of law or policy that is relied upon directly 4694  
or by clear implication from a statute applying to the agency does 4695  
not need to be supplanted by rule. 4696

Sec. 121.95. (A) As used in this section, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of this section.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must," "require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law; 4727  
4728  
4729  
4730  
4731

(6) Any other information the joint committee on agency rule review considers necessary. 4732  
4733

(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate. 4734  
4735  
4736  
4737  
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4740

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions: 4741  
4742  
4743

(1) An internal management rule; 4744

(2) An emergency rule; 4745

(3) A rule that state or federal law requires the state agency to adopt verbatim; 4746  
4747

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code; 4748  
4749  
4750

(5) A rule adopted pursuant to section 1347.15 of the Revised Code; 4751  
4752

(6) A rule concerning instant lottery games; 4753

(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code. 4754  
4755

(F) Beginning on the effective date of this section and 4756

ending on June 30, 2023, a the state agency may not adopt a new 4757  
regulatory restriction unless it simultaneously removes two or 4758  
more other existing regulatory restrictions. The state agency may 4759  
not satisfy this section by merging two or more existing 4760  
regulatory restrictions into a single surviving regulatory 4761  
restriction. 4762

**Sec. 122.075.** (A) As used in this section: 4763

(1) "Alternative fuel" has the same meaning as in section 4764  
125.831 of the Revised Code. 4765

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 4766  
fuel that is derived from vegetable oils or animal fats, or any 4767  
combination of those reagents, and that meets American society for 4768  
testing and materials specification D6751-03a for biodiesel fuel 4769  
(B100) blend stock distillate fuels. 4770

(3) "Diesel fuel" and "gasoline" have the same meanings as in 4771  
section 5735.01 of the Revised Code. 4772

(4) "Ethanol" has the same meaning as in section 5733.46 of 4773  
the Revised Code. 4774

(5) "Blended biodiesel" means diesel fuel containing at least 4775  
twenty per cent biodiesel by volume. 4776

(6) "Blended gasoline" means gasoline containing at least 4777  
eighty-five per cent ethanol by volume. 4778

(7) "Incremental cost" means either of the following: 4779

(a) The difference in cost between blended gasoline and 4780  
gasoline containing ten per cent or less ethanol at the time that 4781  
the blended gasoline is purchased; 4782

(b) The difference in cost between blended biodiesel and 4783  
diesel fuel containing two per cent or less biodiesel at the time 4784  
that the blended biodiesel is purchased. 4785

(B) For the purpose of improving the air quality in this 4786  
state, the director of development services shall establish an 4787  
alternative fuel transportation program under which the director 4788  
may make grants and loans to businesses, nonprofit organizations, 4789  
public school systems, or local governments for the purchase and 4790  
installation of alternative fuel refueling or distribution 4791  
facilities and terminals, for the purchase and use of alternative 4792  
fuel, to pay the cost of fleet conversion, and to pay the costs of 4793  
educational and promotional materials and activities intended for 4794  
prospective alternative fuel consumers, fuel marketers, and others 4795  
in order to increase the availability and use of alternative fuel. 4796

(C) The director, in consultation with the director of 4797  
agriculture, shall adopt rules in accordance with Chapter 119. of 4798  
the Revised Code that are necessary for the administration of the 4799  
alternative fuel transportation program. The rules shall establish 4800  
at least all of the following: 4801

(1) An application form and procedures governing the 4802  
application process for receiving funds under the program; 4803

(2) A procedure for prioritizing the award of grants and 4804  
loans under the program. The procedures shall give preference to 4805  
all of the following: 4806

(a) Publicly accessible refueling facilities; 4807

(b) Entities applying to the program that have secured 4808  
funding from other sources, including, but not limited to, private 4809  
or federal incentives; 4810

(c) Entities that have presented compelling evidence of 4811  
demand in the market in which the facilities or terminals will be 4812  
located; 4813

(d) Entities that have committed to utilizing purchased or 4814  
installed facilities or terminals for the greatest number of 4815  
years; 4816

(e) Entities that will be purchasing or installing facilities 4817  
or terminals for any type of alternative fuel. 4818

(3) A requirement that the maximum incentive for the purchase 4819  
and installation of an alternative fuel refueling or distribution 4820  
facility or terminal be eighty per cent of the cost of the 4821  
facility or terminal, except that at least twenty per cent of the 4822  
total cost of the facility or terminal shall be incurred by the 4823  
recipient and not compensated for by any other source; 4824

(4) A requirement that the maximum incentive for the purchase 4825  
of alternative fuel be eighty per cent of the cost of the fuel or, 4826  
in the case of blended biodiesel or blended gasoline, eighty per 4827  
cent of the incremental cost of the blended biodiesel or blended 4828  
gasoline; 4829

(5) Any other criteria, procedures, or guidelines that the 4830  
director determines are necessary to administer the program, 4831  
including fees, charges, interest rates, and payment schedules. 4832

(D) An applicant for a grant or loan under this section that 4833  
sells motor vehicle fuel at retail shall agree that if the 4834  
applicant receives funding, the applicant will report to the 4835  
director the gallon or gallon equivalent amounts of alternative 4836  
fuel the applicant sells at retail in this state for a period of 4837  
three years after the project is completed. 4838

The director shall enter into a written confidentiality 4839  
agreement with the applicant regarding the gallon or gallon 4840  
equivalent amounts sold as described in this division, and upon 4841  
execution of the agreement this information is not a public 4842  
record. 4843

(E) There is hereby created in the state treasury the 4844  
alternative fuel transportation fund. The fund shall consist of 4845  
money transferred to the fund under division (B) of section 4846  
125.836 and ~~under division (B)(2) of section 3706.27~~ of the 4847

Revised Code, money that is appropriated to it by the general 4848  
assembly, money as may be specified by the general assembly from 4849  
the advanced energy fund created by section 4928.61 of the Revised 4850  
Code, and all money received from the repayment of loans made from 4851  
the fund or in the event of a default on any such loan. Money in 4852  
the fund shall be used to make grants and loans under the 4853  
alternative fuel transportation program and by the director in the 4854  
administration of that program. 4855

**Sec. 122.121.** (A) A local organizing committee, endorsing 4856  
municipality, or endorsing county that has entered into a joinder 4857  
undertaking with a site selection organization may apply to the 4858  
director of development services, on a form and in the manner 4859  
prescribed by the director, for a grant from the sports event 4860  
grant fund created under section 122.122 of the Revised Code with 4861  
respect to a game ~~that has not been held in this state by the~~ 4862  
~~organization in either of the two preceding years and to which~~ 4863  
either of the following applies: 4864

(1) The organization accepts competitive bids to host the 4865  
game. 4866

(2) The game is a one-time centennial commemoration of the 4867  
founding of a national football organization, association, or 4868  
league. 4869

The amount of the grant shall be based on the projected 4870  
incremental increase in the receipts from the tax imposed under 4871  
section 5739.02 of the Revised Code within the market area 4872  
designated under division (C) of this section, for the two-week 4873  
period that ends at the end of the day after the date on which the 4874  
game will be held, that is directly attributable, as determined by 4875  
the director, to the preparation for and presentation of the game. 4876  
The director shall determine the projected incremental increase in 4877  
the tax imposed under section 5739.02 of the Revised Code by using 4878

a formula approved by the director in consultation with the tax 4879  
commissioner. The application shall include an estimate of the 4880  
committee's, municipality's, or county's qualifying costs under 4881  
the game support contract. The local organizing committee, 4882  
endorsing municipality, or endorsing county is eligible to receive 4883  
a grant under this section only if the projected incremental 4884  
increase in receipts from the tax imposed under section 5739.02 of 4885  
the Revised Code, as determined by the director, exceeds two 4886  
hundred fifty thousand dollars. The amount of the grant ~~shall be~~ 4887  
shall be not less than fifty per cent of the projected incremental 4888  
increase in receipts, as determined by the director, but shall not 4889  
exceed the lesser of two million dollars or the amount of the 4890  
committee's, municipality's, or county's qualifying costs under 4891  
the game support contract. The director shall disburse the grant 4892  
to the local organizing committee, endorsing municipality, or 4893  
endorsing county from the sports event grant fund. 4894

(B) If the director of development services approves an 4895  
application for a local organizing committee, endorsing 4896  
municipality, or endorsing county and that local organizing 4897  
committee, endorsing municipality, or endorsing county enters into 4898  
a joinder agreement with a site selection organization, the local 4899  
organizing committee, endorsing municipality, or endorsing county 4900  
shall file a copy of the joinder agreement with the director. The 4901  
grant shall be used exclusively by the local organizing committee, 4902  
endorsing municipality, or endorsing county to pay its qualifying 4903  
costs under the game support contract. 4904

(C) For the purposes of division (A) of this section, the 4905  
director of development services, in consultation with the tax 4906  
commissioner, shall designate the market area for a game. The 4907  
market area shall consist of the combined statistical area, as 4908  
defined by the United States office of management and budget, in 4909  
which an endorsing municipality or endorsing county is located. 4910

(D) A local organizing committee, endorsing municipality, or 4911  
endorsing county shall provide information required by the 4912  
director of development services and tax commissioner to enable 4913  
the director and commissioner to fulfill their duties under this 4914  
section, including annual audited statements of any financial 4915  
records required by a site selection organization; data obtained 4916  
by the local organizing committee, endorsing municipality, or 4917  
endorsing county relating to attendance at a game and to the 4918  
economic impact of the game; and financial records from the 4919  
committee, municipality, or county verifying its qualifying costs 4920  
under the game support contract. A local organizing committee, an 4921  
endorsing municipality, or an endorsing county shall provide an 4922  
annual audited financial statement if so required by the director 4923  
and commissioner, not later than the end of the fourth month after 4924  
the date the period covered by the financial statement ends. 4925

(E) Within thirty days after the game, the local organizing 4926  
committee, endorsing municipality, or endorsing county shall 4927  
certify to the director of development services a statement of its 4928  
qualifying costs under the game support contract and a report 4929  
about the economic impact of the game. The certification shall be 4930  
in the form and substance required by the director, including, but 4931  
not limited to, a final income statement for the event showing 4932  
total revenue and expenditures and revenue and expenditures in the 4933  
market area for the game, and ticket sales for the game and any 4934  
related activities for which admission was charged. The director 4935  
shall determine, based on the reported information and the 4936  
exercise of reasonable judgment, the incremental increase in 4937  
receipts from the tax imposed under section 5739.02 of the Revised 4938  
Code directly attributable to the game and the committee's, 4939  
municipality's, or county's qualifying costs under the game 4940  
support contract. If the actual incremental increase in sales tax 4941  
receipts is less than the projected incremental increase in such 4942  
receipts, or if the actual qualifying costs are less than the 4943

estimated qualifying costs, the director may require the local 4944  
organizing committee, endorsing municipality, or endorsing county 4945  
to refund to the state all or a portion of the grant. Any refund 4946  
remitted under this division shall be credited to the sports event 4947  
grant fund. 4948

(F) No disbursement may be made under this section if the 4949  
director of development services determines that it would be used 4950  
for the purpose of soliciting the relocation of a professional 4951  
sports franchise located in this state. 4952

(G) This section may not be construed as creating or 4953  
requiring a state guarantee of obligations imposed on an endorsing 4954  
municipality or endorsing county under a game support contract or 4955  
any other agreement relating to hosting one or more games in this 4956  
state. 4957

**Sec. 122.171.** (A) As used in this section: 4958

(1) "Capital investment project" means a plan of investment 4959  
at a project site for the acquisition, construction, renovation, 4960  
or repair of buildings, machinery, or equipment, or for 4961  
capitalized costs of basic research and new product development 4962  
determined in accordance with generally accepted accounting 4963  
principles, but does not include any of the following: 4964

(a) Payments made for the acquisition of personal property 4965  
through operating leases; 4966

(b) Project costs paid before January 1, 2002; 4967

(c) Payments made to a related member as defined in section 4968  
5733.042 of the Revised Code or to a consolidated elected taxpayer 4969  
or a combined taxpayer as defined in section 5751.01 of the 4970  
Revised Code. 4971

(2) "Eligible business" means a taxpayer and its related 4972  
members with Ohio operations ~~satisfying all of the following that~~ 4973

had a capital investment project reviewed and approved by the tax 4974  
credit authority as provided in divisions (C), (D), and (E) of 4975  
this section and that satisfies either of the following 4976  
requirements: 4977

(a) The If engaged at the project site primarily in 4978  
significant corporate administrative functions, as defined by the 4979  
director of development services by rule, the taxpayer meets both 4980  
of the following criteria: 4981

(i) The taxpayer either is located in a foreign trade zone, 4982  
employs at least five hundred full-time equivalent employees, or 4983  
has an annual Ohio employee payroll of at least thirty-five 4984  
million dollars at the time the tax credit authority grants the 4985  
tax credit under this section; 4986

~~(b) (ii) The taxpayer makes or causes to be made payments for~~ 4987  
~~the capital investment project of one of the following:~~ 4988

~~(i) If the taxpayer is engaged at the project site primarily~~ 4989  
~~as a manufacturer, at least fifty million dollars in the aggregate~~ 4990  
~~at the project site during a period of three consecutive calendar~~ 4991  
~~years, including the calendar year that includes a day of the~~ 4992  
~~taxpayer's taxable year or tax period with respect to which the~~ 4993  
~~credit is granted;~~ 4994

~~(ii) If the taxpayer is engaged at the project site primarily~~ 4995  
~~in significant corporate administrative functions, as defined by~~ 4996  
~~the director of development services by rule, at least twenty~~ 4997  
million dollars in the aggregate at the project site during a 4998  
period of three consecutive calendar years including the calendar 4999  
year that includes a day of the taxpayer's taxable year or tax 5000  
period with respect to which the credit is granted. 5001

~~(c) The taxpayer had a capital investment project reviewed~~ 5002  
~~and approved by the tax credit authority as provided in divisions~~ 5003  
~~(C), (D), and (E) of this section.~~ 5004

(b) If engaged at the project site primarily as a manufacturer, the taxpayer makes or causes to be made payments for the capital investment project at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted, in an amount that in the aggregate equals or exceeds the lesser of the following:

(i) Fifty million dollars;

(ii) Five per cent of the net book value of all tangible personal property used at the project site as of the last day of the three-year period in which the capital investment payments are made.

(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code.

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code.

(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.

(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.

(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997.

(8) "Taxable year" includes, in the case of a domestic or

foreign insurance company, the calendar year ending on the 5035  
thirty-first day of December preceding the day the superintendent 5036  
of insurance is required to certify to the treasurer of state 5037  
under section 5725.20 or 5729.05 of the Revised Code the amount of 5038  
taxes due from insurance companies. 5039

(9) "Foreign trade zone" means a general purpose foreign 5040  
trade zone or a special purpose subzone for which, pursuant to 19 5041  
U.S.C. 81a, as amended, a permit for foreign trade zone status has 5042  
been granted and remains active, including special purpose 5043  
subzones for which a permit has been granted and remains active. 5044

(B) The tax credit authority created under section 122.17 of 5045  
the Revised Code may grant a nonrefundable tax credit to an 5046  
eligible business under this section for the purpose of fostering 5047  
job retention in this state. Upon application by an eligible 5048  
business and upon consideration of the determination of the 5049  
director of budget and management, tax commissioner, and the 5050  
superintendent of insurance in the case of an insurance company, 5051  
and the recommendation and determination of the director of 5052  
development services under division (C) of this section, the tax 5053  
credit authority may grant the credit against the tax imposed by 5054  
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5055  
5751.02 of the Revised Code. 5056

The credit authorized in this section may be granted for a 5057  
period up to fifteen taxable years or, in the case of the tax 5058  
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5059  
period of up to fifteen calendar years. The credit amount for a 5060  
taxable year or a calendar year that includes the tax period for 5061  
which a credit may be claimed equals the Ohio employee payroll for 5062  
that year multiplied by the percentage specified in the agreement 5063  
with the tax credit authority. The credit shall be claimed in the 5064  
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5065  
5747.98, or 5751.98 of the Revised Code. In determining the 5066

percentage and term of the credit, the tax credit authority shall 5067  
consider both the number of full-time equivalent employees and the 5068  
value of the capital investment project. The credit amount may not 5069  
be based on the Ohio employee payroll for a calendar year before 5070  
the calendar year in which the tax credit authority specifies the 5071  
tax credit is to begin, and the credit shall be claimed only for 5072  
the taxable years or tax periods specified in the eligible 5073  
business' agreement with the tax credit authority. In no event 5074  
shall the credit be claimed for a taxable year or tax period 5075  
terminating before the date specified in the agreement. 5076

If a credit allowed under this section for a taxable year or 5077  
tax period exceeds the taxpayer's tax liability for that year or 5078  
period, the excess may be carried forward for the three succeeding 5079  
taxable or calendar years, but the amount of any excess credit 5080  
allowed in any taxable year or tax period shall be deducted from 5081  
the balance carried forward to the succeeding year or period. 5082

(C) A taxpayer that proposes a capital investment project to 5083  
retain jobs in this state may apply to the tax credit authority to 5084  
enter into an agreement for a tax credit under this section. The 5085  
director of development services shall prescribe the form of the 5086  
application. After receipt of an application, the authority shall 5087  
forward copies of the application to the director of budget and 5088  
management, the tax commissioner, and the superintendent of 5089  
insurance in the case of an insurance company, each of whom shall 5090  
review the application to determine the economic impact the 5091  
proposed project would have on the state and the affected 5092  
political subdivisions and shall submit a summary of their 5093  
determinations to the authority. The authority shall also forward 5094  
a copy of the application to the director of development services, 5095  
who shall review the application to determine the economic impact 5096  
the proposed project would have on the state and the affected 5097  
political subdivisions and shall submit a summary of the 5098

director's determinations and recommendations to the authority. 5099

(D) Upon review and consideration of the determinations and 5100  
recommendations described in division (C) of this section, the tax 5101  
credit authority may enter into an agreement with the taxpayer for 5102  
a credit under this section if the authority determines all of the 5103  
following: 5104

(1) The taxpayer's capital investment project will result in 5105  
the retention of employment in this state. 5106

(2) The taxpayer is economically sound and has the ability to 5107  
complete the proposed capital investment project. 5108

(3) The taxpayer intends to and has the ability to maintain 5109  
operations at the project site for at least the greater of (a) the 5110  
term of the credit plus three years, or (b) seven years. 5111

(4) Receiving the credit is a major factor in the taxpayer's 5112  
decision to begin, continue with, or complete the project. 5113

(E) An agreement under this section shall include all of the 5114  
following: 5115

(1) A detailed description of the project that is the subject 5116  
of the agreement, including the amount of the investment, the 5117  
period over which the investment has been or is being made, the 5118  
number of full-time equivalent employees at the project site, and 5119  
the anticipated Ohio employee payroll to be generated. 5120

(2) The term of the credit, the percentage of the tax credit, 5121  
the maximum annual value of tax credits that may be allowed each 5122  
year, and the first year for which the credit may be claimed. 5123

(3) A requirement that the taxpayer maintain operations at 5124  
the project site for at least the greater of (a) the term of the 5125  
credit plus three years, or (b) seven years. 5126

(4) A (a) If the taxpayer is engaged at the project site 5127  
primarily in significant corporate administrative functions, a 5128

requirement that the taxpayer either retain at least five hundred 5129  
full-time equivalent employees at the project site and within this 5130  
state for the entire term of the credit, ~~or a requirement that the~~ 5131  
~~taxpayer~~ maintain an annual Ohio employee payroll of at least 5132  
thirty-five million dollars for the entire term of the credit, or 5133  
remain located in a foreign trade zone for the entire term of the 5134  
credit; 5135

(b) If the taxpayer is engaged at the project site primarily 5136  
as a manufacturer, a requirement that the taxpayer maintain at 5137  
least the number of full-time equivalent employees specified in 5138  
the agreement pursuant to division (E)(1) of this section at the 5139  
project site and within this state for the entire term of the 5140  
credit. 5141

(5) A requirement that the taxpayer annually report to the 5142  
director of development services full-time equivalent employees, 5143  
Ohio employee payroll, capital investment, and other information 5144  
the director needs to perform the director's duties under this 5145  
section. 5146

(6) A requirement that the director of development services 5147  
annually review the annual reports of the taxpayer to verify the 5148  
information reported under division (E)(5) of this section and 5149  
compliance with the agreement. Upon verification, the director 5150  
shall issue a certificate to the taxpayer stating that the 5151  
information has been verified and identifying the amount of the 5152  
credit for the taxable year or calendar year that includes the tax 5153  
period. In determining the number of full-time equivalent 5154  
employees, no position shall be counted that is filled by an 5155  
employee who is included in the calculation of a tax credit under 5156  
section 122.17 of the Revised Code. 5157

(7) A provision providing that the taxpayer may not relocate 5158  
a substantial number of employment positions from elsewhere in 5159  
this state to the project site unless the director of development 5160

services determines that the taxpayer notified the legislative 5161  
authority of the county, township, or municipal corporation from 5162  
which the employment positions would be relocated. 5163

For purposes of this section, the movement of an employment 5164  
position from one political subdivision to another political 5165  
subdivision shall be considered a relocation of an employment 5166  
position unless the movement is confined to the project site. The 5167  
transfer of an employment position from one political subdivision 5168  
to another political subdivision shall not be considered a 5169  
relocation of an employment position if the employment position in 5170  
the first political subdivision is replaced by another employment 5171  
position. 5172

(8) A waiver by the taxpayer of any limitations periods 5173  
relating to assessments or adjustments resulting from the 5174  
taxpayer's failure to comply with the agreement. 5175

(F) If a taxpayer fails to meet or comply with any condition 5176  
or requirement set forth in a tax credit agreement, the tax credit 5177  
authority may amend the agreement to reduce the percentage or term 5178  
of the credit. The reduction of the percentage or term may take 5179  
effect in the current taxable or calendar year. 5180

(G) Financial statements and other information submitted to 5181  
the department of development services or the tax credit authority 5182  
by an applicant for or recipient of a tax credit under this 5183  
section, and any information taken for any purpose from such 5184  
statements or information, are not public records subject to 5185  
section 149.43 of the Revised Code. However, the chairperson of 5186  
the authority may make use of the statements and other information 5187  
for purposes of issuing public reports or in connection with court 5188  
proceedings concerning tax credit agreements under this section. 5189  
Upon the request of the tax commissioner, or the superintendent of 5190  
insurance in the case of an insurance company, the chairperson of 5191  
the authority shall provide to the commissioner or superintendent 5192

any statement or other information submitted by an applicant for 5193  
or recipient of a tax credit in connection with the credit. The 5194  
commissioner or superintendent shall preserve the confidentiality 5195  
of the statement or other information. 5196

(H) A taxpayer claiming a tax credit under this section shall 5197  
submit to the tax commissioner or, in the case of an insurance 5198  
company, to the superintendent of insurance, a copy of the 5199  
director of development services' certificate of verification 5200  
under division (E)(6) of this section with the taxpayer's tax 5201  
report or return for the taxable year or for the calendar year 5202  
that includes the tax period. Failure to submit a copy of the 5203  
certificate with the report or return does not invalidate a claim 5204  
for a credit if the taxpayer submits a copy of the certificate to 5205  
the commissioner or superintendent within the time prescribed by 5206  
section 5703.0510 of the Revised Code or within thirty days after 5207  
the commissioner or superintendent requests it. 5208

(I) For the purposes of this section, a taxpayer may include 5209  
a partnership, a corporation that has made an election under 5210  
subchapter S of chapter one of subtitle A of the Internal Revenue 5211  
Code, or any other business entity through which income flows as a 5212  
distributive share to its owners. A partnership, S-corporation, or 5213  
other such business entity may elect to pass the credit received 5214  
under this section through to the persons to whom the income or 5215  
profit of the partnership, S-corporation, or other entity is 5216  
distributed. The election shall be made on the annual report 5217  
required under division (E)(5) of this section. The election 5218  
applies to and is irrevocable for the credit for which the report 5219  
is submitted. If the election is made, the credit shall be 5220  
apportioned among those persons in the same proportions as those 5221  
in which the income or profit is distributed. 5222

(J)(1) If the director of development services determines 5223  
that a taxpayer that received a certificate under division (E)(6) 5224

of this section is not complying with the requirements of the 5225  
agreement, the director shall notify the tax credit authority of 5226  
the noncompliance. After receiving such a notice, and after giving 5227  
the taxpayer an opportunity to explain the noncompliance, the 5228  
authority may terminate the agreement and require the taxpayer, or 5229  
any related member or members that claimed the tax credit under 5230  
division (N) of this section, to refund to the state all or a 5231  
portion of the credit claimed in previous years, as follows: 5232

(a) If the taxpayer fails to comply with the requirement 5233  
under division (E)(3) of this section, an amount determined in 5234  
accordance with the following: 5235

(i) If the taxpayer maintained operations at the project site 5236  
for less than or equal to the term of the credit, an amount not to 5237  
exceed one hundred per cent of the sum of any tax credits allowed 5238  
and received under this section. 5239

(ii) If the taxpayer maintained operations at the project 5240  
site longer than the term of the credit, but less than the greater 5241  
of seven years or the term of the credit plus three years, the 5242  
amount required to be refunded shall not exceed seventy-five per 5243  
cent of the sum of any tax credits allowed and received under this 5244  
section. 5245

(b) If the taxpayer fails to substantially ~~maintain both the~~ 5246  
~~number of full time equivalent employees and the amount of Ohio~~ 5247  
~~employee payroll, satisfy the employment, payroll, or location~~ 5248  
requirements required under the agreement, as prescribed under 5249  
division (E)(4)(a) or (b), as applicable to the taxpayer, at any 5250  
time during the term of the agreement or during the post-term 5251  
reporting period, an amount determined at the discretion of the 5252  
authority. 5253

(2) If a taxpayer files for bankruptcy and fails as described 5254  
in division (J)(1)(a) or (b) of this section, the director may 5255

immediately commence an action to recoup an amount not exceeding 5256  
one hundred per cent of the sum of any credits received by the 5257  
taxpayer under this section. 5258

(3) In determining the portion of the credit to be refunded 5259  
to this state, the authority shall consider the effect of market 5260  
conditions on the taxpayer's project and whether the taxpayer 5261  
continues to maintain other operations in this state. After making 5262  
the determination, the authority shall certify the amount to be 5263  
refunded to the tax commissioner or the superintendent of 5264  
insurance. If the taxpayer, or any related member or members who 5265  
claimed the tax credit under division (N) of this section, is not 5266  
an insurance company, the commissioner shall make an assessment 5267  
for that amount against the taxpayer under Chapter 5726., 5733., 5268  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5269  
any related member or members that claimed the tax credit under 5270  
division (N) of this section, is an insurance company, the 5271  
superintendent of insurance shall make an assessment under section 5272  
5725.222 or 5729.102 of the Revised Code. The time limitations on 5273  
assessments under those chapters and sections do not apply to an 5274  
assessment under this division, but the commissioner or 5275  
superintendent shall make the assessment within one year after the 5276  
date the authority certifies to the commissioner or superintendent 5277  
the amount to be refunded. 5278

(K) The director of development services, after consultation 5279  
with the tax commissioner and the superintendent of insurance and 5280  
in accordance with Chapter 119. of the Revised Code, shall adopt 5281  
rules necessary to implement this section. The rules may provide 5282  
for recipients of tax credits under this section to be charged 5283  
fees to cover administrative costs of the tax credit program. The 5284  
fees collected shall be credited to the tax incentives operating 5285  
fund created in section 122.174 of the Revised Code. At the time 5286  
the director gives public notice under division (A) of section 5287

119.03 of the Revised Code of the adoption of the rules, the 5288  
director shall submit copies of the proposed rules to the 5289  
chairpersons of the standing committees on economic development in 5290  
the senate and the house of representatives. 5291

(L) On or before the first day of August of each year, the 5292  
director of development services shall submit a report to the 5293  
governor, the president of the senate, and the speaker of the 5294  
house of representatives on the tax credit program under this 5295  
section. The report shall include information on the number of 5296  
agreements that were entered into under this section during the 5297  
preceding calendar year, a description of the project that is the 5298  
subject of each such agreement, and an update on the status of 5299  
projects under agreements entered into before the preceding 5300  
calendar year. 5301

(M) The aggregate amount of nonrefundable tax credits issued 5302  
under this section during any calendar year for capital investment 5303  
projects reviewed and approved by the tax credit authority may not 5304  
exceed the following amounts: 5305

(1) For 2010, thirteen million dollars; 5306

(2) For 2011 through 2023, the amount of the limit for the 5307  
preceding calendar year plus thirteen million dollars; 5308

(3) For 2024 and each year thereafter, one hundred 5309  
ninety-five million dollars. 5310

The limitations in division (M) of this section do not apply 5311  
to credits for capital investment projects approved by the tax 5312  
credit authority before July 1, 2009. 5313

(N) This division applies only to an eligible business that 5314  
is part of an affiliated group that includes a diversified savings 5315  
and loan holding company or a grandfathered unitary savings and 5316  
loan holding company, as those terms are defined in section 5317  
5726.01 of the Revised Code. Notwithstanding any contrary 5318

provision of the agreement between such an eligible business and 5319  
the tax credit authority, any credit granted under this section 5320  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5321  
5747.02, or 5751.02 of the Revised Code to the eligible business, 5322  
at the election of the eligible business and without any action by 5323  
the tax credit authority, may be shared with any member or members 5324  
of the affiliated group that includes the eligible business, which 5325  
member or members may claim the credit against the taxes imposed 5326  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5327  
of the Revised Code. Credits shall be claimed by the eligible 5328  
business in sequential order, as applicable, first claiming the 5329  
credits to the fullest extent possible against the tax that the 5330  
certificate holder is subject to, then against the tax imposed by, 5331  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5332  
lastly 5726.02 of the Revised Code. The credits may be allocated 5333  
among the members of the affiliated group in such manner as the 5334  
eligible business elects, but subject to the sequential order 5335  
required under this division. This division applies to credits 5336  
granted before, on, or after March 27, 2013, the effective date of 5337  
H.B. 510 of the 129th general assembly. Credits granted before 5338  
that effective date that are shared and allocated under this 5339  
division may be claimed in those calendar years in which the 5340  
remaining taxable years specified in the agreement end. 5341

As used in this division, "affiliated group" means a group of 5342  
two or more persons with fifty per cent or greater of the value of 5343  
each person's ownership interests owned or controlled directly, 5344  
indirectly, or constructively through related interests by common 5345  
owners during all or any portion of the taxable year, and the 5346  
common owners. "Affiliated group" includes, but is not limited to, 5347  
any person eligible to be included in a consolidated elected 5348  
taxpayer group under section 5751.011 of the Revised Code or a 5349  
combined taxpayer group under section 5751.012 of the Revised 5350  
Code. 5351

(O)(1) As used in division (O) of this section:	5352
(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.	5353 5354 5355
(b) "Reporting period" means a period corresponding to the annual report required under division (E)(5) of this section.	5356 5357
(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.	5358 5359
(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.	5360 5361 5362 5363 5364 5365 5366 5367 5368
(3) Except as provided in division (O)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:	5369 5370 5371 5372 5373 5374
(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of this section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue.	5375 5376 5377 5378
(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of this section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue.	5379 5380 5381 5382

(4) Division (O)(3) of this section shall not apply unless 5383  
all of the following apply with respect to the eligible agreement: 5384

(a) ~~The~~ If applicable, the taxpayer has achieved one hundred 5385  
per cent of the job retention commitment identified in the 5386  
agreement. 5387

(b) If applicable, the taxpayer has achieved one hundred per 5388  
cent of the payroll retention commitment identified in the 5389  
agreement." 5390

(c) If applicable, the taxpayer has achieved one hundred per 5391  
cent of the investment commitment identified in the agreement. 5392

(5) Failure by a taxpayer to have achieved any of the 5393  
applicable commitments described in divisions (O)(4)(a) to (c) of 5394  
this section in a reporting period does not disqualify the 5395  
taxpayer for the adjustment under division (O) of this section for 5396  
an ensuing reporting period. 5397

**Sec. 122.175.** (A) As used in this section: 5398

(1) "Capital investment project" means a plan of investment 5399  
at a project site for the acquisition, construction, renovation, 5400  
expansion, replacement, or repair of a computer data center or of 5401  
computer data center equipment, but does not include any of the 5402  
following: 5403

(a) Project costs paid before a date determined by the tax 5404  
credit authority for each capital investment project; 5405

(b) Payments made to a related member as defined in section 5406  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5407  
or a combined taxpayer as defined in section 5751.01 of the 5408  
Revised Code. 5409

(2) "Computer data center" means a facility used or to be 5410  
used primarily to house computer data center equipment used or to 5411  
be used in conducting one or more computer data center businesses, 5412

as determined by the tax credit authority. 5413

(3) "Computer data center business" means, as may be further 5414  
determined by the tax credit authority, a business that provides 5415  
electronic information services as defined in division (Y)(1)(c) 5416  
of section 5739.01 of the Revised Code, or that leases a facility 5417  
to one or more such businesses. "Computer data center business" 5418  
does not include providing electronic publishing as defined in 5419  
~~division (LLL)~~ of that section. 5420

(4) "Computer data center equipment" means tangible personal 5421  
property used or to be used for any of the following: 5422

(a) To conduct a computer data center business, including 5423  
equipment cooling systems to manage the performance of computer 5424  
data center equipment; 5425

(b) To generate, transform, transmit, distribute, or manage 5426  
electricity necessary to operate the tangible personal property 5427  
used or to be used in conducting a computer data center business; 5428

(c) As building and construction materials sold to 5429  
construction contractors for incorporation into a computer data 5430  
center. 5431

(5) "Eligible computer data center" means a computer data 5432  
center that satisfies all of the following requirements: 5433

(a) One or more taxpayers operating a computer data center 5434  
business at the project site will, in the aggregate, make payments 5435  
for a capital investment project of at least one hundred million 5436  
dollars at the project site during one of the following cumulative 5437  
periods: 5438

(i) For projects beginning in 2013, six consecutive calendar 5439  
years; 5440

(ii) For projects beginning in 2014, four consecutive 5441  
calendar years; 5442

(iii) For projects beginning in or after 2015, three consecutive calendar years. 5443  
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(b) One or more taxpayers operating a computer data center business at the project site will, in the aggregate, pay annual compensation that is subject to the withholding obligation imposed under section 5747.06 of the Revised Code of at least one million five hundred thousand dollars to employees employed at the project site for each year of the agreement beginning on or after the first day of the twenty-fifth month after the agreement was entered into under this section. 5445  
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(6) "Person" has the same meaning as in section 5701.01 of the Revised Code. 5453  
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(7) "Project site," "related member," and "tax credit authority" have the same meanings as in sections 122.17 and 122.171 of the Revised Code. 5455  
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(8) "Taxpayer" means any person subject to the taxes imposed under Chapters 5739. and 5741. of the Revised Code. 5458  
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(B) The tax credit authority may completely or partially exempt from the taxes levied under Chapters 5739. and 5741. of the Revised Code the sale, storage, use, or other consumption of computer data center equipment used or to be used at an eligible computer data center. Any such exemption shall extend to charges for the delivery, installation, or repair of the computer data center equipment subject to the exemption under this section. 5460  
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(C) A taxpayer that proposes a capital improvement project for an eligible computer data center in this state may apply to the tax credit authority to enter into an agreement under this section authorizing a complete or partial exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code on computer data center equipment purchased by the applicant or any other taxpayer that operates a computer data center business at 5467  
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the project site and used or to be used at the eligible computer 5474  
data center. The director of development services shall prescribe 5475  
the form of the application. After receipt of an application, the 5476  
authority shall forward copies of the application to the director 5477  
of budget and management and the tax commissioner, each of whom 5478  
shall review the application to determine the economic impact that 5479  
the proposed eligible computer data center would have on the state 5480  
and any affected political subdivisions and submit to the 5481  
authority a summary of their determinations. The authority shall 5482  
also forward a copy of the application to the director of 5483  
development services who shall review the application to determine 5484  
the economic impact that the proposed eligible computer data 5485  
center would have on the state and the affected political 5486  
subdivisions and shall submit a summary of their determinations 5487  
and recommendations to the authority. 5488

(D) Upon review and consideration of such determinations and 5489  
recommendations, the tax credit authority may enter into an 5490  
agreement with the applicant and any other taxpayer that operates 5491  
a computer data center business at the project site for a complete 5492  
or partial exemption from the taxes imposed under Chapters 5739. 5493  
and 5741. of the Revised Code on computer data center equipment 5494  
used or to be used at an eligible computer data center if the 5495  
authority determines all of the following: 5496

(1) The capital investment project for the eligible computer 5497  
data center will increase payroll and the amount of income taxes 5498  
to be withheld from employee compensation pursuant to section 5499  
5747.06 of the Revised Code. 5500

(2) The applicant is economically sound and has the ability 5501  
to complete or effect the completion of the proposed capital 5502  
investment project. 5503

(3) The applicant intends to and has the ability to maintain 5504  
operations at the project site for the term of the agreement. 5505

(4) Receiving the exemption is a major factor in the applicant's decision to begin, continue with, or complete the capital investment project.

(E) An agreement entered into under this section shall include all of the following:

(1) A detailed description of the capital investment project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the annual compensation to be paid by each taxpayer subject to the agreement to its employees at the project site, and the anticipated amount of income taxes to be withheld from employee compensation pursuant to section 5747.06 of the Revised Code.

(2) The percentage of the exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code for the computer data center equipment used or to be used at the eligible computer data center, the length of time the computer data center equipment will be exempted, and the first date on which the exemption applies.

(3) A requirement that the computer data center remain an eligible computer data center during the term of the agreement and that the applicant maintain operations at the eligible computer data center during that term. An applicant does not violate the requirement described in division (E)(3) of this section if the applicant ceases operations at the eligible computer data center during the term of the agreement but resumes those operations within eighteen months after the date of cessation. The agreement shall provide that, in such a case, the applicant and any other taxpayer that operates a computer data center business at the project site shall not claim the tax exemption authorized in the agreement for any purchase of computer data center equipment made during the period in which the applicant did not maintain

operations at the eligible computer data center. 5538

(4) A requirement that, for each year of the term of the 5539  
agreement beginning on or after the first day of the twenty-fifth 5540  
month after the date the agreement was entered into, one or more 5541  
taxpayers operating a computer data center business at the project 5542  
site will, in the aggregate, pay annual compensation that is 5543  
subject to the withholding obligation imposed under section 5544  
5747.06 of the Revised Code of at least one million five hundred 5545  
thousand dollars to employees at the eligible computer data 5546  
center. 5547

(5) A requirement that each taxpayer subject to the agreement 5548  
annually report to the director of development services 5549  
employment, tax withholding, capital investment, and other 5550  
information required by the director to perform the director's 5551  
duties under this section. 5552

(6) A requirement that the director of development services 5553  
annually review the annual reports of each taxpayer subject to the 5554  
agreement to verify the information reported under division (E)(5) 5555  
of this section and compliance with the agreement. Upon 5556  
verification, the director shall issue a certificate to each such 5557  
taxpayer stating that the information has been verified and that 5558  
the taxpayer remains eligible for the exemption specified in the 5559  
agreement. 5560

(7) A provision providing that the taxpayers subject to the 5561  
agreement may not relocate a substantial number of employment 5562  
positions from elsewhere in this state to the project site unless 5563  
the director of development services determines that the 5564  
appropriate taxpayer notified the legislative authority of the 5565  
county, township, or municipal corporation from which the 5566  
employment positions would be relocated. For purposes of this 5567  
paragraph, the movement of an employment position from one 5568  
political subdivision to another political subdivision shall be 5569

considered a relocation of an employment position unless the 5570  
movement is confined to the project site. The transfer of an 5571  
employment position from one political subdivision to another 5572  
political subdivision shall not be considered a relocation of an 5573  
employment position if the employment position in the first 5574  
political subdivision is replaced by another employment position. 5575

(8) A waiver by each taxpayer subject to the agreement of any 5576  
limitations periods relating to assessments or adjustments 5577  
resulting from the taxpayer's failure to comply with the 5578  
agreement. 5579

(F) The term of an agreement under this section shall be 5580  
determined by the tax credit authority, and the amount of the 5581  
exemption shall not exceed one hundred per cent of such taxes that 5582  
would otherwise be owed in respect to the exempted computer data 5583  
center equipment. 5584

(G) If any taxpayer subject to an agreement under this 5585  
section fails to meet or comply with any condition or requirement 5586  
set forth in the agreement, the tax credit authority may amend the 5587  
agreement to reduce the percentage of the exemption or term during 5588  
which the exemption applies to the computer data center equipment 5589  
used or to be used by the noncompliant taxpayer at an eligible 5590  
computer data center. The reduction of the percentage or term may 5591  
take effect in the current calendar year. 5592

(H) Financial statements and other information submitted to 5593  
the department of development services or the tax credit authority 5594  
by an applicant for or recipient of an exemption under this 5595  
section, and any information taken for any purpose from such 5596  
statements or information, are not public records subject to 5597  
section 149.43 of the Revised Code. However, the chairperson of 5598  
the authority may make use of the statements and other information 5599  
for purposes of issuing public reports or in connection with court 5600  
proceedings concerning tax exemption agreements under this 5601

section. Upon the request of the tax commissioner, the chairperson 5602  
of the authority shall provide to the tax commissioner any 5603  
statement or other information submitted by an applicant for or 5604  
recipient of an exemption under this section. The tax commissioner 5605  
shall preserve the confidentiality of the statement or other 5606  
information. 5607

(I) The tax commissioner shall issue a direct payment permit 5608  
under section 5739.031 of the Revised Code to each taxpayer 5609  
subject to an agreement under this section. Such direct payment 5610  
permit shall authorize the taxpayer to pay any sales and use taxes 5611  
due on purchases of computer data center equipment used or to be 5612  
used in an eligible computer data center and to pay any sales and 5613  
use taxes due on purchases of tangible personal property or 5614  
taxable services other than computer data center equipment used or 5615  
to be used in an eligible computer data center directly to the tax 5616  
commissioner. Each such taxpayer shall pay pursuant to such direct 5617  
payment permit all sales tax levied on such purchases under 5618  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 5619  
Code and all use tax levied on such purchases under sections 5620  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 5621  
consistent with the terms of the agreement entered into under this 5622  
section. 5623

During the term of an agreement under this section each 5624  
taxpayer subject to the agreement shall submit to the tax 5625  
commissioner a return that shows the amount of computer data 5626  
center equipment purchased for use at the eligible computer data 5627  
center, the amount of tangible personal property and taxable 5628  
services other than computer data center equipment purchased for 5629  
use at the eligible computer data center, the amount of tax under 5630  
Chapter 5739. or 5741. of the Revised Code that would be due in 5631  
the absence of the agreement under this section, the exemption 5632  
percentage for computer data center equipment specified in the 5633

agreement, and the amount of tax due under Chapter 5739. or 5741. 5634  
of the Revised Code as a result of the agreement under this 5635  
section. Each such taxpayer shall pay the tax shown on the return 5636  
to be due in the manner and at the times as may be further 5637  
prescribed by the tax commissioner. Each such taxpayer shall 5638  
include a copy of the director of development services' 5639  
certificate of verification issued under division (E)(6) of this 5640  
section. Failure to submit a copy of the certificate with the 5641  
return does not invalidate the claim for exemption if the taxpayer 5642  
submits a copy of the certificate to the tax commissioner within 5643  
the time prescribed by section 5703.0510 of the Revised Code. 5644

(J) If the director of development services determines that 5645  
one or more taxpayers received an exemption from taxes due on the 5646  
purchase of computer data center equipment purchased for use at a 5647  
computer data center that no longer complies with the requirement 5648  
under division (E)(3) of this section, the director shall notify 5649  
the tax credit authority and, if applicable, the taxpayer that 5650  
applied to enter the agreement for the exemption under division 5651  
(C) of this section of the noncompliance. After receiving such a 5652  
notice, and after giving each taxpayer subject to the agreement an 5653  
opportunity to explain the noncompliance, the authority may 5654  
terminate the agreement and require each such taxpayer to pay to 5655  
the state all or a portion of the taxes that would have been owed 5656  
in regards to the exempt equipment in previous years, all as 5657  
determined under rules adopted pursuant to division (K) of this 5658  
section. In determining the portion of the taxes that would have 5659  
been owed on the previously exempted equipment to be paid to this 5660  
state by a taxpayer, the authority shall consider the effect of 5661  
market conditions on the eligible computer data center, whether 5662  
the taxpayer continues to maintain other operations in this state, 5663  
and, with respect to agreements involving multiple taxpayers, the 5664  
taxpayer's level of responsibility for the noncompliance. After 5665  
making the determination, the authority shall certify to the tax 5666

commissioner the amount to be paid by each taxpayer subject to the 5667  
agreement. The tax commissioner shall make an assessment for that 5668  
amount against each such taxpayer under Chapter 5739. or 5741. of 5669  
the Revised Code. The time limitations on assessments under those 5670  
chapters do not apply to an assessment under this division, but 5671  
the tax commissioner shall make the assessment within one year 5672  
after the date the authority certifies to the tax commissioner the 5673  
amount to be paid by the taxpayer. 5674

(K) The director of development services, after consultation 5675  
with the tax commissioner and in accordance with Chapter 119. of 5676  
the Revised Code, shall adopt rules necessary to implement this 5677  
section. The rules may provide for recipients of tax exemptions 5678  
under this section to be charged fees to cover administrative 5679  
costs incurred in the administration of this section. The fees 5680  
collected shall be credited to the tax incentives operating fund 5681  
created in section 122.174 of the Revised Code. At the time the 5682  
director gives public notice under division (A) of section 119.03 5683  
of the Revised Code of the adoption of the rules, the director 5684  
shall submit copies of the proposed rules to the chairpersons of 5685  
the standing committees on economic development in the senate and 5686  
the house of representatives. 5687

(L) On or before the first day of August of each year, the 5688  
director of development services shall submit a report to the 5689  
governor, the president of the senate, and the speaker of the 5690  
house of representatives on the tax exemption authorized under 5691  
this section. The report shall include information on the number 5692  
of agreements that were entered into under this section during the 5693  
preceding calendar year, a description of the eligible computer 5694  
data center that is the subject of each such agreement, and an 5695  
update on the status of eligible computer data centers under 5696  
agreements entered into before the preceding calendar year. 5697

(M) A taxpayer may be made a party to an existing agreement 5698

entered into under this section by the tax credit authority and 5699  
another taxpayer or group of taxpayers. In such a case, the 5700  
taxpayer shall be entitled to all benefits and bound by all 5701  
obligations contained in the agreement and all requirements 5702  
described in this section. When an agreement includes multiple 5703  
taxpayers, each taxpayer shall be entitled to a direct payment 5704  
permit as authorized in division (I) of this section. 5705

Sec. 122.178. (A) As used in this section, "microcredential" 5706  
means an industry-recognized credential or certificate that an 5707  
applicant may complete in not more than one year and that is 5708  
approved by the chancellor of higher education. 5709

(B) There is hereby created the TechCred program to reimburse 5710  
eligible employers from appropriations made for that purpose for 5711  
training costs for incumbent or prospective employees to earn a 5712  
microcredential. The development services agency, in consultation 5713  
with the governor's office of workforce transformation and the 5714  
department of higher education, shall develop the program. 5715

(C)(1) An employer shall meet all of the following 5716  
requirements to be eligible to participate in the program: 5717

(a) Be registered to do business in this state; 5718

(b) Be current on all tax obligations to the state; 5719

(c) Be in compliance with all environmental regulations 5720  
applicable to the employer. 5721

(2) An eligible employer may only apply for reimbursement for 5722  
training costs for incumbent or prospective employees who are 5723  
residents of this state. 5724

(D)(1) Each employer seeking reimbursement for training costs 5725  
for an incumbent or prospective employee shall submit an 5726  
application to the director of development services that includes 5727  
all of the following information for each employee: 5728

<u>(a) The employee's position at the time of submitting the application or the position for which the employee will be qualified after earning the microcredential;</u>	5729
	5730
	5731
<u>(b) The training provider from which the employee will receive or received the microcredential;</u>	5732
	5733
<u>(c) The cost that will be incurred by the employer for the training.</u>	5734
	5735
<u>(2) Before receiving reimbursement for an approved application, the employer shall submit both of the following to the director:</u>	5736
	5737
	5738
<u>(a) Evidence that the employee earned a microcredential;</u>	5739
<u>(b) If the employee at the time of receiving the training was a prospective employee, evidence that the employer hired the employee for a position located in this state.</u>	5740
	5741
	5742
<u>(3) The director shall approve applications for reimbursement based on the priority guidelines established in division (E)(2) of this section. An employer shall receive at least five hundred dollars but not more than two thousand dollars for each microcredential an employee receives.</u>	5743
	5744
	5745
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	5747
<u>(E) The director may do all of the following regarding the operation of the program:</u>	5748
	5749
<u>(1) Create a reimbursement application;</u>	5750
<u>(2) Establish guidelines for prioritizing approval for applications for reimbursement, including the efficiency of a wage increase for an incumbent employee or expected wage for a prospective employee;</u>	5751
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	5753
	5754
<u>(3) Establish additional requirements for employers to be eligible for a reimbursement under this section;</u>	5755
	5756
<u>(4) Create an internet web site with the application for and information regarding the program created in this section and the</u>	5757
	5758

grant program created in section 122.179 of the Revised Code. 5759

(F) The director, in consultation with the chancellor, may 5760  
adopt rules in accordance with Chapter 119. of the Revised Code as 5761  
the director considers necessary to administer the program, 5762  
including designating eligible training providers for purposes of 5763  
this section. 5764

**Sec. 122.179.** (A) As used in this section: 5765

(1) "Industry sector partnership" means a collaborative 5766  
relationship between two or more employers and two or more of the 5767  
following: 5768

(a) A school district; 5769

(b) A state institution of higher education; 5770

(c) An Ohio technical center; 5771

(d) An education service center; 5772

(e) An OhioMeansJobs training center; 5773

(f) A nonprofit organization specializing in workforce 5774  
training; 5775

(g) Any other organization the director approves. 5776

(2) "Ohio technical center" has the same meaning as in 5777  
section 3333.94 of the Revised Code. 5778

(3) "State institution of higher education" has the same 5779  
meaning as in section 3345.011 of the Revised Code. 5780

(B) The director of development services, in consultation 5781  
with the governor's office of workforce transformation, shall 5782  
develop a grant program to support regional industry sector 5783  
partnerships. An industry sector partnership may use a grant 5784  
awarded under this section to do any of the following: 5785

(1) Hire employees to coordinate industry sector partnership 5786

<u>activities;</u>	5787
<u>(2) Develop curricula or other educational resources to support the industry sector partnership;</u>	5788
<u>(3) Market the industry sector partnership and opportunities the partnership creates for workforce development activities;</u>	5790
<u>(4) Any other activity the director has approved.</u>	5791
<u>(C) The director shall do both of the following:</u>	5792
<u>(1) Establish a system for evaluating and scoring grant applications;</u>	5793
<u>(2) Award a grant to an industry sector partnership that submits a complete application for funding describing the activities in division (B) of this section the partnership will use the funds to support and meets the scoring criteria established under division (C)(1) of this section.</u>	5794
<u>(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the grant program.</u>	5795
<u>Sec. 122.26. The rural industrial park loan fund is hereby created in the state treasury for the purposes of the program established under section 122.24 of the Revised Code. The director of development services shall deposit money received for the purposes of that section to the credit of the fund.</u>	5796
<u>Sec. 122.84. (A) As used in this section:</u>	5797
<u>(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.</u>	5798
<u>In the case of qualified opportunity zone property that is</u>	5799
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qualified opportunity zone stock or qualified opportunity zone 5815  
partnership interest, the stock or interest is situated in an Ohio 5816  
opportunity zone only if, during all of the qualified opportunity 5817  
fund's holding period for such stock or interest, all of the use 5818  
of the corporation's or partnership's tangible property was in an 5819  
Ohio opportunity zone. In the case of qualified opportunity zone 5820  
property that is qualified opportunity zone business property, the 5821  
property is situated in an Ohio opportunity zone only if, during 5822  
all of the fund's holding period for such property, all of the use 5823  
of the property was in an Ohio opportunity zone. 5824

All terms used in division (A) of this section have the same 5825  
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 5826  
substituted for "substantially all" wherever "substantially all" 5827  
appears in the definition of those terms or in the definition of 5828  
terms used in those terms. 5829

(2) "Ohio opportunity zone" means a qualified opportunity 5830  
zone designated in this state under 26 U.S.C. 1400Z-1 before, on, 5831  
or after the effective date of the enactment of this section by 5832  
H.B. 166 of the 133rd general assembly. 5833

(3) "Taxpayer" and "taxable year" have the same meanings as 5834  
in section 5747.01 of the Revised Code. 5835

(4) "Qualifying taxable year" means a taxpayer's taxable year 5836  
that includes the first day of a calendar year during which an 5837  
Ohio qualified opportunity fund in which the taxpayer invests 5838  
makes an investment in a project located in an Ohio opportunity 5839  
zone. 5840

(B) A taxpayer that invests in one or more Ohio qualified 5841  
opportunity funds may apply to the director of development 5842  
services for a nonrefundable credit against the tax levied under 5843  
section 5747.02 of the Revised Code. The application shall be made 5844  
on forms prescribed by the director on or after the first day of 5845

January and on or before the first day of February of each year. 5846  
The credit shall equal ten per cent of the amount of the 5847  
taxpayer's investment in the fund that the fund invested during 5848  
the preceding calendar year in projects located in Ohio 5849  
opportunity zones. 5850

The taxpayer shall include the following information with the 5851  
taxpayer's application: 5852

(1) The amount of the taxpayer's investment in Ohio qualified 5853  
opportunity funds during the taxpayer's qualifying taxable year, 5854  
arranged according to the amount invested in each such fund if the 5855  
taxpayer invested in more than one such fund; 5856

(2) A statement from an employee or officer of each Ohio 5857  
qualified opportunity fund identified by the taxpayer under 5858  
division (B)(1) of this section certifying the amount of the 5859  
taxpayer's investment in the fund and the amount of that 5860  
investment the fund invested in projects located in Ohio 5861  
opportunity zones during the preceding calendar year. The 5862  
statement shall describe each project funded by the investment and 5863  
state each project's location and the portion of the taxpayer's 5864  
investment invested in each such project. Unless the fund 5865  
demonstrates otherwise to the director's satisfaction, the amount 5866  
of a taxpayer's investment that the fund invested in a project 5867  
located in an Ohio opportunity zone equals the same proportion of 5868  
the amount of the fund's investment in the project as the 5869  
taxpayer's investment in the fund bears to the total investment by 5870  
all investors in that fund on the date the fund makes the 5871  
investment in the project. 5872

The director shall review applications in the order in which 5873  
applications are received. 5874

(C)(1) Subject to division (C)(2) of this section, if the 5875  
director determines that the applicant qualifies for a credit 5876

under this section, the director shall issue, within sixty days 5877  
after the receipt of a complete application under division (B) of 5878  
this section, a tax credit certificate to the taxpayer identified 5879  
with a unique number and listing the amount of credit the director 5880  
determines the taxpayer is eligible to claim. 5881

(2) The director shall not issue certificates in a total 5882  
amount that would cause the tax credits claimed in any fiscal 5883  
biennium to exceed fifty million dollars. The director shall not 5884  
issue certificates to a single applicant in an amount that would 5885  
cause the tax credits claimed in any fiscal biennium by that 5886  
applicant, and any person to whom the applicant transfers the 5887  
certificate under division (E) of this section, to exceed one 5888  
million dollars. 5889

The director may not issue a certificate under this section 5890  
on the basis of any investment for which a small business 5891  
investment certificate has been issued under section 122.86 of the 5892  
Revised Code. 5893

(3) The credit may be claimed for the taxpayer's qualifying 5894  
taxable year or the next ensuing taxable year. The taxpayer shall 5895  
claim the credit in the order prescribed by section 5747.98 of the 5896  
Revised Code. Any unused amount may be carried forward for the 5897  
following five taxable years. If the certificate is issued to a 5898  
pass-through entity for an investment by the entity, any taxpayer 5899  
that is a direct or indirect investor in the pass-through entity 5900  
on the last day of the entity's qualifying taxable year may claim 5901  
the taxpayer's proportionate or distributive share of the credit 5902  
against the taxpayer's aggregate amount of tax levied under that 5903  
section. 5904

(D) A taxpayer claiming a credit under this section shall 5905  
submit a copy of the certificate with the taxpayer's return or 5906  
report. 5907

(E) A taxpayer that holds an unclaimed certificate under this section may notify the tax commissioner, in writing, that the taxpayer is transferring the right to claim the credit stated on the certificate. The taxpayer shall identify in that notification the certificate's number and the name and the tax identification number of the transferee. Pursuant to division (D) of this section, the transferee may claim the credit stated on the certificate, subject to the limitations of this section. A transferee may not transfer the right to claim the credit to any other person.

(F) On or before the first day of August each year, the director of development services shall submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on the tax credit program authorized under this section. The report shall include the following information:

(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section;

(2) The number of taxpayers that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of taxpayers allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity

zone and that indicates which zones include existing or pending 5940  
projects that are, or will be, funded by tax credit-eligible 5941  
investments. 5942

**Sec. 122.85.** (A) As used in this section and in sections 5943  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5944

(1) "Tax credit-eligible production" means a motion picture 5945  
or Broadway theatrical production certified by the director of 5946  
development services under division (B) of this section as 5947  
qualifying the ~~motion picture~~ production company for a tax credit 5948  
under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised 5949  
Code. 5950

(2) "Certificate owner" means a ~~motion picture~~ production 5951  
company to which a tax credit certificate is issued ~~or a person to~~ 5952  
~~which the company has transferred under division (H) of this~~ 5953  
~~section the authority to claim all or a part of the tax credit~~ 5954  
~~authorized by that certificate.~~ 5955

(3) "~~Motion picture~~ Production company" means an individual, 5956  
corporation, partnership, limited liability company, or other form 5957  
of business association producing a motion picture or Broadway 5958  
theatrical production. 5959

(4) "Eligible ~~production~~ expenditures" means expenditures 5960  
made after June 30, 2009, for goods or services purchased and 5961  
consumed in this state by a ~~motion picture~~ production company 5962  
directly for the production of a tax credit-eligible production or 5963  
for postproduction activities, or for advertising and promotion of 5964  
the production. 5965

"Eligible ~~production~~ expenditures" includes, but is not 5966  
limited to, expenditures for cast and crew wages, accommodations, 5967  
costs of set construction and operations, editing and related 5968  
services, photography, sound synchronization, lighting, wardrobe, 5969

makeup and accessories, film processing, transfer, sound mixing, 5970  
special and visual effects, music, location fees, and the purchase 5971  
or rental of facilities and equipment. 5972

(5) "Motion picture" means entertainment content created in 5973  
whole or in part within this state for distribution or exhibition 5974  
to the general public, including, but not limited to, 5975  
feature-length films; documentaries; long-form, specials, 5976  
miniseries, series, and interstitial television programming; 5977  
interactive web sites; sound recordings; videos; music videos; 5978  
interactive television; interactive games; video games; 5979  
commercials; any format of digital media; and any trailer, pilot, 5980  
video teaser, or demo created primarily to stimulate the sale, 5981  
marketing, promotion, or exploitation of future investment in 5982  
either a product or a motion picture by any means and media in any 5983  
digital media format, film, or videotape, provided the motion 5984  
picture qualifies as a motion picture. "Motion picture" does not 5985  
include any television program created primarily as news, weather, 5986  
or financial market reports, a production featuring current events 5987  
or sporting events, an awards show or other gala event, a 5988  
production whose sole purpose is fundraising, a long-form 5989  
production that primarily markets a product or service or in-house 5990  
corporate advertising or other similar productions, a production 5991  
for purposes of political advocacy, or any production for which 5992  
records are required to be maintained under 18 U.S.C. 2257 with 5993  
respect to sexually explicit content. 5994

(6) "Broadway theatrical production" means a prebroadway 5995  
production, long run production, or tour launch that is directed, 5996  
managed, and performed by a professional cast and crew and that is 5997  
directly associated with New York city's Broadway theater 5998  
district. 5999

(7) "Prebroadway production" means a live stage production 6000  
that is scheduled for presentation in New York city's Broadway 6001

theater district after the original or adaptive version is 6002  
performed in a qualified production facility. 6003

(8) "Long run production" means a live stage production that 6004  
is scheduled to be performed at a qualified production facility 6005  
for more than five weeks, with an average of at least six 6006  
performances per week. 6007

(9) "Tour launch" means a live stage production for which the 6008  
activities comprising the technical period are conducted at a 6009  
qualified production facility before a tour of the original or 6010  
adaptive version of the production begins. 6011

(10) "Qualified production facility" means a facility located 6012  
in this state that is used in the development or presentation to 6013  
the public of theater productions. 6014

(B) For the purpose of encouraging and developing a strong 6015  
film ~~industry~~ and theater industries in this state, the director 6016  
of development services may certify a motion picture or Broadway 6017  
theatrical production produced by a ~~motion picture~~ production 6018  
company as a tax credit-eligible production. In the case of a 6019  
television series, the director may certify the production of each 6020  
episode of the series as a separate tax credit-eligible 6021  
production. A ~~motion picture~~ production company shall apply for 6022  
certification of a motion picture or Broadway theatrical 6023  
production as a tax credit-eligible production on a form and in 6024  
the manner prescribed by the director. Each application shall 6025  
include the following information: 6026

(1) The name and telephone number of the ~~motion picture~~ 6027  
production company; 6028

(2) The name and telephone number of the company's contact 6029  
person; 6030

(3) A list of the first preproduction date through the last 6031  
production ~~date~~ and postproduction dates in Ohio and, in the case 6032

<u>of a Broadway theatrical production, a list of each scheduled</u>	6033
<u>performance in a qualified production facility;</u>	6034
(4) The Ohio production office <u>or qualified production</u>	6035
<u>facility</u> address and telephone number;	6036
(5) The total production budget <del>of the motion picture;</del>	6037
(6) The total budgeted eligible <del>production</del> expenditures and	6038
the percentage that amount is of the total production budget of	6039
the motion picture <u>or Broadway theatrical production;</u>	6040
(7) <del>The</del> <u>In the case of a motion picture, the</u> total percentage	6041
of the <del>motion picture</del> <u>production</u> being shot in Ohio;	6042
(8) The level of employment of cast and crew who reside in	6043
Ohio;	6044
(9) A synopsis of the script;	6045
(10) <del>The</del> <u>In the case of a motion picture, the</u> shooting	6046
script;	6047
(11) A creative elements list that includes the names of the	6048
principal cast and crew and the producer and director;	6049
(12) Documentation of financial ability to undertake and	6050
complete the motion picture <u>or Broadway theatrical production,</u>	6051
including documentation that shows that the company has secured	6052
funding equal to at least fifty per cent of the total production	6053
budget <del>of the motion picture;</del>	6054
(13) Estimated value of the tax credit based upon total	6055
budgeted eligible <del>production</del> expenditures;	6056
(14) <u>Estimated amount of state and local taxes to be</u>	6057
<u>generated in this state from the production;</u>	6058
(15) <u>Estimated economic impact of the production in this</u>	6059
<u>state;</u>	6060
(16) Any other information considered necessary by the	6061

director. 6062

Within ninety days after certification of a motion picture or 6063  
broadway theatrical production as a tax credit-eligible 6064  
production, and any time thereafter upon the request of the 6065  
director of development services, the ~~motion picture~~ production 6066  
company shall present to the director sufficient evidence of 6067  
reviewable progress. If the ~~motion picture~~ production company 6068  
fails to present sufficient evidence, the director may rescind the 6069  
certification. If the production of a motion picture or Broadway 6070  
theatrical production does not begin within ninety days after the 6071  
date it is certified as a tax credit-eligible production, the 6072  
director shall rescind the certification unless the director finds 6073  
that the production company shows good cause for the delay, 6074  
meaning that the production was delayed due to unforeseeable 6075  
circumstances beyond the production company's control or due to 6076  
action or inaction by a government agency. Upon rescission, the 6077  
director shall notify the applicant that the certification has 6078  
been rescinded. Nothing in this section prohibits an applicant 6079  
whose tax credit-eligible production certification has been 6080  
rescinded from submitting a subsequent application for 6081  
certification. 6082

(C)(1) A ~~motion picture~~ production company whose motion 6083  
picture or Broadway theatrical production has been certified as a 6084  
tax credit-eligible production may apply to the director of 6085  
development services on or after July 1, 2009, for a refundable 6086  
credit against the tax imposed by section 5726.02, 5733.06, 6087  
5747.02, or 5751.02 of the Revised Code. The director in 6088  
consultation with the tax commissioner shall prescribe the form 6089  
and manner of the application and the information or documentation 6090  
required to be submitted with the application. 6091

The credit is determined as follows: 6092

(a) If the total budgeted eligible ~~production~~ expenditures 6093

stated in the application submitted under division (B) of this 6094  
section or the actual eligible ~~production~~ expenditures as finally 6095  
determined under division (D) of this section, whichever is least, 6096  
is less than or equal to three hundred thousand dollars, no credit 6097  
is allowed; 6098

(b) If the total budgeted eligible ~~production~~ expenditures 6099  
stated in the application submitted under division (B) of this 6100  
section or the actual eligible ~~production~~ expenditures as finally 6101  
determined under division (D) of this section, whichever is least, 6102  
is greater than three hundred thousand dollars, the credit equals 6103  
thirty per cent of the least of such budgeted or actual eligible 6104  
expenditure amounts. 6105

(2) Except as provided in division (C)(4) of this section, if 6106  
the director of development services approves a ~~motion picture~~ 6107  
production company's application for a credit, the director shall 6108  
issue a tax credit certificate to the company. The director in 6109  
consultation with the tax commissioner shall prescribe the form 6110  
and manner of issuing certificates. The director shall assign a 6111  
unique identifying number to each tax credit certificate and shall 6112  
record the certificate in a register devised and maintained by the 6113  
director for that purpose. The certificate shall state the amount 6114  
of the eligible ~~production~~ expenditures on which the credit is 6115  
based and the amount of the credit. Upon the issuance of a 6116  
certificate, the director shall certify to the tax commissioner 6117  
the name of the applicant, the amount of eligible ~~production~~ 6118  
expenditures shown on the certificate, the amount of the credit, 6119  
and any other information required by the rules adopted to 6120  
administer this section. 6121

(3) The amount of eligible ~~production~~ expenditures for which 6122  
a tax credit may be claimed is subject to inspection and 6123  
examination by the tax commissioner or employees of the 6124  
commissioner under section 5703.19 of the Revised Code and any 6125

other applicable law. Once the eligible ~~production~~ expenditures 6126  
are finally determined under section 5703.19 of the Revised Code 6127  
and division (D) of this section, the credit amount is not subject 6128  
to adjustment unless the director determines an error was 6129  
committed in the computation of the credit amount. 6130

(4) No tax credit certificate may be issued before the 6131  
completion of the tax credit-eligible production. Not more than 6132  
forty million dollars of tax credit may be allowed per fiscal year 6133  
~~beginning July 1, 2016,~~ provided that, for any fiscal year in 6134  
which the amount of tax credits allowed under this section is less 6135  
than that maximum annual amount, the amount not allowed for that 6136  
fiscal year shall be added to the maximum annual amount that may 6137  
be allowed for the following fiscal year. 6138

(5) ~~In approving~~ The director shall review and approve 6139  
applications for tax credits under this section in two rounds each 6140  
fiscal year. The first round of credits shall be awarded not later 6141  
than the last day of July of the fiscal year, and the second round 6142  
of credits shall be awarded not later than the last day of the 6143  
ensuing January. The amount of credits awarded in the first round 6144  
of applications each fiscal year shall not exceed twenty million 6145  
dollars plus any credit allotment that was not awarded in the 6146  
preceding fiscal year and carried over under division (C)(4) of 6147  
this section. For each round, the director shall rank applications 6148  
on the basis of the extent of positive economic impact each tax 6149  
credit-eligible production is likely to have in this state and the 6150  
effect on developing a permanent workforce in motion picture or 6151  
theatrical production industries in the state. For the purpose of 6152  
such ranking, the director shall give priority to tax-credit 6153  
eligible productions that are television series or miniseries due 6154  
to the long-term commitment typically associated with such 6155  
productions. The economic impact ranking shall be based on the 6156  
production company's total expenditures in this state directly 6157

associated with the tax credit-eligible production. The effect on 6158  
developing a permanent workforce in the motion picture or 6159  
theatrical production industries shall be evaluated first by the 6160  
number of new jobs created and second by amount of payroll added 6161  
with respect to employees in this state. 6162

The director shall approve productions in the order of their 6163  
ranking, from those with the greatest positive economic impact and 6164  
workforce development effect to those with the least positive 6165  
economic impact and workforce development effect. 6166

(D) A ~~motion picture~~ production company whose motion picture 6167  
or Broadway theatrical production has been certified as a tax 6168  
credit-eligible production shall engage, at the company's expense, 6169  
an independent certified public accountant to examine the 6170  
company's production, postproduction, and advertising and 6171  
promotion expenditures to identify the expenditures that qualify 6172  
as eligible ~~production~~ expenditures. The certified public 6173  
accountant shall issue a report to the company and to the director 6174  
of development services certifying the company's eligible 6175  
~~production~~ expenditures and any other information required by the 6176  
director. Upon receiving and examining the report, the director 6177  
may disallow any expenditure the director determines is not an 6178  
eligible ~~production~~ expenditure. If the director disallows an 6179  
expenditure, the director shall issue a written notice to the 6180  
~~motion picture~~ production company stating that the expenditure is 6181  
disallowed and the reason for the disallowance. Upon examination 6182  
of the report and disallowance of any expenditures, the director 6183  
shall determine finally the lesser of the total budgeted eligible 6184  
~~production~~ expenditures stated in the application submitted under 6185  
division (B) of this section or the actual eligible ~~production~~ 6186  
expenditures for the purpose of computing the amount of the 6187  
credit. 6188

(E) No credit shall be allowed under section 5726.55, 6189

5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6190  
director has reviewed the report and made the determination 6191  
prescribed by division (D) of this section. 6192

(F) This state reserves the right to refuse the use of this 6193  
state's name in the credits of any tax credit-eligible motion 6194  
picture production or program of any Broadway theatrical 6195  
production. 6196

(G)(1) The director of development services in consultation 6197  
with the tax commissioner shall adopt rules for the administration 6198  
of this section, including rules setting forth and governing the 6199  
criteria for determining whether a motion picture or Broadway 6200  
theatrical production is a tax credit-eligible production; 6201  
activities that constitute the production or postproduction of a 6202  
motion picture or Broadway theatrical production; reporting 6203  
sufficient evidence of reviewable progress; expenditures that 6204  
qualify as eligible ~~production~~ expenditures; a schedule and 6205  
deadlines for applications to be submitted and reviewed; a 6206  
competitive process for approving credits based on likely economic 6207  
impact in this state and development of a permanent workforce in 6208  
motion picture or theatrical production industries in this state; 6209  
consideration of geographic distribution of credits; and 6210  
implementation of the program described in division ~~(I)~~(H) of this 6211  
section. The rules shall be adopted under Chapter 119. of the 6212  
Revised Code. 6213

(2) To cover the administrative costs of the program, the 6214  
director shall require each applicant to pay an application fee 6215  
equal to the lesser of ten thousand dollars or one per cent of the 6216  
estimated value of the tax credit as stated in the application. 6217  
The fees collected shall be credited to the tax incentives 6218  
operating fund created in section 122.174 of the Revised Code. All 6219  
grants, gifts, fees, and contributions made to the director for 6220  
marketing and promotion of the motion picture industry within this 6221

state shall also be credited to the fund. 6222

~~(H)(1) After the director of development services makes the 6223  
determination required under division (D) of this section, a 6224  
motion picture company to which a tax credit certificate is issued 6225  
may transfer the authority to claim all or a portion of the amount 6226  
of the tax credit the motion picture company is authorized to 6227  
claim pursuant to that certificate under section 5726.55, 5733.59, 6228  
5747.66, or 5751.54 of the Revised Code to one or more other 6229  
persons. Within thirty days after a transfer under this division, 6230  
the motion picture company shall submit the following information 6231  
to the director, on a form prescribed by the director: 6232~~

~~(a) Information necessary for the director to identify the 6233  
certificate that is the basis for the transfer; 6234~~

~~(b) The portion or amount of the tax credit transferred to 6235  
each transferee; 6236~~

~~(c) The portion or amount of the tax credit that the motion 6237  
picture company retains the authority to claim; 6238~~

~~(d) The tax identification number of each transferee; 6239~~

~~(e) The date of the transfer; 6240~~

~~(f) Any other information required by the director; 6241~~

~~(g) Any information required by the tax commissioner. 6242~~

~~The director shall deliver a copy of any submission received 6243  
under division (H)(1) of this section to the tax commissioner. 6244~~

~~(2) A transferee may not claim a credit under section 6245  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 6246  
and until the transferring motion picture company complies with 6247  
division (H)(1) of this section. A transferee may claim the 6248  
transferred amount of any credit or portion of a credit for the 6249  
same taxable year or tax period for which the transferring motion 6250  
picture company was authorized to claim the credit or portion of a 6251~~

~~credit pursuant to the certificate. A motion picture company shall 6252  
make no transfer under division (H)(1) of this section after the 6253  
last day of the tax period or taxable year for which the motion 6254  
picture company is required to claim the credit pursuant to the 6255  
certificate. 6256~~

~~A motion picture company may make not more than one transfer 6257  
under division (H)(1) of this section for each tax credit 6258  
certificate, but pursuant to that transaction, may allocate the 6259  
authority to claim a portion of the credit to more than one 6260  
transferee. A motion picture company may not authorize more than 6261  
one transferee to claim the same portion of a credit. 6262~~

(I) The director of development services shall establish a 6263  
program for the training of Ohio residents who are or wish to be 6264  
employed in the film or multimedia industry. Under the program, 6265  
the director shall: 6266

(1) Certify individuals as film and multimedia trainees. In 6267  
order to receive such a certification, an individual must be an 6268  
Ohio resident, have participated in relevant on-the-job training 6269  
or have completed a relevant training course approved by the 6270  
director, and have met any other requirements established by the 6271  
director. 6272

(2) Accept applications from ~~motion picture~~ production 6273  
companies that intend to hire and provide on-the-job training to 6274  
one or more certified film and multimedia trainees who will be 6275  
employed in the company's tax credit-eligible production. 6276

(3) Upon completion of a tax-credit eligible production, and 6277  
upon the receipt of any salary information and other documentation 6278  
required by the director, authorize a reimbursement payment to 6279  
each ~~motion picture~~ production company whose application was 6280  
approved under division ~~(I)~~(H)(2) of this section. The payment 6281  
shall equal fifty per cent of the salaries paid to film and 6282

multimedia trainees employed in the production. 6283

**Sec. 122.86.** (A) As used in this section and section 5747.81 6284  
of the Revised Code: 6285

(1) "Small business enterprise" means a corporation, 6286  
pass-through entity, or other person satisfying all of the 6287  
following: 6288

(a) At the time of a qualifying investment, the enterprise 6289  
meets all of the following requirements: 6290

(i) Has no outstanding tax or other liabilities owed to the 6291  
state; 6292

(ii) Is in good standing with the secretary of state, if the 6293  
enterprise is required to be registered with the secretary; 6294

(iii) Is current with any court-ordered payments; 6295

(iv) Is not engaged in any illegal activity. 6296

(b) At the time of a qualifying investment, the enterprise's 6297  
assets according to generally accepted accounting principles do 6298  
not exceed fifty million dollars, or its annual sales do not 6299  
exceed ten million dollars. When making this determination, the 6300  
assets and annual sales of all of the enterprise's related or 6301  
affiliated entities shall be included in the calculation. 6302

(c) The At the time of a qualifying investment and for the 6303  
two-year period immediately preceding the qualifying investment, 6304  
the enterprise employs at least fifty full-time equivalent 6305  
employees in this state for whom the enterprise is required to 6306  
withhold income tax under section 5747.06 of the Revised Code, or 6307  
more than one-half the enterprise's total number of full-time 6308  
equivalent employees employed anywhere in the United States are 6309  
employed in this state and are subject to that withholding 6310  
requirement. 6311

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

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

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

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

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

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

~~newly hired or retained employees.~~ 6343

(2) "Qualifying investment" means an investment of money made 6344  
on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 6345  
equity interest in a small business enterprise. "Qualifying 6346  
investment" does not include either of the following: 6347

(a) Any investment of money an eligible investor derives, 6348  
directly or indirectly, from a grant or loan from the federal 6349  
government or the state or a political subdivision, including the 6350  
third frontier program under Chapter 184. of the Revised Code; 6351

(b) Any investment of money which is the basis of a tax 6352  
credit granted under any other section of the Revised Code. 6353

(3) "Eligible investor" means an individual, estate, or trust 6354  
subject to the tax imposed by section 5747.02 of the Revised Code, 6355  
or a pass-through entity in which such an individual, estate, or 6356  
trust holds a direct or indirect ownership or other equity 6357  
interest. To qualify as an eligible investor, the individual, 6358  
estate, trust, or pass-through entity shall not owe any 6359  
outstanding tax or other liability to the state at the time of a 6360  
qualifying investment. 6361

(4) "Holding period" means the two-year period beginning on 6362  
the day a qualifying investment is made. 6363

(5) "Pass-through entity" has the same meaning as in section 6364  
5733.04 of the Revised Code. 6365

(B) ~~Any~~ An eligible investor that makes a qualifying 6366  
investment in a small business enterprise on or after July 1, ~~2011~~ 6367  
2019, may apply to the director of development services to obtain 6368  
an allocation for a small business investment certificate from the 6369  
director. Alternatively, a small business enterprise may apply on 6370  
behalf of eligible investors to obtain the ~~certificates~~ allocation 6371  
for those investors. The application must be submitted to the 6372  
director within sixty days after the date of the qualifying 6373

investment, but within the same biennium as the qualifying 6374  
investment. The director, in consultation with the tax 6375  
commissioner, shall prescribe the form or manner in which an 6376  
applicant shall apply for the certificate, devise the form of the 6377  
certificate, and prescribe any records or other information an 6378  
applicant shall furnish with the application to evidence the 6379  
qualifying investment. ~~The applicant shall state the amount of the~~ 6380  
~~intended investment.~~ The applicant shall pay an application fee 6381  
equal to the greater of one-tenth of one per cent of the amount of 6382  
the intended investment or one hundred dollars. 6383

~~A small business investment certificate entitles the~~ 6384  
~~certificate holder to receive a tax credit under section 5747.81~~ 6385  
~~of the Revised Code if the certificate holder qualifies for the~~ 6386  
~~credit as otherwise provided in this section. If the certificate~~ 6387  
~~holder is a pass through entity, the certificate entitles the~~ 6388  
~~entity's equity owners to receive their distributive or~~ 6389  
~~proportionate shares of the credit. In any fiscal biennium, an~~ 6390  
~~eligible investor may not apply for small business investment~~ 6391  
~~certificates representing intended investment amounts in excess of~~ 6392  
~~ten million dollars. Such certificates are not transferable.~~ 6393

The director of development services may reserve small 6394  
business investment ~~certificates~~ allocations to qualifying 6395  
applicants in the order in which the director receives 6396  
applications, ~~but may issue the certificates as the applications~~ 6397  
~~are completed.~~ An application is completed when the director has 6398  
validated that an eligible investor has made a qualified 6399  
investment and receives all required documentation needed to 6400  
demonstrate the small business enterprise ~~has made the appropriate~~ 6401  
~~reinvestment of the qualified investment pursuant to~~ satisfies the 6402  
requirements of division (A)(1)(~~d~~) of this section. To qualify for 6403  
~~a certificate~~ an allocation, an eligible investor must satisfy 6404  
both of the following, subject to the limitation on the amount of 6405

qualifying investments for which ~~certificates~~ allocations may be 6406  
issued under division (C) of this section: 6407

(1) The eligible investor makes a qualifying investment on or 6408  
after July 1, ~~2011~~ 2019. 6409

(2) The eligible investor pledges not to sell or otherwise 6410  
dispose of the qualifying investment before the conclusion of the 6411  
applicable holding period. 6412

(C)(1) The amount of any eligible investor's qualifying 6413  
investments for which small business investment ~~certificates~~ 6414  
allocations may be issued for a fiscal biennium shall not exceed 6415  
ten million dollars. 6416

(2) The director of development services shall not issue a 6417  
small business investment ~~certificate~~ allocation to an eligible 6418  
investor representing an amount of qualifying investment in excess 6419  
of the amount of the ~~intended~~ investment indicated on the 6420  
investor's application ~~for the certificate~~. 6421

(3) ~~The~~ For any fiscal biennium beginning before July 1, 6422  
2019, the director of development services shall not issue small 6423  
business investment ~~certificates~~ allocations in a total amount 6424  
that would cause the tax credits claimed in ~~any fiscal~~ that 6425  
biennium to exceed one hundred million dollars. For any fiscal 6426  
biennium beginning on or after July 1, 2019, the director shall 6427  
not issue small business investment allocations in a total amount 6428  
that would cause the tax credits claimed in that biennium to 6429  
exceed fifty million dollars. 6430

(4) The director of development services may issue a small 6431  
business investment ~~certificate~~ allocation only if both of the 6432  
following apply at the time of issuance: 6433

(a) The small business enterprise meets all the requirements 6434  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 6435

(b) The eligible investor does not owe any outstanding tax or 6436  
other liability to the state. 6437

(5) The director shall not issue a small business investment 6438  
allocation on the basis of any investment for which an Ohio 6439  
opportunity zone investment certificate has been issued under 6440  
section 122.84 of the Revised Code. 6441

(D) Before the end of the applicable holding period of a 6442  
qualifying investment, each enterprise in which a qualifying 6443  
investment was made for which a small business investment 6444  
~~certificate allocation~~ has been issued, upon the request of the 6445  
director of development services, shall provide to the director 6446  
records or other evidence satisfactory to the director that the 6447  
enterprise is a small business enterprise for the purposes of this 6448  
section. Each enterprise shall also provide annually to the 6449  
director records or evidence regarding the number of jobs created 6450  
or retained in the state. ~~No credit may be claimed under this 6451  
section and section 5747.81 of the Revised Code if the director 6452  
finds that an enterprise is not a small business enterprise for 6453  
the purposes of this section.~~ The director shall compile and 6454  
maintain a register of small business enterprises qualifying under 6455  
this section and shall certify the register to the tax 6456  
commissioner. The director shall also compile and maintain a 6457  
record of the number of jobs created or retained as a result of 6458  
qualifying investments made pursuant to this section. 6459

(E) After the conclusion of the applicable holding period for 6460  
a qualifying investment, a person to whom a small business 6461  
investment ~~certificate allocation~~ has been issued under this 6462  
section ~~may~~ shall receive a small business investment 6463  
certification, which entitles the person to claim a credit as 6464  
provided under section 5747.81 of the Revised Code. However, no 6465  
certificate may be issued if the director finds that any 6466  
requirement under this section is not met. 6467

(F) The director of development services, in consultation with the tax commissioner, may adopt rules for the administration of this section, including rules governing the following:

(1) Documents, records, or other information eligible investors shall provide to the director;

(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;

(3) Determination of the number of full-time equivalent employees of a small business enterprise;

(4) Verification of a small business enterprise's investment ~~in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in~~ business;

(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.

(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

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

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

projects, improvements, or public buildings to be constructed by 6498  
state agencies that may be authorized by legislative 6499  
appropriations or any other funds made available therefor, 6500  
provided that the construction of the projects, improvements, or 6501  
public buildings is a statutory duty of the commission. This 6502  
section does not require the independent employment of an 6503  
architect or engineer as provided by section 153.01 of the Revised 6504  
Code in the cases to which section 153.01 of the Revised Code 6505  
applies. This section does not affect or alter the existing powers 6506  
of the director of transportation. 6507

(2) Except as otherwise provided in section 123.211 of the 6508  
Revised Code, have general supervision over the construction of 6509  
any projects, improvements, or public buildings constructed for a 6510  
state agency and over the inspection of materials prior to their 6511  
incorporation into those projects, improvements, or buildings. 6512

(3) Except as otherwise provided in section 123.211 of the 6513  
Revised Code, make contracts for and supervise the design and 6514  
construction of any projects and improvements or the construction 6515  
and repair of buildings under the control of a state agency. All 6516  
such contracts may be based in whole or in part on the unit price 6517  
or maximum estimated cost, with payment computed and made upon 6518  
actual quantities or units. 6519

(4) Adopt, amend, and rescind rules pertaining to the 6520  
administration of the construction of the public works of the 6521  
state as required by law, in accordance with Chapter 119. of the 6522  
Revised Code. 6523

(5) Contract with, retain the services of, or designate, and 6524  
fix the compensation of, such agents, accountants, consultants, 6525  
advisers, and other independent contractors as may be necessary or 6526  
desirable to carry out the programs authorized under this chapter, 6527  
or authorize the executive director to perform such powers and 6528  
duties. 6529

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

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

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

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

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

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

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the Revised Code. 6561

(D) Purchases for, and the custody and repair of, buildings 6562  
under the management and control of the capitol square review and 6563  
advisory board are not subject to the control and jurisdiction of 6564  
the Ohio facilities construction commission. 6565

**Sec. 124.82.** (A) Except as provided in division (D) of this 6566  
section, the department of administrative services, in 6567  
consultation with the superintendent of insurance, shall, in 6568  
accordance with competitive selection procedures of Chapter 125. 6569  
of the Revised Code, contract with an insurance company or a 6570  
health plan in combination with an insurance company, authorized 6571  
to do business in this state, for the issuance of a policy or 6572  
contract of health, medical, hospital, dental, vision, or surgical 6573  
benefits, or any combination of those benefits, covering state 6574  
employees who are paid directly by warrant of the director of 6575  
budget and management, including elected state officials. The 6576  
department may fulfill its obligation under this division by 6577  
exercising its authority under division (A)(2) of section 124.81 6578  
of the Revised Code. 6579

(B) Except as provided in division (D) of this section, the 6580  
department may, in addition, in consultation with the 6581  
superintendent of insurance, negotiate and contract with health 6582  
insuring corporations holding a certificate of authority under 6583  
Chapter 1751. of the Revised Code, in their approved service areas 6584  
only, for issuance of a contract or contracts of health care 6585  
services, covering state employees who are paid directly by 6586  
warrant of the director of budget and management, including 6587  
elected state officials. The department may enter into contracts 6588  
with one or more insurance carriers or health plans to provide the 6589  
same plan of benefits, provided that: 6590

(1) The employee be permitted to exercise the option as to 6591

which plan the employee will select under division (A) or (B) of 6592  
this section, at a time that shall be determined by the 6593  
department; 6594

(2) The health insuring corporations do not refuse to accept 6595  
the employee, or the employee and the employee's family, if the 6596  
employee exercises the option to select care provided by the 6597  
corporations; 6598

(3) The employee may choose participation in only one of the 6599  
plans sponsored by the department; 6600

(4) The director of health examines and certifies to the 6601  
department that the quality and adequacy of care rendered by the 6602  
health insuring corporations meet at least the standards of care 6603  
provided by hospitals and physicians in that employee's community, 6604  
who would be providing such care as would be covered by a contract 6605  
awarded under division (A) of this section. 6606

(C) All or any portion of the cost, premium, or charge for 6607  
the coverage in divisions (A) and (B) of this section may be paid 6608  
in such manner or combination of manners as the department 6609  
determines and may include the proration of health care costs, 6610  
premiums, or charges for part-time employees. 6611

(D) Notwithstanding divisions (A) and (B) of this section, 6612  
the department may provide benefits equivalent to those that may 6613  
be paid under a policy or contract issued by an insurance company 6614  
or a health plan pursuant to division (A) or (B) of this section. 6615

(E) This section does not prohibit the state office of 6616  
collective bargaining from entering into an agreement with an 6617  
employee representative for the purposes of providing fringe 6618  
benefits, including, but not limited to, hospitalization, surgical 6619  
care, major medical care, disability, dental care, vision care, 6620  
medical care, hearing aids, prescription drugs, group life 6621  
insurance, sickness and accident insurance, group legal services 6622

or other benefits, or any combination of those benefits, to 6623  
employees paid directly by warrant of the director of budget and 6624  
management through a jointly administered trust fund. The 6625  
employer's contribution for the cost of the benefit care shall be 6626  
mutually agreed to in the collectively bargained agreement. The 6627  
amount, type, and structure of fringe benefits provided under this 6628  
division is subject to the determination of the board of trustees 6629  
of the jointly administered trust fund. Notwithstanding any other 6630  
provision of the Revised Code, competitive bidding does not apply 6631  
to the purchase of fringe benefits for employees under this 6632  
division when those benefits are provided through a jointly 6633  
administered trust fund. 6634

(F) Members of state boards or commissions may be covered by 6635  
any policy, contract, or plan of benefits or services described in 6636  
division (A) or (B) of this section. Board or commission members 6637  
who are appointed for a fixed term and who are compensated on a 6638  
per meeting basis, or paid only for expenses, or receive a 6639  
combination of per diem payments and expenses shall pay the entire 6640  
amount of the premiums, costs, or charges for that coverage. 6641

**Sec. 124.824.** (A) As used in this section, "death benefit 6642  
fund recipient" means any recipient of a death benefit paid under 6643  
section 742.63 of the Revised Code except a parent who receives a 6644  
death benefit paid under division (E) of that section. 6645

(B)(1) Except as otherwise provided under division (B)(3) of 6646  
this section, a death benefit fund recipient may elect to 6647  
participate in any health, medical, hospital, dental, surgical, or 6648  
vision benefit the department of administrative services contracts 6649  
for under section 124.82 of the Revised Code or otherwise provides 6650  
for the benefit of state employees who are paid directly by 6651  
warrant of the director of budget and management. Receiving 6652  
benefits under this section does not make the death benefit fund 6653

recipient a state employee. A death benefit fund recipient who 6654  
elects to participate in a benefit under this section shall ~~do~~ 6655  
~~both of the following:~~ 6656

~~(a) File a notice~~ file the election form developed by the 6657  
director of administrative services under division (D) of this 6658  
section with the department of the death benefit fund recipient's 6659  
election to participate that specifies the benefits or combination 6660  
of benefits in which the recipient elects to participate board of 6661  
trustees of the Ohio police and fire pension fund, which serves as 6662  
the trustees of the Ohio public safety officers death benefit fund 6663  
pursuant to section 742.62 of the Revised Code. 6664

~~(b) Pay to the department the percentage of the premium or~~ 6665  
~~cost for the applicable benefits that would be paid by a state~~ 6666  
~~employee who elects that coverage.~~ The board of trustees shall 6667  
forward the election form to the department after the board has 6668  
approved an application for benefits under section 742.63 of the 6669  
Revised Code. 6670

(2) A parent, guardian, custodian, or other person 6671  
responsible for the care of a death benefit fund recipient who is 6672  
under eighteen years of age or who is a surviving child entitled 6673  
to extended benefits under division (H)(3) of section 742.63 of 6674  
the Revised Code due to disability may file the election form 6675  
required by division (B)(1) of this section on the death benefit 6676  
fund recipient's behalf. 6677

(3) A death benefit fund recipient is ineligible to 6678  
participate in a health, medical, hospital, dental, surgical, or 6679  
vision benefit under division (B)(1) of this section if the 6680  
recipient is ~~eligible~~ either of the following: 6681

(a) An employee paid directly by warrant of the director of 6682  
budget and management who is eligible to participate in those 6683  
benefits pursuant to section 124.82 of the Revised Code; 6684

(b) Eligible to enroll in the medicare program established by 6685  
Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 6686  
U.S.C. 1395c, as amended. 6687

(C) For each death benefit fund recipient who ~~participates~~ 6688  
elects to participate in health, medical, hospital, dental, 6689  
surgical, or vision benefits under division (B) of this section, 6690  
the department shall ~~pay the percentage~~ notify the board of 6691  
trustees of the premium or amount of the cost for the applicable 6692  
benefits ~~that would be paid by a state employer for a state~~ 6693  
~~employee who elects that coverage~~ that shall be withheld from 6694  
benefits paid to a death benefit fund recipient under section 6695  
742.63 of the Revised Code and forwarded to the department. The 6696  
amount withheld from the death benefit fund recipient shall be the 6697  
percentage of the cost of those benefits that would be paid by a 6698  
state employee. The board of trustees shall pay the department the 6699  
remaining cost of those benefits plus any applicable 6700  
administrative costs from appropriations made for that purpose. 6701

(D) The director of administrative services shall prescribe 6702  
procedures for the administration of benefits for death benefit 6703  
fund recipients under this section, including the development of 6704  
required forms for death benefit fund recipients to enroll, 6705  
disenroll, or re-enroll in benefits under this section. The 6706  
director shall provide the required election forms developed under 6707  
this division to the board of trustees and shall notify the board 6708  
of trustees of a death benefit recipient's enrollment, 6709  
disenrollment, or re-enrollment in benefits under this section. 6710  
The director shall notify the board of trustees when the 6711  
department terminates the benefits a death benefit fund recipient 6712  
has elected under division (B) of this section. 6713

(E) The board of trustees ~~of the Ohio police and fire pension~~ 6714  
~~fund~~ shall provide any information ~~to the department~~ that the 6715  
department requires to provide benefits under this section to the 6716

department, a designated third-party administrator, or both, 6717  
including information regarding the identities, ages, and family 6718  
relationships of death benefit fund recipients. 6719

**Sec. 125.01.** As used in this chapter: 6720

(A) "Order" means a copy of a contract or a statement of the 6721  
nature of a contemplated expenditure, a description of the 6722  
property or supplies to be purchased or service to be performed, 6723  
other than a service performed by officers and regular employees 6724  
of the state, and per diem of the national guard, and the total 6725  
sum of the expenditure to be made therefor, if the sum is fixed 6726  
and ascertained, otherwise the estimated sum thereof, and an 6727  
authorization to pay for the contemplated expenditure, signed by 6728  
the person instructed and authorized to pay upon receipt of a 6729  
proper invoice. 6730

(B) "Invoice" means an itemized listing showing delivery of 6731  
the supplies or performance of the service described in the order, 6732  
~~and the~~ including all of the following: 6733

(1) The date of the purchase or rendering of the service, ~~or~~ 6734  
~~an;~~ 6735

(2) An itemization of the things done, material supplied, or 6736  
labor furnished, ~~and the;~~ 6737

(3) The sum due pursuant to the contract or obligation. 6738

(C) "Products" means materials, manufacturer's supplies, 6739  
merchandise, goods, wares, and foodstuffs. 6740

(D) "Produced" means the manufacturing, processing, mining, 6741  
developing, and making of a thing into a new article with a 6742  
distinct character in use through the application of input, within 6743  
the state, of Ohio products, labor, skill, or other services. 6744  
"Produced" does not include the mere assembling or putting 6745  
together of non-Ohio products or materials. 6746

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

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

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

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

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

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

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

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

Sec. 125.14. (A) The director of administrative services 6777  
shall allocate any proceeds from the transfer, sale, or lease of 6778  
excess and surplus supplies in the following manner: 6779

(1) Except as otherwise provided in division (A)(2) of this 6780  
section, the proceeds of such a transfer, sale, or lease shall be 6781  
paid into the state treasury to the credit of the investment 6782  
recovery fund, which is hereby created. 6783

(2) Except as otherwise provided in division (A)(2) of this 6784  
section, when supplies originally were purchased with funds from 6785  
nongeneral revenue fund sources, the director shall determine what 6786  
fund or account originally was used to purchase the supplies, and 6787  
the credit for the proceeds from any transfer, sale, or lease of 6788  
those supplies shall be transferred to that fund or account. If 6789  
the director cannot determine which fund or account originally was 6790  
used to purchase the supplies, if the fund or account is no longer 6791  
active, or if the proceeds from the transfer, sale, or lease of a 6792  
unit of supplies are less than one hundred dollars or any larger 6793  
amount the director may establish with the approval of the 6794  
director of budget and management, then the proceeds from the 6795  
transfer, sale, or lease of such supplies shall be paid into the 6796  
state treasury to the credit of the investment recovery fund. 6797

(B) The investment recovery fund shall be used to pay for the 6798  
operating expenses of the state surplus property program and of 6799  
the federal surplus property program described in sections 125.84 6800  
to 125.90 of the Revised Code. Any amounts in excess of these 6801  
operating expenses shall periodically be transferred to the 6802  
general revenue fund of the state. If proceeds paid into the 6803  
investment recovery fund are insufficient to pay for the program's 6804  
operating expenses, a service fee may be charged to state agencies 6805  
to eliminate the deficit. 6806

(C) Proceeds from the sale of recyclable goods and materials 6807

shall be paid into the state treasury to the credit of the 6808  
recycled materials fund, which is hereby created, except that the 6809  
director of environmental protection, upon request, may grant an 6810  
exemption from this requirement. The director shall administer the 6811  
fund for the benefit of recycling programs in state agencies. 6812

**Sec. 125.18.** (A) There is hereby established the office of 6813  
information technology within the department of administrative 6814  
services. The office shall be under the supervision of a state 6815  
chief information officer to be appointed by the director of 6816  
administrative services and subject to removal at the pleasure of 6817  
the director. The chief information officer is an assistant 6818  
director of administrative services. 6819

(B) Under the direction of the director of administrative 6820  
services, the state chief information officer shall lead, oversee, 6821  
and direct state agency activities related to information 6822  
technology development and use. In that regard, the state chief 6823  
information officer shall do all of the following: 6824

(1) Coordinate and superintend statewide efforts to promote 6825  
common use and development of technology by state agencies. The 6826  
office of information technology shall establish policies and 6827  
standards that govern and direct state agency participation in 6828  
statewide programs and initiatives. 6829

(2) Establish policies and standards for the acquisition and 6830  
use of common information technology by state agencies, including, 6831  
but not limited to, hardware, software, technology services, and 6832  
security, and the extension of the service life of information 6833  
technology systems, with which state agencies shall comply; 6834

(3) Establish criteria and review processes to identify state 6835  
agency information technology projects or purchases that require 6836  
alignment or oversight. As appropriate, the department of 6837  
administrative services shall provide the governor and the 6838

director of budget and management with notice and advice regarding 6839  
the appropriate allocation of resources for those projects. The 6840  
state chief information officer may require state agencies to 6841  
provide, and may prescribe the form and manner by which they must 6842  
provide, information to fulfill the state chief information 6843  
officer's alignment and oversight role; 6844

(4) Establish policies and procedures for the security of 6845  
personal information that is maintained and destroyed by state 6846  
agencies; 6847

(5) Employ a chief information security officer who is 6848  
responsible for the implementation of the policies and procedures 6849  
described in division (B)(4) of this section and for coordinating 6850  
the implementation of those policies and procedures in all of the 6851  
state agencies; 6852

(6) Employ a chief privacy officer who is responsible for 6853  
advising state agencies when establishing policies and procedures 6854  
for the security of personal information and developing education 6855  
and training programs regarding the state's security procedures; 6856

(7) Establish policies on the purchasing, use, and 6857  
reimbursement for use of handheld computing and telecommunications 6858  
devices by state agency employees; 6859

(8) Establish policies for the reduction of printing and the 6860  
use of electronic records by state agencies; 6861

(9) Establish policies for the reduction of energy 6862  
consumption by state agencies; 6863

(10) Compute the amount of revenue attributable to the 6864  
amortization of all equipment purchases and capitalized systems 6865  
from information technology service delivery and major information 6866  
technology purchases, MARCS administration, enterprise 6867  
applications, and the professions licensing system operating 6868  
appropriation items and major computer purchases capital 6869

appropriation items that is recovered as part of the information 6870  
technology services rates the department of administrative 6871  
services charges and deposits into the information technology fund 6872  
created in section 125.15 of the Revised Code~~r~~, the user fees the 6873  
department of administrative services charges and deposits in the 6874  
MARCS administration fund created in section 4501.29 of the 6875  
Revised Code, the rates the department of administrative services 6876  
charges to benefiting agencies for the operation and management of 6877  
information technology applications and deposits in the enterprise 6878  
applications fund, and the rates the department of administrative 6879  
services charges for the cost of ongoing maintenance of the 6880  
professions licensing system and deposits in the professions 6881  
licensing system fund. The enterprise applications fund is hereby 6882  
created in the state treasury. 6883

(11) Regularly review and make recommendations regarding 6884  
improving the infrastructure of the state's cybersecurity 6885  
operations with existing resources and through partnerships 6886  
between government, business, and institutions of higher 6887  
education; 6888

(12) Assist, as needed, with general state efforts to grow 6889  
the cybersecurity industry in this state. 6890

(C)(1) The chief information security officer shall assist 6891  
each state agency with the development of an information 6892  
technology security strategic plan and review that plan, and each 6893  
state agency shall submit that plan to the state chief information 6894  
officer. The chief information security officer may require that 6895  
each state agency update its information technology security 6896  
strategic plan annually as determined by the state chief 6897  
information officer. 6898

(2) Prior to the implementation of any information technology 6899  
data system, a state agency shall prepare or have prepared a 6900  
privacy impact statement for that system. 6901

(D) When a state agency requests a purchase of information 6902  
technology supplies or services under Chapter 125. of the Revised 6903  
Code, the state chief information officer may review and reject 6904  
the requested purchase for noncompliance with information 6905  
technology direction, plans, policies, standards, or 6906  
project-alignment criteria. 6907

(E) The office of information technology may operate 6908  
technology services for state agencies in accordance with this 6909  
chapter. 6910

Notwithstanding any provision of the Revised Code to the 6911  
contrary, the office of information technology may assess a 6912  
transaction fee on each license or registration issued as part of 6913  
an electronic licensing system operated by the office in an amount 6914  
determined by the office not to exceed three dollars and fifty 6915  
cents. The transaction fee shall apply to all transactions, 6916  
regardless of form, that immediately precede the issuance, 6917  
renewal, reinstatement, reactivation of, or other activity that 6918  
results in, a license or registration to operate as a regulated 6919  
professional or entity. Each license or registration is a separate 6920  
transaction to which a fee under this division applies. 6921  
Notwithstanding any provision of the Revised Code to the contrary, 6922  
if a fee is assessed under this section, no agency, board, or 6923  
commission shall issue a license or registration unless a fee 6924  
required by this division has been received. The director of 6925  
administrative services may collect the fee or require a state 6926  
agency, board, or commission for which the system is being 6927  
operated to collect the fee. Amounts received under this division 6928  
shall be deposited in or transferred to the professions licensing 6929  
system fund created in division (I) of this section. 6930

(F) With the approval of the director of administrative 6931  
services, the office of information technology may establish 6932  
cooperative agreements with federal and local government agencies 6933

and state agencies that are not under the authority of the 6934  
governor for the provision of technology services and the 6935  
development of technology projects. 6936

(G) The office of information technology may operate a 6937  
program to make information technology purchases. The director of 6938  
administrative services may recover the cost of operating the 6939  
program from all participating government entities by issuing 6940  
intrastate transfer voucher billings for the procured technology 6941  
or through any pass-through billing method agreed to by the 6942  
director of administrative services, the director of budget and 6943  
management, and the participating government entities that will 6944  
receive the procured technology. 6945

If the director of administrative services chooses to recover 6946  
the program costs through intrastate transfer voucher billings, 6947  
the participating government entities shall process the intrastate 6948  
transfer vouchers to pay for the cost. Amounts received under this 6949  
section for the information technology purchase program shall be 6950  
deposited to the credit of the information technology governance 6951  
fund created in section 125.15 of the Revised Code. 6952

(H) Upon request from the director of administrative 6953  
services, the director of budget and management may transfer cash 6954  
from the information technology fund created in section 125.15 of 6955  
the Revised Code, the MARCS administration fund created in section 6956  
4501.29 of the Revised Code, the enterprise applications fund 6957  
created in division (B)(10) of this section, or the professions 6958  
licensing system fund created in division (I) of this section 6959  
to the major information technology purchases fund in an amount not 6960  
to exceed the amount computed under division (B)(10) of this 6961  
section. The major information technology purchases fund is hereby 6962  
created in the state treasury. 6963

(I) There is hereby created in the state treasury the 6964  
professions licensing system fund. The fund shall be used to 6965

operate the electronic licensing system referenced in division (E) 6966  
of this section. 6967

(J) As used in this section: 6968

(1) "Personal information" has the same meaning as in section 6969  
149.45 of the Revised Code. 6970

(2) "State agency" means every organized body, office, or 6971  
agency established by the laws of the state for the exercise of 6972  
any function of state government, other than any state-supported 6973  
institution of higher education, the office of the auditor of 6974  
state, treasurer of state, secretary of state, or attorney 6975  
general, the adjutant general's department, the bureau of workers' 6976  
compensation, the industrial commission, the public employees 6977  
retirement system, the Ohio police and fire pension fund, the 6978  
state teachers retirement system, the school employees retirement 6979  
system, the state highway patrol retirement system, the general 6980  
assembly or any legislative agency, the capitol square review 6981  
advisory board, or the courts or any judicial agency. 6982

**Sec. 125.25.** (A) The director of administrative services may 6983  
debar a vendor from consideration for contract awards upon a 6984  
finding based upon a reasonable belief that the vendor has done 6985  
any of the following: 6986

(1) Abused the selection process by repeatedly withdrawing 6987  
bids or proposals before purchase orders or contracts are issued 6988  
or failing to accept orders based upon firm bids; 6989

(2) Failed to substantially perform a contract according to 6990  
its terms, conditions, and specifications within specified time 6991  
limits; 6992

(3) Failed to cooperate in monitoring contract performance by 6993  
refusing to provide information or documents required in a 6994  
contract, failed to respond to complaints to the vendor, or 6995

accumulated repeated justified complaints regarding performance of a contract;	6996 6997
(4) Attempted to influence a public employee to breach ethical conduct standards or to influence a contract award;	6998 6999
(5) Colluded to restrain competition by any means;	7000
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;	7001 7002 7003 7004 7005 7006
(7) Been convicted under state or federal antitrust laws;	7007
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	7008 7009 7010
(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director;	7011 7012 7013
(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code;	7014 7015 7016
(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.	7017 7018
(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the vendor does not respond with a request for a hearing in the manner specified in	7019 7020 7021 7022 7023 7024 7025

Chapter 119. of the Revised Code, the director shall issue the 7026  
debarment decision without a hearing and shall notify the vendor 7027  
of the decision by certified mail, return receipt requested. 7028

(C) The director shall determine the length of the debarment 7029  
period and may rescind the debarment at any time upon notification 7030  
to the vendor. During the period of debarment, the vendor is not 7031  
eligible to participate in any state contract. After the debarment 7032  
period expires, the vendor ~~shall~~ may be eligible to be awarded 7033  
contracts by state agencies if the vendor is not otherwise 7034  
debarred. 7035

(D) The director, through the office of procurement services, 7036  
shall maintain a list of all vendors currently debarred under this 7037  
section. 7038

**Sec. 126.48.** (A) Except as provided in division (B) of this 7039  
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 7040  
~~internal audit's findings and recommendations which is~~ produced by 7041  
the office of internal audit in the office of budget and 7042  
management and all work papers of the internal audit are 7043  
confidential and are not public records under section 149.43 of 7044  
the Revised Code until the final report of an internal audit's 7045  
findings and recommendations is submitted to the state audit 7046  
committee, the governor, and the director of the state agency 7047  
involved. 7048

(B) The following are not public records under section 149.43 7049  
of the Revised Code: 7050

(1) An internal audit report or work paper that meets the 7051  
definition of a security record or infrastructure record under 7052  
section 149.433 of the Revised Code; 7053

(2) Any information derived from a state tax return or state 7054  
tax return information as permitted to be used by the office of 7055

internal audit under section 5703.21 of the Revised Code. 7056

(3) Any record or document necessary for the performance of 7057  
an internal audit received by the office of internal audit under 7058  
division (C) of section 126.45 of the Revised Code, that is 7059  
otherwise exempt from disclosure under state or federal law. 7060

**Sec. 126.60.** (A) As used in this section: 7061

(1) "Agricultural water project" means a project that will 7062  
improve water quality by reducing or aiding in the reduction of 7063  
levels of phosphorus, nitrogen, or sediment, that result from 7064  
agricultural practices, in the waters of the state. "Agricultural 7065  
water project" includes a project involving research, technology, 7066  
design, construction, best management practices, conservation, 7067  
testing, or education. 7068

(2) "Community water project" means a project involving a 7069  
public water system operated by a political subdivision that will 7070  
improve water quality by reducing or aiding in the reduction of 7071  
levels of phosphorus, nitrogen, or sediment in the waters of the 7072  
state. "Community water project" includes a project involving 7073  
research, technology, design, construction, best management 7074  
practices, conservation, testing, or maintenance. 7075

(3) "Nature water project" means a project involving a 7076  
natural water system that will improve water quality by reducing 7077  
or aiding in the reduction of levels of phosphorus, nitrogen, or 7078  
sediment in the waters of the state. "Nature water project" 7079  
includes a project involving research, technology, design, 7080  
construction, best management practices, conservation, or 7081  
maintenance. "Nature water project" also includes the creation, 7082  
maintenance, or restoration of wetlands, flood plains, flood 7083  
control systems, and buffers throughout the state, including the 7084  
western basin of Lake Erie. 7085

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

(1) Agriculture water projects;

(2) Community water projects;

(3) Nature water projects;

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

(5) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities;

(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, and water conservation districts;

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

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

(1) Prepare a report of the activities that were undertaken with respect to the fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year; 7116  
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(2) Submit the report to the general assembly and to the governor. 7120  
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**Sec. 128.021.** (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for wireless 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards. 7122  
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(B) Not later than one year after ~~the effective date of this amendment~~ September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering committee shall conduct an assessment of the operational standards for public safety answering points developed under division (A) of this section and revise the standards as necessary to ensure that the operational standards contain the following: 7134  
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(1) Policies to ensure that public safety answering point personnel prioritize life-saving questions in responding to each call to a 9-1-1 system established under this chapter; 7141  
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(2) A requirement that all public safety answering point personnel complete proper training or provide proof of prior training to give instructions regarding emergency situations. 7144  
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**Sec. 131.02.** (A) Except as otherwise provided in section 7147  
4123.37, section 5703.061, and division (K) of section 4123.511 of 7148  
the Revised Code, whenever any amount is payable to the state, the 7149  
officer, employee, or agent responsible for administering the law 7150  
under which the amount is payable shall immediately proceed to 7151  
collect the amount or cause the amount to be collected and shall 7152  
pay the amount into the state treasury or into the appropriate 7153  
custodial fund in the manner set forth pursuant to section 113.08 7154  
of the Revised Code. Except as otherwise provided in this 7155  
division, if the amount is not paid within forty-five days after 7156  
payment is due, the officer, employee, or agent shall certify the 7157  
amount due to the attorney general, in the form and manner 7158  
prescribed by the attorney general, and notify the director of 7159  
budget and management thereof. In the case of an amount payable by 7160  
a student enrolled in a state institution of higher education, the 7161  
amount shall be certified within the later of forty-five days 7162  
after the amount is due or the tenth day after the beginning of 7163  
the next academic semester, quarter, or other session following 7164  
the session for which the payment is payable. The attorney general 7165  
may assess the collection cost to the amount certified in such 7166  
manner and amount as prescribed by the attorney general. If an 7167  
amount payable to a political subdivision is past due, the 7168  
political subdivision may, with the approval of the attorney 7169  
general, certify the amount to the attorney general pursuant to 7170  
this section. 7171

For the purposes of this section, the attorney general and 7172  
the officer, employee, or agent responsible for administering the 7173  
law under which the amount is payable shall agree on the time a 7174  
payment is due, and that agreed upon time shall be one of the 7175  
following times: 7176

(1) If a law, including an administrative rule, of this state 7177  
prescribes the time a payment is required to be made or reported, 7178

when the payment is required by that law to be paid or reported.	7179
(2) If the payment is for services rendered, when the rendering of the services is completed.	7180 7181
(3) If the payment is reimbursement for a loss, when the loss is incurred.	7182 7183
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	7184 7185 7186
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	7187 7188 7189
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	7190 7191
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	7192 7193 7194
(8) Upon proof of claim being filed in a bankruptcy case.	7195
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.	7196 7197 7198 7199 7200
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	7201 7202 7203
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	7204 7205 7206
(a) The assessment or case number;	7207

(b) The tax pursuant to which the assessment is made;	7208
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	7209 7210
(d) An explanation of how and when interest will be added to the amount assessed;	7211 7212
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	7213 7214 7215 7216
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	7217 7218
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	7219 7220 7221
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	7222 7223 7224
(1) Compromise the claim;	7225
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	7226 7227 7228 7229
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	7230 7231 7232
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	7233 7234 7235 7236 7237

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection; 7238  
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(b) Cancel the claim or cause it to be canceled. 7240

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified. 7241  
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(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists. 7244  
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(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued. 7257  
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(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court. 7259  
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For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when 7267  
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~~any action, including any action in aid of execution on a~~ 7269  
~~judgment, commences after~~ a certified copy of the tax 7270  
commissioner's entry making an assessment final has been filed in 7271  
the office of the clerk of court of common pleas in the county in 7272  
which the taxpayer resides or has its principal place of business 7273  
in this state, or in the office of the clerk of court of common 7274  
pleas of Franklin county, as provided in section 5739.13, 5741.14, 7275  
5747.13, or 5751.09 of the Revised Code or in any other applicable 7276  
law requiring such a filing. If an assessment has not been issued 7277  
and there is no time limitation on the issuance of an assessment 7278  
under applicable law, an action to collect a tax debt commences 7279  
when the action is filed in the courts of this state to collect 7280  
the liability. 7281

(4) If information contained in a claim that is sold, 7282  
conveyed, or transferred to a private entity pursuant to this 7283  
section is confidential pursuant to federal law or a section of 7284  
the Revised Code that implements a federal law governing 7285  
confidentiality, such information remains subject to that law 7286  
during and following the sale, conveyance, or transfer. 7287

**Sec. 131.35.** (A) With respect to ~~the federal funds revenue~~ 7288  
received into any fund of the state ~~from which transfers may be~~ 7289  
~~made under, except for those funds listed in~~ division (D) of 7290  
section 127.14 of the Revised Code: 7291

(1) No state agency may make expenditures of any federal 7292  
~~funds revenue~~, whether ~~such funds are the revenue is~~ advanced 7293  
prior to expenditure or as reimbursement, unless such expenditures 7294  
are made pursuant to specific appropriations of the general 7295  
assembly, are authorized by the controlling board pursuant to 7296  
division (A)(5) of this section, or are authorized by an executive 7297  
order issued in accordance with section 107.17 of the Revised 7298  
Code, and until an allotment has been approved by the director of 7299

budget and management. All federal ~~fund~~ revenue received by a 7300  
state agency shall be reported to the director within fifteen days 7301  
of the receipt of ~~such fund~~ the revenue or the notification of 7302  
award, whichever occurs first. The director shall prescribe the 7303  
forms and procedures to be used when reporting the receipt of 7304  
federal ~~fund~~ revenue. 7305

(2) If the federal ~~fund~~ revenue received ~~are~~ is greater than 7306  
the amount of ~~such fund~~ the revenue appropriated by the general 7307  
assembly for a specific purpose, the total appropriation of 7308  
federal and state funds for such purpose shall remain at the 7309  
amount designated by the general assembly, except that the 7310  
expenditure of federal ~~fund~~ revenue received in excess of such 7311  
specific appropriation may be authorized by the controlling board, 7312  
subject to division (D) of this section. 7313

(3) To the extent that the expenditure of excess federal 7314  
~~fund~~ revenue is authorized, the controlling board may transfer a 7315  
like amount of general revenue fund appropriation authority from 7316  
the affected agency to the emergency purposes appropriation of the 7317  
controlling board, if such action is permitted under federal 7318  
regulations. 7319

(4) Additional funds may be created by the controlling board 7320  
to receive revenues not anticipated in an appropriations act for 7321  
the biennium in which such new revenues are received. Subject to 7322  
division (D) of this section, expenditures from such additional 7323  
funds may be authorized by the controlling board, but such 7324  
authorization shall not extend beyond the end of the biennium in 7325  
which such funds are created. 7326

(5) Controlling board authorization for a state agency to 7327  
make an expenditure of federal ~~fund~~ revenue constitutes authority 7328  
for the agency to participate in the federal program providing the 7329  
~~fund~~ revenue, and the agency is not required to obtain an 7330  
executive order under section 107.17 of the Revised Code to 7331

participate in the federal program. 7332

(B) With respect to nonfederal ~~funds~~ revenue received into 7333  
~~the waterways safety fund, the wildlife fund, and~~ any fund of the 7334  
state ~~from which transfers may be made under,~~ except for any other 7335  
fund listed in division (D) of section 127.14 of the Revised Code: 7336

(1) No state agency may make expenditures of any ~~such funds~~ 7337  
of the revenue unless the expenditures are made pursuant to 7338  
specific appropriations of the general assembly. 7339

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 7340  
greater than the amount appropriated, the appropriation for that 7341  
fund shall remain at the amount designated by the general assembly 7342  
or, subject to division (D) of this section, as increased and 7343  
approved by the controlling board. 7344

(3) Additional funds may be created by the controlling board 7345  
to receive revenues not anticipated in an appropriations act for 7346  
the biennium in which such new revenues are received. Subject to 7347  
division (D) of this section, expenditures from such additional 7348  
funds may be authorized by the controlling board, but such 7349  
authorization shall not extend beyond the end of the biennium in 7350  
which such funds are created. 7351

(C) The controlling board shall not authorize more than ten 7352  
per cent of additional spending from the occupational licensing 7353  
and regulatory fund, created in section 4743.05 of the Revised 7354  
Code, in excess of any appropriation made by the general assembly 7355  
to a licensing agency except an appropriation for costs related to 7356  
the examination or reexamination of applicants for a license. As 7357  
used in this division, "licensing agency" and "license" have the 7358  
same meanings as in section 4745.01 of the Revised Code. 7359

(D) If federal revenue is received in the waterways safety 7360  
fund or wildlife fund, the controlling board, at the request of 7361  
the director of natural resources, may approve the expenditure of 7362

the federal revenue for purposes for which the federal revenue was 7363  
granted. 7364

(E) The amount of any expenditure authorized under division 7365  
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 7366  
related purpose or item in any fiscal year shall not exceed an 7367  
amount greater than one-half of one per cent of the general 7368  
revenue fund appropriations for that fiscal year. 7369

**Sec. 131.44.** (A) As used in this section: 7370

(1) "Surplus revenue" means the excess, if any, of the total 7371  
fund balance over the required year-end balance. 7372

(2) "Total fund balance" means the sum of the unencumbered 7373  
balance in the general revenue fund on the last day of the 7374  
preceding fiscal year plus the balance in the budget stabilization 7375  
fund. 7376

(3) "Required year-end balance" means the sum of the 7377  
following: 7378

(a) Eight and one-half per cent of the general revenue fund 7379  
revenues for the preceding fiscal year; 7380

(b) "Ending fund balance," which means one-half of one per 7381  
cent of general revenue fund revenues for the preceding fiscal 7382  
year; 7383

(c) "Carryover balance," which means, with respect to a 7384  
fiscal biennium, the excess, if any, of the estimated general 7385  
revenue fund appropriation and transfer requirement for the second 7386  
fiscal year of the biennium over the estimated general revenue 7387  
fund revenue for that fiscal year; 7388

(d) "Capital appropriation reserve," which means the amount, 7389  
if any, of general revenue fund capital appropriations made for 7390  
the current biennium that the director of budget and management 7391  
has determined will be encumbered or disbursed; 7392

(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.

(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:

(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;

(b) Transfers of appropriations from the first fiscal year to the second fiscal year of the biennium approved by the controlling board.

(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management.

(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following:

(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal eight and one-half per cent of the general revenue fund revenues of the preceding fiscal year;

(b) ~~Then~~ Second, if the director received a certification 7424  
from the tax commissioner under section 5747.06 of the Revised 7425  
Code in the current fiscal year, to the income tax withholding 7426  
fund, which is hereby created in the state treasury, an amount 7427  
equal to the lesser of the remaining surplus revenue or the amount 7428  
of general revenue fund offsets identified in the certification; 7429

(c) Third, to the income tax reduction fund, which is hereby 7430  
created in the state treasury, an amount equal to the remaining 7431  
surplus revenue. 7432

(2) Not later than the thirty-first day of July each year, 7433  
the director shall determine the percentage that the balance in 7434  
the income tax reduction fund is of the amount of revenue that the 7435  
director estimates will be received from the tax levied under 7436  
section 5747.02 of the Revised Code in the current fiscal year 7437  
without regard to any reduction under division (B) of that 7438  
section. If that percentage exceeds thirty-five one hundredths of 7439  
one per cent, the director shall certify the percentage to the tax 7440  
commissioner not later than the thirty-first day of July. 7441

(C) The director of budget and management shall transfer 7442  
money in the income tax reduction fund to the general revenue 7443  
fund, the local government fund, and the public library fund as 7444  
necessary to offset revenue reductions resulting from the 7445  
reductions in taxes required under division (B) of section 5747.02 7446  
of the Revised Code in the respective amounts and percentages 7447  
prescribed by ~~division (A)~~ of section 5747.03 and divisions (A) 7448  
and (B) of section 131.51 of the Revised Code as if the amount 7449  
transferred had been collected as taxes under Chapter 5747. of the 7450  
Revised Code. If no reductions in taxes are made under that 7451  
division that affect revenue received in the current fiscal year, 7452  
the director shall not transfer money from the income tax 7453  
reduction fund to the general revenue fund, the local government 7454  
fund, and the public library fund. 7455

(D) On or after the day the tax commissioner's adjustment to the method of determining the amount of income tax to be withheld under section 5747.06 of the Revised Code takes effect, the director of budget and management shall transfer money in the income tax withholding fund to the general revenue fund.

Within ten days before the last day of a fiscal year, the director shall transfer any money remaining in the income tax withholding fund to the income tax reduction fund.

**Sec. 131.511.** (A) In addition to the amounts credited to the local government fund under section 131.51 of the Revised Code, the director of the office of budget and management shall credit monthly to the local government audit support fund a portion of total tax revenue credited to the general revenue fund equal to one-twelfth of the annual fiscal year appropriation from the local government audit support fund.

(B) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under division (A) of this section. The director may, from time to time, revise the schedule of revenue sources as the director considers necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Beginning January 1, 2018, one hundred forty thousand

five hundred fifty dollars; 7515

(b) Beginning January 1, 2019, one hundred forty-seven 7516  
thousand six hundred dollars; 7517

(c) Beginning January 1, 2020, and in each calendar year 7518  
thereafter through calendar year 2028 beginning on the first day 7519  
of January, the annual compensation amount shall be increased by 7520  
one and three-quarters per cent. 7521

(5) For the full-time judges of a municipal court or the 7522  
part-time judges of a municipal court of a territory having a 7523  
population of more than fifty thousand, the following amounts 7524  
effective in the following years, reduced by an amount equal to 7525  
the annual compensation paid to that judge pursuant to division 7526  
(B)(1)(a) of section 1901.11 of the Revised Code from municipal 7527  
corporations and counties: 7528

(a) Beginning January 1, 2018, one hundred thirty-two 7529  
thousand one hundred fifty dollars; 7530

(b) Beginning January 1, 2019, one hundred thirty-eight 7531  
thousand eight hundred dollars; 7532

(c) Beginning January 1, 2020, and in each calendar year 7533  
thereafter through calendar year 2028 beginning on the first day 7534  
of January, the annual compensation amount shall be increased by 7535  
one and three-quarters per cent. 7536

(6) For judges of a municipal court designated as part-time 7537  
judges by section 1901.08 of the Revised Code, other than 7538  
part-time judges to whom division (A)(5) of this section applies, 7539  
and for judges of a county court, the following amounts effective 7540  
in the following years, reduced by an amount equal to the annual 7541  
compensation paid to that judge pursuant to division (A) of 7542  
section 1901.11 of the Revised Code from municipal corporations 7543  
and counties or pursuant to division (A) of section 1907.16 of the 7544  
Revised Code from counties: 7545

(a) Beginning January 1, 2018, seventy-six thousand fifty dollars; 7546  
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(b) Beginning January 1, 2019, seventy-nine thousand nine hundred dollars; 7548  
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(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent. 7550  
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(B) Except as provided in sections 1901.122 and 1901.123 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative director of the supreme court, biweekly from the state treasury. 7554  
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(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less. 7571  
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(D) Neither the chief justice of the supreme court nor any justice or judge of the supreme court, the court of appeals, the court of common pleas, or the probate court shall hold any other office of trust or profit under the authority of this state or the United States.

(E) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd-numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

~~(F) On or before the first day of December of each year, the Ohio supreme court, through its chief administrator, shall notify the administrative judge of the Montgomery county municipal court, the board of county commissioners of Montgomery county, and the treasurer of the state of the yearly salary cost of five part time county court judges as of that date. If the total yearly salary costs of all of the judges of the Montgomery county municipal court as of the first day of December of that same year exceeds that amount, the administrative judge of the Montgomery county municipal court shall cause payment of the excess between those two amounts less any reduced amount paid for the health care costs of the Montgomery county municipal court judges in comparison to the health care costs of five part time county court judges from the general special projects fund or the fund for a specific special project created pursuant to section 1901.26 of the Revised Code to the treasurer of Montgomery county and to the treasurer of the state in amounts proportional to the percentage of the salaries of the municipal court judges paid by the county and by~~

~~the state.~~ 7610

(G) As used in this section: 7611

(1) "Consumer price index" has the same meaning as in section 7612  
101.27 of the Revised Code. 7613

(2) "Salary" does not include any portion of the cost, 7614  
premium, or charge for health, medical, hospital, dental, or 7615  
surgical benefits, or any combination of those benefits, covering 7616  
the chief justice of the supreme court or a justice or judge named 7617  
in this section and paid on the chief justice's or the justice's 7618  
or judge's behalf by a governmental entity. 7619

**Sec. 141.16.** (A) Any voluntarily retired judge, or any judge 7620  
who is retired under Section 6 of Article IV, Ohio Constitution, 7621  
may be assigned with the judge's consent, by the chief justice or 7622  
acting chief justice of the supreme court, to active duty as a 7623  
judge. While so serving, the judge shall be paid, from money 7624  
appropriated for this purpose, the established compensation for 7625  
such office, computed on a per diem basis, in addition to any 7626  
retirement benefits to which the judge may be entitled. 7627

(B) Annually, on the first day of August, the administrative 7628  
director of the ~~Ohio courts~~ supreme court shall issue a billing to 7629  
the county treasurer of any county to which such a judge is 7630  
assigned for reimbursement of the county's portion of the 7631  
compensation previously paid by the state for the twelve-month 7632  
period preceding the last day of June. The county's portion of the 7633  
compensation shall be that part of each per diem paid by the state 7634  
which is proportional to the county's share of the total 7635  
compensation of a resident judge of such court. The county 7636  
treasurer shall forward the payment within thirty days. 7637

(C)~~(1)~~ A retired assigned judge is eligible to receive a 7638  
retired assigned judge payment if the retired assigned judge 7639

completes not less than one hundred hours of service in the 7640  
preceding quarter as assigned by the chief justice or acting chief 7641  
justice. The payment shall be seven hundred fifty dollars per 7642  
quarter and shall be paid from money appropriated for this 7643  
purpose. The payment is subject to any and all applicable taxes 7644  
under local, state, and federal law. 7645

~~(2) Except as provided in division (C)(3) of this section,~~ 7646  
~~the~~ The payment shall be paid within thirty days after the end of 7647  
the quarter in which the one hundred hours is served. 7648

~~(3) In the case of a county operated municipal court, other 7649  
municipal court, or county court to which a judge was assigned,~~ 7650  
~~payment shall be made within thirty days after receipt of the 7651  
quarterly request for reimbursement as required in division (B) of 7652  
section 1901.123 of the Revised Code.~~ 7653

(D) Division (C) of this section does not affect any right of 7654  
a retired assigned judge to receive any allowance, annuity, 7655  
pension, or other benefit vested pursuant to Chapter 145. of the 7656  
Revised Code or other eligible retirement system pursuant to Ohio 7657  
law. 7658

(E) As used in this section: 7659

(1) "Retired assigned judge" is a judge that is described in 7660  
division (A) of this section. 7661

(2) "Quarter" is the preceding three-month period ending on 7662  
the last day of the month of March, June, September, or December 7663  
of each year. 7664

**Sec. 147.591.** (A) As used in this section, "electronic 7665  
document," "electronic seal," "electronic signature," and "online 7666  
notarization" have the same meanings as in section 147.60 of the 7667  
Revised Code. 7668

(B)(1) An electronic document that is signed in the physical 7669

presence of the notary public with an electronic signature and 7670  
notarized with an electronic seal shall be considered an original 7671  
document. 7672

(2) Notwithstanding any other provision of the Revised Code 7673  
to the contrary, a ~~printed~~ digital copy of a document executed 7674  
electronically by the parties and acknowledged or sworn before a 7675  
notary acting pursuant to this section shall be accepted by county 7676  
auditors, engineers, and recorders for purposes of approval, 7677  
transfer, and recording to the same extent as any other document 7678  
that is submitted by an electronic recording method and shall not 7679  
be rejected solely by reason of containing electronic signatures 7680  
or an electronic notarization, including an online notarization, 7681  
~~if that document contains the certificate required under division~~ 7682  
~~(C) of section 147.542 of the Revised Code, including the~~ 7683  
~~notification required under division (C)(7) of that section.~~ 7684

(3) A county auditor, engineer, and recorder shall accept a 7685  
printed document that was executed electronically for purposes of 7686  
approval, transfer, and recording if that document contains an 7687  
attached certificate in the following, or a substantially similar, 7688  
format: 7689

"AUTHENTICATOR CERTIFICATE 7690

I certify and warrant that the foregoing and annexed paper 7691  
document being presented for record, to which this certification 7692  
is attached, represents a true, exact, complete, and unaltered 7693  
copy of the original electronic document. The county offices of 7694  
the auditor, treasurer, recorder, and others necessary to 7695  
effectuate the transfer and recording of the instrument shall be 7696  
entitled to rely on such certification and warranty for all 7697  
purposes. 7698

.....[signature of authenticator] 7699

.....[printed name of authenticator] 7700



accounts: 7730

(a) An account that is maintained by the Ohio public 7731  
employees deferred compensation board and that evidences moneys 7732  
that have been deferred by, or on behalf of, a continuing member 7733  
or participating employee and transmitted to the board by the 7734  
retirement system of the continuing member or participating 7735  
employee; 7736

(b) An account that is maintained by the governing board, 7737  
administrator, depository, or trustee of a deferred compensation 7738  
program of a municipal corporation and that evidences moneys that 7739  
have been deferred by an officer or employee of that municipal 7740  
corporation and transmitted to the governing board, administrator, 7741  
depository, or trustee by the retirement system of the officer or 7742  
employee or in another manner; 7743

(c) An account that is maintained by a governing board, as 7744  
defined in section 148.06 of the Revised Code, and that evidences 7745  
moneys that have been deferred by an officer or employee of a 7746  
government unit, as defined in that section, and transmitted to 7747  
the governing board by the retirement system of the officer or 7748  
employee or in another manner. 7749

(3) "Participating employee" means any eligible employee who 7750  
is having compensation deferred pursuant to ~~a contract~~ either of 7751  
the following: 7752

(a) An agreement that is ~~executed~~ entered into before the 7753  
compensation is earned and that is with the eligible employee's 7754  
employer and the Ohio public employees deferred compensation 7755  
board; 7756

(b) Automatic enrollment in the Ohio public employees 7757  
deferred compensation program under section 148.042 of the Revised 7758  
Code. 7759

(4) "Continuing member" means any former participating 7760

employee who is not currently having compensation deferred, or the 7761  
former participating employee's beneficiary, to whom payment has 7762  
not been made of all deferred compensation distributions. 7763

(B) Notwithstanding section 145.01 of the Revised Code, the 7764  
definitions of that section are applicable to this chapter only to 7765  
any extent necessary to fully understand the provisions of this 7766  
chapter. Reference may also be had to Chapters 742., 3305., 3307., 7767  
3309., and 5505. of the Revised Code for that purpose. 7768

**Sec. 148.04.** (A) The Ohio public employees deferred 7769  
compensation board shall initiate, plan, expedite, and, subject to 7770  
an appropriate assurance of the approval of the internal revenue 7771  
service, promulgate and offer to all eligible employees, and 7772  
thereafter administer on behalf of all participating employees and 7773  
continuing members, and alter as required, a program for deferral 7774  
of compensation, including a reasonable number of options to the 7775  
employee for the investment of deferred funds, always in such form 7776  
as will assure the desired tax treatment of such funds. The 7777  
members of the board are the trustees of any deferred funds and 7778  
shall discharge their duties with respect to the funds solely in 7779  
the interest of and for the exclusive benefit of participating 7780  
employees, continuing members, and their beneficiaries. With 7781  
respect to such deferred funds, section 148.09 of the Revised Code 7782  
shall apply to claims against participating employees or 7783  
continuing members and their employers. 7784

~~(B) The Ohio public employees deferred compensation program 7785  
shall provide informational materials and acknowledgment forms to 7786  
employers required to comply with division (C) of this section. 7787~~

~~(C)(1) Whenever an individual becomes employed in a position 7788  
paid by warrant of the director of budget and management, the 7789  
individual's employer shall do both of the following at the time 7790  
the employee completes the employee's initial employment 7791~~

~~paperwork;~~ 7792

~~(a) Provide to the employee materials provided by the Ohio public employees deferred compensation program under division (B) of this section regarding the benefits of long term savings through deferred compensation;~~ 7793  
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~~(b) Secure, in writing or by electronic means, the employee's acknowledgment form regarding the employee's desire to participate or not participate in a deferred compensation program offered by the board.~~ 7797  
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~~An election regarding participation under this section shall be made in such manner and form as is prescribed by the Ohio public employees deferred compensation program and shall be filed with the program.~~ 7801  
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~~The employer shall forward each acknowledgment form completed under this division to the deferred compensation program not later than forty five days after the date on which the employee's employment begins.~~ 7805  
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~~(2) Every employer of an eligible employee shall contract with enroll the employee upon the employee's application for participation in a deferred compensation program offered by the board on the employee's application to participate, on the employee's election under section 148.041 of the Revised Code, or by automatic enrollment under section 148.042 of the Revised Code.~~ 7809  
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~~(D)(C) The board shall take all actions necessary to ensure that the program qualifies as an eligible deferred compensation plan under section 457(b) of the Internal Revenue Code of 1986, 26 U.S.C. 457. The board shall, subject to any applicable ~~contract~~ provisions of the Ohio public employees deferred compensation program plan, undertake to obtain as favorable conditions of tax treatment as possible, both in the initial programs and any permitted alterations of them or additions to them, as to such~~ 7815  
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matters as terms of distribution, designation of beneficiaries, 7823  
withdrawal upon disability, financial hardship, or termination of 7824  
public employment, and other optional provisions. 7825

The board may establish a designated Roth account feature or 7826  
any other feature in which an employee may make tax-deferred or 7827  
nontax-deferred contributions to an eligible government plan in 7828  
accordance with 26 U.S.C. 457, as amended. 7829

~~(E)~~(D) In no event shall the total of the amount of deferred 7830  
compensation to be set aside under a deferred compensation program 7831  
and the employee's nondeferred income for any year exceed the 7832  
total annual salary or compensation under the existing salary 7833  
schedule or classification plan applicable to the employee in that 7834  
year. 7835

Such a deferred compensation program shall be in addition to 7836  
any retirement or any other benefit program provided by law for 7837  
employees of this state. The board shall adopt rules pursuant to 7838  
Chapter 119. of the Revised Code to provide any necessary 7839  
standards or conditions for the administration of its programs, 7840  
including any limits on the portion of a participating employee's 7841  
compensation that may be deferred in order to avoid adverse 7842  
treatment of the program by the internal revenue service or the 7843  
occurrence of deferral, withholding, or other deductions in excess 7844  
of the compensation available for any pay period. 7845

Both of the following apply to a deferred compensation 7846  
program established under this section: 7847

(1) Any income deferred under the program shall continue to 7848  
be included as regular compensation for the purpose of computing 7849  
the contributions to and benefits from the retirement system of an 7850  
employee; 7851

(2) Any sums deferred shall not be included in the 7852  
computation of any federal and state income taxes withheld on 7853

behalf of an employee. Sums contributed to a Roth account feature 7854  
or other feature to which nontax-deferred contributions are made 7855  
shall be included in the computation of any federal and state 7856  
income taxes withheld on behalf of an employee. 7857

~~(F)~~(E) This section does not limit the authority of any 7858  
municipal corporation, county, township, park district, 7859  
conservancy district, sanitary district, health district, public 7860  
library, county law library, public institution of higher 7861  
education, or school district to provide separate authorized plans 7862  
or programs for deferring compensation of their officers and 7863  
employees in addition to the program for the deferral of 7864  
compensation offered by the board. Any municipal corporation, 7865  
township, public institution of higher education, or school 7866  
district that offers such plans or programs shall include a 7867  
reasonable number of options to its officers or employees for the 7868  
investment of the deferred funds, including annuities, variable 7869  
annuities, regulated investment trusts, or other forms of 7870  
investment approved by the municipal corporation, township, public 7871  
institution of higher education, or school district, that will 7872  
assure the desired tax treatment of the funds. 7873

Sec. 148.041. (A) Unless the employee will be automatically 7874  
enrolled in the Ohio public employees deferred compensation 7875  
program under section 148.042 of the Revised Code, whenever an 7876  
eligible employee becomes employed in a position paid by warrant 7877  
of the director of budget and management, the employee's employer 7878  
shall do both of the following at the time the employee completes 7879  
the employee's initial employment paperwork: 7880

(1) Provide to the employee materials provided by the Ohio 7881  
public employees deferred compensation board under division (D) of 7882  
this section regarding the benefits of long-term savings through 7883  
deferred compensation; 7884

(2) Except as otherwise provided in division (E) of this section, secure, in writing or by electronic means, the employee's election to participate or not participate in a deferred compensation program offered by the board. 7885  
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(B) An election regarding participation under this section shall be made in the manner prescribed by the board. 7889  
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(C) The employer shall forward each election completed under this section to the program not later than forty-five days after the date the employee's employment begins. 7891  
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(D) The board shall provide informational materials and participation forms to employers required to comply with this section. 7894  
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(E) If an eligible employee transfers employment from one position paid by warrant of the director of budget and management to another position paid by warrant of the director of budget and management and, at the time of transfer, is a participating employee, the employee's new employer shall not be required to secure the employee's election to participate or not participate under division (A)(2) of this section. 7897  
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**Sec. 148.042.** (A) As used in this section, "employing authority" means both of the following: 7904  
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(1) The supreme court, house of representatives, senate, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general with respect to employees of those entities; 7906  
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(2) The director of administrative services, with respect to eligible employees employed in a position paid by warrant of the director of budget and management who are not employed by a person or entity listed in division (A)(1) of this section. 7910  
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(B)(1) An employing authority may elect to automatically 7914

enroll employees described in division (C)(1) of this section in 7915  
the Ohio public employees deferred compensation program. An 7916  
employing authority that elects automatic enrollment shall notify 7917  
the Ohio public employees deferred compensation board of that 7918  
election. Automatic enrollment shall commence as soon as 7919  
administratively practical for the board and the employing 7920  
authority. 7921

(2) An employing authority that elects automatic enrollment 7922  
may cease automatic enrollment by notifying the board. The 7923  
employing authority shall specify in the notice the date on which 7924  
automatic enrollment will cease, and that date must be at least 7925  
ninety days after the date the employing authority sends the 7926  
notice. An employee who commences employment after automatic 7927  
enrollment ceases may elect to participate in the program in 7928  
accordance with section 148.04 or 148.041 of the Revised Code. 7929  
Cessation of automatic enrollment does not affect the enrollment 7930  
of employees enrolled during an automatic enrollment period. 7931

An employing authority that ceases automatic enrollment may 7932  
subsequently elect automatic enrollment by complying with division 7933  
(B)(1) of this section. 7934

(C)(1) An eligible employee employed by an employing 7935  
authority that has elected automatic enrollment shall be 7936  
automatically enrolled in the program if one of the following 7937  
applies to the employee: 7938

(a) The employee initially commences employment with the 7939  
employing authority on or after the date automatic enrollment 7940  
begins under division (B) of this section. 7941

(b) The employee separates from employment with an employing 7942  
authority, becomes a continuing member, and, on or after the date 7943  
automatic enrollment begins, commences employment with that 7944  
employing authority or a different employing authority. 7945

(c) The employee is employed in a position paid by warrant of the director of budget and management and the employee transfers employment from an employing authority that has not elected to automatically enroll employees under this section to another position paid by warrant of the director of budget and management under an employing authority that has elected to automatically enroll employees, if the transfer occurs on or after the date automatic enrollment begins.

(2) An employee who, at the time of transferring from one employing authority to another as described in division (C)(1)(c) of this section, is a participating employee shall not be automatically enrolled in the program by the employing authority to which the employee transfers.

(D) The board shall establish the automatic deferral amounts and specify the investment options into which those deferred amounts will be invested for participating employees who are enrolled under this section. Deferral amounts shall not exceed the lesser of either ten per cent of an eligible employee's compensation or the maximum contribution that the employee is eligible to contribute under federal law.

(E) An employing authority that elects to automatically enroll employees under this section shall provide those employees with notice of the employee's rights and obligations in the manner prescribed by the board.

(F) An employing authority shall not elect to automatically enroll an eligible employee under this section, or elect to cease automatic enrollment, if that election conflicts with any collective bargaining agreement entered into between the employing authority and an exclusive representative as defined in section 4117.01 of the Revised Code.

**Sec. 149.11. (A)** Any department, division, bureau, board, or

commission of the state government issuing a report, pamphlet, 7977  
document, or other publication intended for general public use and 7978  
distribution, which publication is reproduced by duplicating 7979  
processes ~~such as mimeograph, multigraph, planograph, rotaprint,~~ 7980  
~~or multilith, or printed internally or in print whether~~ through a 7981  
contract awarded to any person, company, or the state printing 7982  
division of the department of administrative services, shall cause 7983  
to be delivered to the state library ~~one hundred~~ fifty copies of 7984  
the publication, subject to the provisions of section 125.42 of 7985  
the Revised Code. 7986

(B) The state library board shall distribute the print 7987  
publications so received as follows: 7988

~~(A)~~(1) Retain two copies in the state library; 7989

~~(B)~~(2) Send two copies to the document division of the 7990  
library of congress; 7991

~~(C)~~(3) Send one copy to the Ohio history connection and to 7992  
each public or college library in the state designated by the 7993  
state library board to be a depository for state publications. In 7994  
designating which libraries shall be depositories, the board shall 7995  
select those libraries that can best preserve those publications 7996  
and that are so located geographically as will make the 7997  
publications conveniently accessible to residents in all areas of 7998  
the state. 7999

~~(D)~~(4) Send one copy to each state in exchange for like 8000  
publications of that state. 8001

(C) A department, division, bureau, board, or commission of 8002  
the state government shall notify the state library of the 8003  
availability of documents or other publications, intended for 8004  
general public use and distribution, which are made available 8005  
electronically on its internet web site. The state library shall 8006

retain electronic publications in the state library digital 8007  
archive and provide permanent access and records to each public or 8008  
college library in the state designated by the state library board 8009  
to be a depository for state publications. 8010

(D) The print publications described in division (A) of this 8011  
section and the electronic publications described in division (C) 8012  
of this section shall be considered already prepared and available 8013  
for inspection, and, subject to applicable copyright protections, 8014  
reproduction by any person at all reasonable times during regular 8015  
business hours at the state library and each library designated as 8016  
a depository for state publications. 8017

(E) The provisions of this section do not apply to any 8018  
publication of the general assembly or to the publications 8019  
described in sections 149.07, 149.08, 149.091, and 149.17 of the 8020  
Revised Code, except that the secretary of state shall forward to 8021  
the document division of the library of congress two copies of all 8022  
journals, two copies of the session laws as provided for in 8023  
section 149.091 of the Revised Code, and two copies of all 8024  
appropriation laws in separate form. 8025

**Sec. 149.43.** (A) As used in this section: 8026

(1) "Public record" means records kept by any public office, 8027  
including, but not limited to, state, county, city, village, 8028  
township, and school district units, and records pertaining to the 8029  
delivery of educational services by an alternative school in this 8030  
state kept by the nonprofit or for-profit entity operating the 8031  
alternative school pursuant to section 3313.533 of the Revised 8032  
Code. "Public record" does not mean any of the following: 8033

(a) Medical records; 8034

(b) Records pertaining to probation and parole proceedings, 8035  
to proceedings related to the imposition of community control 8036

sanctions and post-release control sanctions, or to proceedings 8037  
related to determinations under section 2967.271 of the Revised 8038  
Code regarding the release or maintained incarceration of an 8039  
offender to whom that section applies; 8040

(c) Records pertaining to actions under section 2151.85 and 8041  
division (C) of section 2919.121 of the Revised Code and to 8042  
appeals of actions arising under those sections; 8043

(d) Records pertaining to adoption proceedings, including the 8044  
contents of an adoption file maintained by the department of 8045  
health under sections 3705.12 to 3705.124 of the Revised Code; 8046

(e) Information in a record contained in the putative father 8047  
registry established by section 3107.062 of the Revised Code, 8048  
regardless of whether the information is held by the department of 8049  
job and family services or, pursuant to section 3111.69 of the 8050  
Revised Code, the office of child support in the department or a 8051  
child support enforcement agency; 8052

(f) Records specified in division (A) of section 3107.52 of 8053  
the Revised Code; 8054

(g) Trial preparation records; 8055

(h) Confidential law enforcement investigatory records; 8056

(i) Records containing information that is confidential under 8057  
section 2710.03 or 4112.05 of the Revised Code; 8058

(j) DNA records stored in the DNA database pursuant to 8059  
section 109.573 of the Revised Code; 8060

(k) Inmate records released by the department of 8061  
rehabilitation and correction to the department of youth services 8062  
or a court of record pursuant to division (E) of section 5120.21 8063  
of the Revised Code; 8064

(l) Records maintained by the department of youth services 8065  
pertaining to children in its custody released by the department 8066

of youth services to the department of rehabilitation and	8067
correction pursuant to section 5139.05 of the Revised Code;	8068
(m) Intellectual property records;	8069
(n) Donor profile records;	8070
(o) Records maintained by the department of job and family	8071
services pursuant to section 3121.894 of the Revised Code;	8072
(p) Designated public service worker residential and familial	8073
information;	8074
(q) In the case of a county hospital operated pursuant to	8075
Chapter 339. of the Revised Code or a municipal hospital operated	8076
pursuant to Chapter 749. of the Revised Code, information that	8077
constitutes a trade secret, as defined in section 1333.61 of the	8078
Revised Code;	8079
(r) Information pertaining to the recreational activities of	8080
a person under the age of eighteen;	8081
(s) In the case of a child fatality review board acting under	8082
sections 307.621 to 307.629 of the Revised Code or a review	8083
conducted pursuant to guidelines established by the director of	8084
health under section 3701.70 of the Revised Code, records provided	8085
to the board or director, statements made by board members during	8086
meetings of the board or by persons participating in the	8087
director's review, and all work products of the board or director,	8088
and in the case of a child fatality review board, child fatality	8089
review data submitted by the board to the department of health or	8090
a national child death review database, other than the report	8091
prepared pursuant to division (A) of section 307.626 of the	8092
Revised Code;	8093
(t) Records provided to and statements made by the executive	8094
director of a public children services agency or a prosecuting	8095
attorney acting pursuant to section 5153.171 of the Revised Code	8096

other than the information released under that section;	8097
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	8098 8099 8100 8101 8102 8103
(v) Records the release of which is prohibited by state or federal law;	8104 8105
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	8106 8107 8108
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	8109 8110 8111 8112 8113 8114
(y) Records listed in section 5101.29 of the Revised Code;	8115
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	8116 8117 8118
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	8119 8120 8121
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	8122 8123 8124
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and	8125 8126

(C) of section 2949.221 of the Revised Code; 8127

(dd) Personal information, as defined in section 149.45 of 8128  
the Revised Code; 8129

(ee) The confidential name, address, and other personally 8130  
identifiable information of a program participant in the address 8131  
confidentiality program established under sections 111.41 to 8132  
111.47 of the Revised Code, including the contents of any 8133  
application for absent voter's ballots, absent voter's ballot 8134  
identification envelope statement of voter, or provisional ballot 8135  
affirmation completed by a program participant who has a 8136  
confidential voter registration record, and records or portions of 8137  
records pertaining to that program that identify the number of 8138  
program participants that reside within a precinct, ward, 8139  
township, municipal corporation, county, or any other geographic 8140  
area smaller than the state. As used in this division, 8141  
"confidential address" and "program participant" have the meaning 8142  
defined in section 111.41 of the Revised Code. 8143

(ff) Orders for active military service of an individual 8144  
serving or with previous service in the armed forces of the United 8145  
States, including a reserve component, or the Ohio organized 8146  
militia, except that, such order becomes a public record on the 8147  
day that is fifteen years after the published date or effective 8148  
date of the call to order; 8149

(gg) The name, address, contact information, or other 8150  
personal information of an individual who is less than eighteen 8151  
years of age that is included in any record related to a traffic 8152  
accident involving a school vehicle in which the individual was an 8153  
occupant at the time of the accident; 8154

(hh) Protected health information, as defined in 45 C.F.R. 8155  
160.103, that is in a claim for payment for a health care product, 8156  
service, or procedure, as well as any other health claims data in 8157

another document that reveals the identity of an individual who is 8158  
the subject of the data or could be used to reveal that 8159  
individual's identity; 8160

(ii) Any depiction by photograph, film, videotape, or printed 8161  
or digital image under either of the following circumstances: 8162

(i) The depiction is that of a victim of an offense the 8163  
release of which would be, to a reasonable person of ordinary 8164  
sensibilities, an offensive and objectionable intrusion into the 8165  
victim's expectation of bodily privacy and integrity. 8166

(ii) The depiction captures or depicts the victim of a 8167  
sexually oriented offense, as defined in section 2950.01 of the 8168  
Revised Code, at the actual occurrence of that offense. 8169

(jj) Restricted portions of a body-worn camera or dashboard 8170  
camera recording; 8171

(kk) In the case of a fetal-infant mortality review board 8172  
acting under sections 3707.70 to 3707.77 of the Revised Code, 8173  
records, documents, reports, or other information presented to the 8174  
board or a person abstracting such materials on the board's 8175  
behalf, statements made by review board members during board 8176  
meetings, all work products of the board, and data submitted by 8177  
the board to the department of health or a national infant death 8178  
review database, other than the report prepared pursuant to 8179  
section 3707.77 of the Revised Code. 8180

(ll) Records, documents, reports, or other information 8181  
presented to the pregnancy-associated mortality review board 8182  
established under section 3738.01 of the Revised Code, statements 8183  
made by board members during board meetings, all work products of 8184  
the board, and data submitted by the board to the department of 8185  
health, other than the biennial reports prepared under section 8186  
3738.08 of the Revised Code. 8187

A record that is not a public record under division (A)(1) of 8188

this section and that, under law, is permanently retained becomes 8189  
a public record on the day that is seventy-five years after the 8190  
day on which the record was created, except for any record 8191  
protected by the attorney-client privilege, a trial preparation 8192  
record as defined in this section, a statement prohibiting the 8193  
release of identifying information signed under section 3107.083 8194  
of the Revised Code, a denial of release form filed pursuant to 8195  
section 3107.46 of the Revised Code, or any record that is exempt 8196  
from release or disclosure under section 149.433 of the Revised 8197  
Code. If the record is a birth certificate and a biological 8198  
parent's name redaction request form has been accepted under 8199  
section 3107.391 of the Revised Code, the name of that parent 8200  
shall be redacted from the birth certificate before it is released 8201  
under this paragraph. If any other section of the Revised Code 8202  
establishes a time period for disclosure of a record that 8203  
conflicts with the time period specified in this section, the time 8204  
period in the other section prevails. 8205

(2) "Confidential law enforcement investigatory record" means 8206  
any record that pertains to a law enforcement matter of a 8207  
criminal, quasi-criminal, civil, or administrative nature, but 8208  
only to the extent that the release of the record would create a 8209  
high probability of disclosure of any of the following: 8210

(a) The identity of a suspect who has not been charged with 8211  
the offense to which the record pertains, or of an information 8212  
source or witness to whom confidentiality has been reasonably 8213  
promised; 8214

(b) Information provided by an information source or witness 8215  
to whom confidentiality has been reasonably promised, which 8216  
information would reasonably tend to disclose the source's or 8217  
witness's identity; 8218

(c) Specific confidential investigatory techniques or 8219  
procedures or specific investigatory work product; 8220

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT,

medical director or member of a cooperating physician advisory 8252  
board of an emergency medical service organization, state board of 8253  
pharmacy employee, investigator of the bureau of criminal 8254  
identification and investigation, judge, magistrate, or federal 8255  
law enforcement officer. 8256

(8) "Designated public service worker residential and 8257  
familial information" means any information that discloses any of 8258  
the following about a designated public service worker: 8259

(a) The address of the actual personal residence of a 8260  
designated public service worker, except for the following 8261  
information: 8262

(i) The address of the actual personal residence of a 8263  
prosecuting attorney or judge; and 8264

(ii) The state or political subdivision in which a designated 8265  
public service worker resides. 8266

(b) Information compiled from referral to or participation in 8267  
an employee assistance program; 8268

(c) The social security number, the residential telephone 8269  
number, any bank account, debit card, charge card, or credit card 8270  
number, or the emergency telephone number of, or any medical 8271  
information pertaining to, a designated public service worker; 8272

(d) The name of any beneficiary of employment benefits, 8273  
including, but not limited to, life insurance benefits, provided 8274  
to a designated public service worker by the designated public 8275  
service worker's employer; 8276

(e) The identity and amount of any charitable or employment 8277  
benefit deduction made by the designated public service worker's 8278  
employer from the designated public service worker's compensation, 8279  
unless the amount of the deduction is required by state or federal 8280  
law; 8281

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation,

township, fire district, or village. 8313

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 8314  
emergency medical services for a public emergency medical service 8315  
organization. "Emergency medical service organization," 8316  
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 8317  
section 4765.01 of the Revised Code. 8318

"Investigator of the bureau of criminal identification and 8319  
investigation" has the meaning defined in section 2903.11 of the 8320  
Revised Code. 8321

"Federal law enforcement officer" has the meaning defined in 8322  
section 9.88 of the Revised Code. 8323

(10) "Information pertaining to the recreational activities 8324  
of a person under the age of eighteen" means information that is 8325  
kept in the ordinary course of business by a public office, that 8326  
pertains to the recreational activities of a person under the age 8327  
of eighteen years, and that discloses any of the following: 8328

(a) The address or telephone number of a person under the age 8329  
of eighteen or the address or telephone number of that person's 8330  
parent, guardian, custodian, or emergency contact person; 8331

(b) The social security number, birth date, or photographic 8332  
image of a person under the age of eighteen; 8333

(c) Any medical record, history, or information pertaining to 8334  
a person under the age of eighteen; 8335

(d) Any additional information sought or required about a 8336  
person under the age of eighteen for the purpose of allowing that 8337  
person to participate in any recreational activity conducted or 8338  
sponsored by a public office or to use or obtain admission 8339  
privileges to any recreational facility owned or operated by a 8340  
public office. 8341

(11) "Community control sanction" has the meaning defined in 8342

section 2929.01 of the Revised Code. 8343

(12) "Post-release control sanction" has the meaning defined 8344  
in section 2967.01 of the Revised Code. 8345

(13) "Redaction" means obscuring or deleting any information 8346  
that is exempt from the duty to permit public inspection or 8347  
copying from an item that otherwise meets the definition of a 8348  
"record" in section 149.011 of the Revised Code. 8349

(14) "Designee," "elected official," and "future official" 8350  
have the meanings defined in section 109.43 of the Revised Code. 8351

(15) "Body-worn camera" means a visual and audio recording 8352  
device worn on the person of a peace officer while the peace 8353  
officer is engaged in the performance of the peace officer's 8354  
duties. 8355

(16) "Dashboard camera" means a visual and audio recording 8356  
device mounted on a peace officer's vehicle or vessel that is used 8357  
while the peace officer is engaged in the performance of the peace 8358  
officer's duties. 8359

(17) "Restricted portions of a body-worn camera or dashboard 8360  
camera recording" means any visual or audio portion of a body-worn 8361  
camera or dashboard camera recording that shows, communicates, or 8362  
discloses any of the following: 8363

(a) The image or identity of a child or information that 8364  
could lead to the identification of a child who is a primary 8365  
subject of the recording when the law enforcement agency knows or 8366  
has reason to know the person is a child based on the law 8367  
enforcement agency's records or the content of the recording; 8368

(b) The death of a person or a deceased person's body, unless 8369  
the death was caused by a peace officer or, subject to division 8370  
(H)(1) of this section, the consent of the decedent's executor or 8371  
administrator has been obtained; 8372

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law

enforcement encounter;	8404
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	8405
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;	8406
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	8407
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	8408
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	8409
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	8410
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	8411
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	8412
As used in division (A)(17) of this section:	8413
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	8414
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	8415

"Protected health information" has the same meaning as in 45 8434  
C.F.R. 160.103. 8435

"Law enforcement agency" has the same meaning as in section 8436  
2925.61 of the Revised Code. 8437

"Personal information" means any government-issued 8438  
identification number, date of birth, address, financial 8439  
information, or criminal justice information from the law 8440  
enforcement automated data system or similar databases. 8441

"Sex offense" has the same meaning as in section 2907.10 of 8442  
the Revised Code. 8443

"Firefighter," "paramedic," and "first responder" have the 8444  
same meanings as in section 4765.01 of the Revised Code. 8445

(B)(1) Upon request and subject to division (B)(8) of this 8446  
section, all public records responsive to the request shall be 8447  
promptly prepared and made available for inspection to any person 8448  
at all reasonable times during regular business hours. Subject to 8449  
division (B)(8) of this section, upon request by any person, a 8450  
public office or person responsible for public records shall make 8451  
copies of the requested public record available to the requester 8452  
at cost and within a reasonable period of time. If a public record 8453  
contains information that is exempt from the duty to permit public 8454  
inspection or to copy the public record, the public office or the 8455  
person responsible for the public record shall make available all 8456  
of the information within the public record that is not exempt. 8457  
When making that public record available for public inspection or 8458  
copying that public record, the public office or the person 8459  
responsible for the public record shall notify the requester of 8460  
any redaction or make the redaction plainly visible. A redaction 8461  
shall be deemed a denial of a request to inspect or copy the 8462  
redacted information, except if federal or state law authorizes or 8463  
requires a public office to make the redaction. 8464

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the

requested public record. Any requirement that the requester 8497  
disclose the requester's identity or the intended use of the 8498  
requested public record constitutes a denial of the request. 8499

(5) A public office or person responsible for public records 8500  
may ask a requester to make the request in writing, may ask for 8501  
the requester's identity, and may inquire about the intended use 8502  
of the information requested, but may do so only after disclosing 8503  
to the requester that a written request is not mandatory, that the 8504  
requester may decline to reveal the requester's identity or the 8505  
intended use, and when a written request or disclosure of the 8506  
identity or intended use would benefit the requester by enhancing 8507  
the ability of the public office or person responsible for public 8508  
records to identify, locate, or deliver the public records sought 8509  
by the requester. 8510

(6) If any person requests a copy of a public record in 8511  
accordance with division (B) of this section, the public office or 8512  
person responsible for the public record may require that person 8513  
to pay in advance the cost involved in providing the copy of the 8514  
public record in accordance with the choice made by the person 8515  
requesting the copy under this division. The public office or the 8516  
person responsible for the public record shall permit that person 8517  
to choose to have the public record duplicated upon paper, upon 8518  
the same medium upon which the public office or person responsible 8519  
for the public record keeps it, or upon any other medium upon 8520  
which the public office or person responsible for the public 8521  
record determines that it reasonably can be duplicated as an 8522  
integral part of the normal operations of the public office or 8523  
person responsible for the public record. When the person 8524  
requesting the copy makes a choice under this division, the public 8525  
office or person responsible for the public record shall provide a 8526  
copy of it in accordance with the choice made by that person. 8527  
Nothing in this section requires a public office or person 8528

responsible for the public record to allow the person requesting a 8529  
copy of the public record to make the copies of the public record. 8530

(7)(a) Upon a request made in accordance with division (B) of 8531  
this section and subject to division (B)(6) of this section, a 8532  
public office or person responsible for public records shall 8533  
transmit a copy of a public record to any person by United States 8534  
mail or by any other means of delivery or transmission within a 8535  
reasonable period of time after receiving the request for the 8536  
copy. The public office or person responsible for the public 8537  
record may require the person making the request to pay in advance 8538  
the cost of postage if the copy is transmitted by United States 8539  
mail or the cost of delivery if the copy is transmitted other than 8540  
by United States mail, and to pay in advance the costs incurred 8541  
for other supplies used in the mailing, delivery, or transmission. 8542

(b) Any public office may adopt a policy and procedures that 8543  
it will follow in transmitting, within a reasonable period of time 8544  
after receiving a request, copies of public records by United 8545  
States mail or by any other means of delivery or transmission 8546  
pursuant to division (B)(7) of this section. A public office that 8547  
adopts a policy and procedures under division (B)(7) of this 8548  
section shall comply with them in performing its duties under that 8549  
division. 8550

(c) In any policy and procedures adopted under division 8551  
(B)(7) of this section: 8552

(i) A public office may limit the number of records requested 8553  
by a person that the office will physically deliver by United 8554  
States mail or by another delivery service to ten per month, 8555  
unless the person certifies to the office in writing that the 8556  
person does not intend to use or forward the requested records, or 8557  
the information contained in them, for commercial purposes; 8558

(ii) A public office that chooses to provide some or all of 8559

its public records on a web site that is fully accessible to and 8560  
searchable by members of the public at all times, other than 8561  
during acts of God outside the public office's control or 8562  
maintenance, and that charges no fee to search, access, download, 8563  
or otherwise receive records provided on the web site, may limit 8564  
to ten per month the number of records requested by a person that 8565  
the office will deliver in a digital format, unless the requested 8566  
records are not provided on the web site and unless the person 8567  
certifies to the office in writing that the person does not intend 8568  
to use or forward the requested records, or the information 8569  
contained in them, for commercial purposes. 8570

(iii) For purposes of division (B)(7) of this section, 8571  
"commercial" shall be narrowly construed and does not include 8572  
reporting or gathering news, reporting or gathering information to 8573  
assist citizen oversight or understanding of the operation or 8574  
activities of government, or nonprofit educational research. 8575

(8) A public office or person responsible for public records 8576  
is not required to permit a person who is incarcerated pursuant to 8577  
a criminal conviction or a juvenile adjudication to inspect or to 8578  
obtain a copy of any public record concerning a criminal 8579  
investigation or prosecution or concerning what would be a 8580  
criminal investigation or prosecution if the subject of the 8581  
investigation or prosecution were an adult, unless the request to 8582  
inspect or to obtain a copy of the record is for the purpose of 8583  
acquiring information that is subject to release as a public 8584  
record under this section and the judge who imposed the sentence 8585  
or made the adjudication with respect to the person, or the 8586  
judge's successor in office, finds that the information sought in 8587  
the public record is necessary to support what appears to be a 8588  
justiciable claim of the person. 8589

(9)(a) Upon written request made and signed by a journalist, 8590  
a public office, or person responsible for public records, having 8591

custody of the records of the agency employing a specified 8592  
designated public service worker shall disclose to the journalist 8593  
the address of the actual personal residence of the designated 8594  
public service worker and, if the designated public service 8595  
worker's spouse, former spouse, or child is employed by a public 8596  
office, the name and address of the employer of the designated 8597  
public service worker's spouse, former spouse, or child. The 8598  
request shall include the journalist's name and title and the name 8599  
and address of the journalist's employer and shall state that 8600  
disclosure of the information sought would be in the public 8601  
interest. 8602

(b) Division (B)(9)(a) of this section also applies to 8603  
journalist requests for: 8604

(i) Customer information maintained by a municipally owned or 8605  
operated public utility, other than social security numbers and 8606  
any private financial information such as credit reports, payment 8607  
methods, credit card numbers, and bank account information; 8608

(ii) Information about minors involved in a school vehicle 8609  
accident as provided in division (A)(1)(gg) of this section, other 8610  
than personal information as defined in section 149.45 of the 8611  
Revised Code. 8612

(c) As used in division (B)(9) of this section, "journalist" 8613  
means a person engaged in, connected with, or employed by any news 8614  
medium, including a newspaper, magazine, press association, news 8615  
agency, or wire service, a radio or television station, or a 8616  
similar medium, for the purpose of gathering, processing, 8617  
transmitting, compiling, editing, or disseminating information for 8618  
the general public. 8619

(10) Upon a request made by a victim, victim's attorney, or 8620  
victim's representative, as that term is used in section 2930.02 8621  
of the Revised Code, a public office or person responsible for 8622

public records shall transmit a copy of a depiction of the victim 8623  
as described in division (A)(1)(gg) of this section to the victim, 8624  
victim's attorney, or victim's representative. 8625

(C)(1) If a person allegedly is aggrieved by the failure of a 8626  
public office or the person responsible for public records to 8627  
promptly prepare a public record and to make it available to the 8628  
person for inspection in accordance with division (B) of this 8629  
section or by any other failure of a public office or the person 8630  
responsible for public records to comply with an obligation in 8631  
accordance with division (B) of this section, the person allegedly 8632  
aggrieved may do only one of the following, and not both: 8633

(a) File a complaint with the clerk of the court of claims or 8634  
the clerk of the court of common pleas under section 2743.75 of 8635  
the Revised Code; 8636

(b) Commence a mandamus action to obtain a judgment that 8637  
orders the public office or the person responsible for the public 8638  
record to comply with division (B) of this section, that awards 8639  
court costs and reasonable attorney's fees to the person that 8640  
instituted the mandamus action, and, if applicable, that includes 8641  
an order fixing statutory damages under division (C)(2) of this 8642  
section. The mandamus action may be commenced in the court of 8643  
common pleas of the county in which division (B) of this section 8644  
allegedly was not complied with, in the supreme court pursuant to 8645  
its original jurisdiction under Section 2 of Article IV, Ohio 8646  
Constitution, or in the court of appeals for the appellate 8647  
district in which division (B) of this section allegedly was not 8648  
complied with pursuant to its original jurisdiction under Section 8649  
3 of Article IV, Ohio Constitution. 8650

(2) If a requester transmits a written request by hand 8651  
delivery, electronic submission, or certified mail to inspect or 8652  
receive copies of any public record in a manner that fairly 8653  
describes the public record or class of public records to the 8654

public office or person responsible for the requested public 8655  
records, except as otherwise provided in this section, the 8656  
requester shall be entitled to recover the amount of statutory 8657  
damages set forth in this division if a court determines that the 8658  
public office or the person responsible for public records failed 8659  
to comply with an obligation in accordance with division (B) of 8660  
this section. 8661

The amount of statutory damages shall be fixed at one hundred 8662  
dollars for each business day during which the public office or 8663  
person responsible for the requested public records failed to 8664  
comply with an obligation in accordance with division (B) of this 8665  
section, beginning with the day on which the requester files a 8666  
mandamus action to recover statutory damages, up to a maximum of 8667  
one thousand dollars. The award of statutory damages shall not be 8668  
construed as a penalty, but as compensation for injury arising 8669  
from lost use of the requested information. The existence of this 8670  
injury shall be conclusively presumed. The award of statutory 8671  
damages shall be in addition to all other remedies authorized by 8672  
this section. 8673

The court may reduce an award of statutory damages or not 8674  
award statutory damages if the court determines both of the 8675  
following: 8676

(a) That, based on the ordinary application of statutory law 8677  
and case law as it existed at the time of the conduct or 8678  
threatened conduct of the public office or person responsible for 8679  
the requested public records that allegedly constitutes a failure 8680  
to comply with an obligation in accordance with division (B) of 8681  
this section and that was the basis of the mandamus action, a 8682  
well-informed public office or person responsible for the 8683  
requested public records reasonably would believe that the conduct 8684  
or threatened conduct of the public office or person responsible 8685  
for the requested public records did not constitute a failure to 8686

comply with an obligation in accordance with division (B) of this section; 8687  
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(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 8689  
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(3) In a mandamus action filed under division (C)(1) of this section, the following apply: 8695  
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(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 8697  
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(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 8702  
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(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section: 8706  
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(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section. 8711  
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(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified 8715  
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period of time but failed to fulfill that promise within that 8718  
specified period of time. 8719

(iii) The public office or the person responsible for the 8720  
public records acted in bad faith when the office or person 8721  
voluntarily made the public records available to the relator for 8722  
the first time after the relator commenced the mandamus action, 8723  
but before the court issued any order concluding whether or not 8724  
the public office or person was required to comply with division 8725  
(B) of this section. No discovery may be conducted on the issue of 8726  
the alleged bad faith of the public office or person responsible 8727  
for the public records. This division shall not be construed as 8728  
creating a presumption that the public office or the person 8729  
responsible for the public records acted in bad faith when the 8730  
office or person voluntarily made the public records available to 8731  
the relator for the first time after the relator commenced the 8732  
mandamus action, but before the court issued any order described 8733  
in this division. 8734

(c) The court shall not award attorney's fees to the relator 8735  
if the court determines both of the following: 8736

(i) That, based on the ordinary application of statutory law 8737  
and case law as it existed at the time of the conduct or 8738  
threatened conduct of the public office or person responsible for 8739  
the requested public records that allegedly constitutes a failure 8740  
to comply with an obligation in accordance with division (B) of 8741  
this section and that was the basis of the mandamus action, a 8742  
well-informed public office or person responsible for the 8743  
requested public records reasonably would believe that the conduct 8744  
or threatened conduct of the public office or person responsible 8745  
for the requested public records did not constitute a failure to 8746  
comply with an obligation in accordance with division (B) of this 8747  
section; 8748

(ii) That a well-informed public office or person responsible 8749

for the requested public records reasonably would believe that the 8750  
conduct or threatened conduct of the public office or person 8751  
responsible for the requested public records would serve the 8752  
public policy that underlies the authority that is asserted as 8753  
permitting that conduct or threatened conduct. 8754

(4) All of the following apply to any award of reasonable 8755  
attorney's fees awarded under division (C)(3)(b) of this section: 8756

(a) The fees shall be construed as remedial and not punitive. 8757

(b) The fees awarded shall not exceed the total of the 8758  
reasonable attorney's fees incurred before the public record was 8759  
made available to the relator and the fees described in division 8760  
(C)(4)(c) of this section. 8761

(c) Reasonable attorney's fees shall include reasonable fees 8762  
incurred to produce proof of the reasonableness and amount of the 8763  
fees and to otherwise litigate entitlement to the fees. 8764

(d) The court may reduce the amount of fees awarded if the 8765  
court determines that, given the factual circumstances involved 8766  
with the specific public records request, an alternative means 8767  
should have been pursued to more effectively and efficiently 8768  
resolve the dispute that was subject to the mandamus action filed 8769  
under division (C)(1) of this section. 8770

(5) If the court does not issue a writ of mandamus under 8771  
division (C) of this section and the court determines at that time 8772  
that the bringing of the mandamus action was frivolous conduct as 8773  
defined in division (A) of section 2323.51 of the Revised Code, 8774  
the court may award to the public office all court costs, 8775  
expenses, and reasonable attorney's fees, as determined by the 8776  
court. 8777

(D) Chapter 1347. of the Revised Code does not limit the 8778  
provisions of this section. 8779

(E)(1) To ensure that all employees of public offices are 8780  
appropriately educated about a public office's obligations under 8781  
division (B) of this section, all elected officials or their 8782  
appropriate designees shall attend training approved by the 8783  
attorney general as provided in section 109.43 of the Revised 8784  
Code. A future official may satisfy the requirements of this 8785  
division by attending the training before taking office, provided 8786  
that the future official may not send a designee in the future 8787  
official's place. 8788

(2) All public offices shall adopt a public records policy in 8789  
compliance with this section for responding to public records 8790  
requests. In adopting a public records policy under this division, 8791  
a public office may obtain guidance from the model public records 8792  
policy developed and provided to the public office by the attorney 8793  
general under section 109.43 of the Revised Code. Except as 8794  
otherwise provided in this section, the policy may not limit the 8795  
number of public records that the public office will make 8796  
available to a single person, may not limit the number of public 8797  
records that it will make available during a fixed period of time, 8798  
and may not establish a fixed period of time before it will 8799  
respond to a request for inspection or copying of public records, 8800  
unless that period is less than eight hours. 8801

The public office shall distribute the public records policy 8802  
adopted by the public office under this division to the employee 8803  
of the public office who is the records custodian or records 8804  
manager or otherwise has custody of the records of that office. 8805  
The public office shall require that employee to acknowledge 8806  
receipt of the copy of the public records policy. The public 8807  
office shall create a poster that describes its public records 8808  
policy and shall post the poster in a conspicuous place in the 8809  
public office and in all locations where the public office has 8810  
branch offices. The public office may post its public records 8811

policy on the internet web site of the public office if the public 8812  
office maintains an internet web site. A public office that has 8813  
established a manual or handbook of its general policies and 8814  
procedures for all employees of the public office shall include 8815  
the public records policy of the public office in the manual or 8816  
handbook. 8817

(F)(1) The bureau of motor vehicles may adopt rules pursuant 8818  
to Chapter 119. of the Revised Code to reasonably limit the number 8819  
of bulk commercial special extraction requests made by a person 8820  
for the same records or for updated records during a calendar 8821  
year. The rules may include provisions for charges to be made for 8822  
bulk commercial special extraction requests for the actual cost of 8823  
the bureau, plus special extraction costs, plus ten per cent. The 8824  
bureau may charge for expenses for redacting information, the 8825  
release of which is prohibited by law. 8826

(2) As used in division (F)(1) of this section: 8827

(a) "Actual cost" means the cost of depleted supplies, 8828  
records storage media costs, actual mailing and alternative 8829  
delivery costs, or other transmitting costs, and any direct 8830  
equipment operating and maintenance costs, including actual costs 8831  
paid to private contractors for copying services. 8832

(b) "Bulk commercial special extraction request" means a 8833  
request for copies of a record for information in a format other 8834  
than the format already available, or information that cannot be 8835  
extracted without examination of all items in a records series, 8836  
class of records, or database by a person who intends to use or 8837  
forward the copies for surveys, marketing, solicitation, or resale 8838  
for commercial purposes. "Bulk commercial special extraction 8839  
request" does not include a request by a person who gives 8840  
assurance to the bureau that the person making the request does 8841  
not intend to use or forward the requested copies for surveys, 8842  
marketing, solicitation, or resale for commercial purposes. 8843

(c) "Commercial" means profit-seeking production, buying, or 8844  
selling of any good, service, or other product. 8845

(d) "Special extraction costs" means the cost of the time 8846  
spent by the lowest paid employee competent to perform the task, 8847  
the actual amount paid to outside private contractors employed by 8848  
the bureau, or the actual cost incurred to create computer 8849  
programs to make the special extraction. "Special extraction 8850  
costs" include any charges paid to a public agency for computer or 8851  
records services. 8852

(3) For purposes of divisions (F)(1) and (2) of this section, 8853  
"surveys, marketing, solicitation, or resale for commercial 8854  
purposes" shall be narrowly construed and does not include 8855  
reporting or gathering news, reporting or gathering information to 8856  
assist citizen oversight or understanding of the operation or 8857  
activities of government, or nonprofit educational research. 8858

(G) A request by a defendant, counsel of a defendant, or any 8859  
agent of a defendant in a criminal action that public records 8860  
related to that action be made available under this section shall 8861  
be considered a demand for discovery pursuant to the Criminal 8862  
Rules, except to the extent that the Criminal Rules plainly 8863  
indicate a contrary intent. The defendant, counsel of the 8864  
defendant, or agent of the defendant making a request under this 8865  
division shall serve a copy of the request on the prosecuting 8866  
attorney, director of law, or other chief legal officer 8867  
responsible for prosecuting the action. 8868

(H)(1) Any portion of a body-worn camera or dashboard camera 8869  
recording described in divisions (A)(17)(b) to (h) of this section 8870  
may be released by consent of the subject of the recording or a 8871  
representative of that person, as specified in those divisions, 8872  
only if either of the following applies: 8873

(a) The recording will not be used in connection with any 8874

probable or pending criminal proceedings; 8875

(b) The recording has been used in connection with a criminal 8876  
proceeding that was dismissed or for which a judgment has been 8877  
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 8878  
and will not be used again in connection with any probable or 8879  
pending criminal proceedings. 8880

(2) If a public office denies a request to release a 8881  
restricted portion of a body-worn camera or dashboard camera 8882  
recording, as defined in division (A)(17) of this section, any 8883  
person may file a mandamus action pursuant to this section or a 8884  
complaint with the clerk of the court of claims pursuant to 8885  
section 2743.75 of the Revised Code, requesting the court to order 8886  
the release of all or portions of the recording. If the court 8887  
considering the request determines that the filing articulates by 8888  
clear and convincing evidence that the public interest in the 8889  
recording substantially outweighs privacy interests and other 8890  
interests asserted to deny release, the court shall order the 8891  
public office to release the recording. 8892

**Sec. 153.02.** (A) The executive director of the Ohio 8893  
facilities construction commission, may debar a contractor from 8894  
contract awards for public improvements as referred to in section 8895  
153.01 of the Revised Code or for projects as defined in section 8896  
3318.01 of the Revised Code, upon proof that the contractor has 8897  
done any of the following: 8898

(1) Defaulted on a contract requiring the execution of a 8899  
takeover agreement as set forth in division (B) of section 153.17 8900  
of the Revised Code; 8901

(2) Knowingly failed during the course of a contract to 8902  
maintain the coverage required by the bureau of workers' 8903  
compensation; 8904

(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract;

(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code;

(5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;

(7) Been convicted of a criminal offense under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Been debarred from bidding on or participating in a contract with any state or federal agency.

(B) When the executive director debar a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable.

(C) When the executive director reasonably believes that

grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor ~~shall~~ may be eligible to bid for and participate in such contracts if the vendor is not otherwise debarred.

(E) The executive director shall maintain a list of all contractors currently debarred under this section. Any governmental entity awarding a contract for construction of a public improvement or project may use a contractor's presence on the debarment list to determine whether a contractor is responsible or best under section 9.312 or any other section of the Revised Code in the award of a contract.

(F) As used in this section, "contractor" means a construction contracting business, a subcontractor of a construction contracting business, a supplier of materials, or a manufacturer of materials.

**Sec. 165.01.** As used in this chapter:

~~(A) "Agency" means a community improvement corporation organized under Chapter 1724. of the Revised Code and designated, pursuant to section 1724.10 of the Revised Code, as the agency of a municipal corporation or county.~~ 8966  
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~~(B) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including notes issued in anticipation of the issuance of bonds and renewal notes. The funding of bond anticipation notes with bonds or renewal notes and the exchange of definitive bonds for temporary bonds are not subject to section 165.07 of the Revised Code.~~ 8970  
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~~(C) "Bond proceedings" means the resolution or ordinance or the trust agreement or indenture of mortgage, or combination thereof, authorizing or providing for the terms and conditions applicable to bonds issued under authority of this chapter.~~ 8976  
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~~(D) "Issuer" means the state, or a county, township, or municipal corporation of ~~this~~ the state which county or municipal corporation has, pursuant to section 1724.10 of the Revised Code, designated a community improvement corporation as its agency for industrial, commercial, distribution, and research development and for which a plan has been prepared by such community improvement corporation and confirmed by its issuing authority.~~ 8980  
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~~(E) "Issuing authority" means in the case of the state, the director of development services; in the case of a municipal corporation, the legislative authority thereof; in the case of a township, the board of township trustees; and in the case of a county, the board of county commissioners or whatever officers, board, commission, council, or other body might succeed to the legislative powers of the commissioners.~~ 8987  
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~~(F) "Plan" means a plan prepared by the agency pursuant to section 1724.10 of the Revised Code, and confirmed by the issuing authority of a municipal corporation or county.~~ 8994  
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~~(G)~~ "Pledged facilities" means the project or projects 8997  
mortgaged or the rentals, revenues, and other income, charges, and 8998  
moneys from which are pledged, or both, for the payment of the 8999  
principal of and interest on the bonds issued under authority of 9000  
section 165.03 of the Revised Code, and includes a project for 9001  
which a loan has been made under authority of this chapter, in 9002  
which case, references in this chapter to revenues of such pledged 9003  
facilities or from the disposition thereof includes payments made 9004  
or to be made to or for the account of the issuer pursuant to such 9005  
loan. 9006

~~(H)~~ "Project" means real or personal property, or both, 9007  
including undivided and other interests therein, acquired by gift 9008  
or purchase, constructed, reconstructed, enlarged, improved, 9009  
furnished, or equipped, or any combination thereof, by an issuer, 9010  
or by others in whole or in part from the proceeds of a loan made 9011  
by an issuer, for industry, commerce, distribution, or research 9012  
and located within the boundaries of the issuer. "Project" 9013  
includes sanitary facilities, drainage facilities, and prevention 9014  
or replacement facilities as defined in section 6117.01 of the 9015  
Revised Code. A project as defined in this division is hereby 9016  
determined to qualify as facilities described in Section 13 of 9017  
Article VIII, Ohio Constitution. 9018

~~(I)~~ "Revenues" means the rentals, revenues, payments, 9019  
repayments, income, charges, and moneys derived or to be derived 9020  
from the use, lease, sublease, rental, sale, including installment 9021  
sale or conditional sale, or other disposition of pledged 9022  
facilities, or derived or to be derived pursuant to a loan made 9023  
for a project, bond proceeds to the extent provided in the bond 9024  
proceedings for the payment of principal of, or premium, if any, 9025  
or interest on the bonds, proceeds from any insurance, 9026  
condemnation or guaranty pertaining to pledged facilities or the 9027  
financing thereof, and income and profit from the investment of 9028

the proceeds of bonds or of any revenues. 9029

(F) "Security interest" means a mortgage, lien, or other 9030  
encumbrance on, or pledge or assignment of, or other security 9031  
interest with respect to all or any part of pledged facilities, 9032  
revenues, reserve funds, or other funds established under the bond 9033  
proceedings, or on, of, or with respect to, a lease, sublease, 9034  
sale, conditional sale or installment sale agreement, loan 9035  
agreement, or any other agreement pertaining to the lease, 9036  
sublease, sale, or other disposition of a project or pertaining to 9037  
a loan made for a project, or any guaranty or insurance agreement 9038  
made with respect thereto, or any interest of the issuer therein, 9039  
or any other interest granted, assigned, or released to secure 9040  
payments of the principal of, premium, if any, or interest on any 9041  
bonds or to secure any other payments to be made by an issuer 9042  
under the bond proceedings. Any security interest under this 9043  
chapter may be prior or subordinate to or on a parity with any 9044  
other mortgage, lien, encumbrance, pledge, assignment, or other 9045  
security interest. 9046

**Sec. 165.03.** (A) An issuer may issue bonds for the purpose of 9047  
providing moneys to acquire by purchase, construct, reconstruct, 9048  
enlarge, improve, furnish, or equip one or more projects or parts 9049  
thereof, or for any combination of such purposes, including 9050  
providing moneys to make loans to others for such purposes. The 9051  
issuing authority shall provide by resolution or ordinance for the 9052  
issuance of such bonds. The bond proceedings may contain 9053  
determinations by the issuing authority that the project to be 9054  
financed thereunder is a project as defined in this chapter and is 9055  
consistent with the purposes of Section 13 of Article VIII, Ohio 9056  
Constitution, and such determinations shall be conclusive as to 9057  
the validity and enforceability of the bonds issued under such 9058  
bond proceedings and of such bond proceedings and security 9059  
interests given and leases, subleases, sale agreements, loan 9060

agreements, and other agreements made in connection therewith, all 9061  
in accordance with their terms. 9062

The principal of and interest on the bonds and all other 9063  
payments required to be made by the bond proceedings shall be 9064  
payable solely from the revenues and secured by security interests 9065  
as provided in such bond proceedings. Bond anticipation notes may 9066  
be secured, solely or additionally, by a covenant of the issuer 9067  
that it will do all things necessary for the issuance of the bonds 9068  
anticipated or renewal notes in appropriate amount and either 9069  
exchange such bonds or renewal notes for such notes or apply the 9070  
proceeds therefrom to the extent necessary to make full payment of 9071  
the principal of and interest on such notes. The bond proceedings 9072  
shall not obligate or pledge moneys raised by taxation. 9073

Bonds may be issued at one time or from time to time, shall 9074  
be dated, shall mature at such time or times not exceeding thirty 9075  
years from date of issue, and may be redeemable before maturity at 9076  
such price or prices and under such terms and conditions, all as 9077  
provided in the bond proceedings. The bonds shall bear interest at 9078  
such rate or rates, or at a variable rate or rates changing from 9079  
time to time in accordance with a base or formula, as provided in 9080  
or authorized by the bond proceedings. The issuing authority shall 9081  
determine the form of the bonds, fix their denominations and 9082  
method of execution, and establish within or without the state a 9083  
place or places for the payment of principal or interest. 9084

(B) The issuing authority may provide for sales of bonds at 9085  
public or private sale as it deems most advantageous and for such 9086  
prices, whether above or below the par value thereof, as it 9087  
determines or within such limit or limits as it determines. 9088

~~(C) If the issuer is a county or municipal corporation, then,~~ 9089  
~~prior to the delivery of bonds issued under authority of this~~ 9090  
~~section, the issuing authority shall first have received from its~~ 9091  
~~agency a certification that a project to be financed by the~~ 9092

~~issuance of such bonds is in accordance with the plan, except that~~ 9093  
~~no such certification is necessary if the project is a sanitary~~ 9094  
~~facility, drainage facility, or prevention or replacement facility~~ 9095  
~~as defined in section 6117.01 of the Revised Code. If the state is~~ 9096  
the issuer, then ~~prior to~~ before the authorization of the bonds, 9097  
the issuing authority of the state shall have received a written 9098  
request for the issuance of the bonds from either the board of 9099  
directors of a port authority created pursuant to the authority of 9100  
section 4582.02 or 4582.22 of the Revised Code if the project is 9101  
within the jurisdiction of the port authority ~~or~~ from the 9102  
issuing authority of the municipal corporation, if the project is 9103  
within the boundaries of a municipal corporation, or from the 9104  
issuing authority of the township or county, if the project is 9105  
within the unincorporated portion of the township or county, ~~and~~ 9106  
~~if the project is to be located within a municipal corporation~~ 9107  
~~with a plan or in an unincorporated portion of the county with a~~ 9108  
~~plan, then prior to the delivery of bonds issued under this~~ 9109  
~~section, the issuing authority shall first have received from the~~ 9110  
~~agency of the municipal corporation if within its limits, or from~~ 9111  
~~the agency of the county if in unincorporated territory, a~~ 9112  
~~certification that such project is in accordance with its plan,~~ 9113  
~~except that no such certification is necessary if the request for~~ 9114  
~~issuance of the bonds is made by the port authority.~~ 9115

(D) If the issuer is a county, township, or municipal 9116  
corporation, then, ~~prior to~~ before the delivery of bonds issued 9117  
under authority of this section, the issuing authority shall have 9118  
caused a written notice to have been mailed by certified mail to 9119  
the director of ~~the department of development~~ services of the 9120  
state advising such director of the proposed delivery of the 9121  
bonds, the amount thereof, the proposed lessee, and a general 9122  
description of the project or projects to be financed. 9123

(E) In case any officer who has signed any bonds or coupons 9124

pertaining thereto, or caused the officer's facsimile signature to 9125  
be affixed thereto, ceases to be such officer before such bonds or 9126  
coupons have been delivered, such bonds or coupons may, 9127  
nevertheless, be issued and delivered as though the person who had 9128  
signed the bonds or coupons or caused the person's facsimile 9129  
signature to be affixed thereto had not ceased to be such officer. 9130  
Any bonds or coupons may be executed on behalf of the issuer by an 9131  
officer who, on the date of execution, is the proper officer 9132  
although on the date of such bonds or coupons such person was not 9133  
the proper officer. 9134

(F) All bonds issued under authority of this chapter, 9135  
regardless of form or terms and regardless of any other law to the 9136  
contrary, shall have all qualities and incidents of negotiable 9137  
instruments, subject to provisions for registration, and may be 9138  
issued in coupon, fully registered, or other form, or any 9139  
combination thereof, as the issuing authority determines. 9140  
Provision may be made for the registration of any coupon bonds as 9141  
to principal alone or as to both principal and interest, and for 9142  
the conversion into coupon bonds of any fully registered bonds or 9143  
bonds registered as to both principal and interest. 9144

**Sec. 166.01.** As used in this chapter: 9145

(A) "Allowable costs" means all or part of the costs of 9146  
project facilities, eligible projects, eligible innovation 9147  
projects, eligible research and development projects, eligible 9148  
advanced energy projects, or eligible logistics and distribution 9149  
projects, including costs of acquiring, constructing, 9150  
reconstructing, rehabilitating, renovating, enlarging, improving, 9151  
equipping, or furnishing project facilities, eligible projects, 9152  
eligible innovation projects, eligible research and development 9153  
projects, eligible advanced energy projects, or eligible logistics 9154  
and distribution projects, site clearance and preparation, 9155

supplementing and relocating public capital improvements or 9156  
utility facilities, designs, plans, specifications, surveys, 9157  
studies, and estimates of costs, expenses necessary or incident to 9158  
determining the feasibility or practicability of assisting an 9159  
eligible project, an eligible innovation project, an eligible 9160  
research and development project, an eligible advanced energy 9161  
project, or an eligible logistics and distribution project, or 9162  
providing project facilities or facilities related to an eligible 9163  
project, an eligible innovation project, an eligible research and 9164  
development project, an eligible advanced energy project, or an 9165  
eligible logistics and distribution project, architectural, 9166  
engineering, and legal services fees and expenses, the costs of 9167  
conducting any other activities as part of a voluntary action, and 9168  
such other expenses as may be necessary or incidental to the 9169  
establishment or development of an eligible project, an eligible 9170  
innovation project, an eligible research and development project, 9171  
an eligible advanced energy project, or an eligible logistics and 9172  
distribution project, and reimbursement of moneys advanced or 9173  
applied by any governmental agency or other person for allowable 9174  
costs. 9175

(B) "Allowable innovation costs" includes allowable costs of 9176  
eligible innovation projects and, in addition, includes the costs 9177  
of research and development of eligible innovation projects; 9178  
obtaining or creating any requisite software or computer hardware 9179  
related to an eligible innovation project or the products or 9180  
services associated therewith; testing (including, without 9181  
limitation, quality control activities necessary for initial 9182  
production), perfecting, and marketing of such products and 9183  
services; creating and protecting intellectual property related to 9184  
an eligible innovation project or any products or services related 9185  
thereto, including costs of securing appropriate patent, 9186  
trademark, trade secret, trade dress, copyright, or other form of 9187  
intellectual property protection for an eligible innovation 9188

project or related products and services; all to the extent that 9189  
such expenditures could be capitalized under then-applicable 9190  
generally accepted accounting principles; and the reimbursement of 9191  
moneys advanced or applied by any governmental agency or other 9192  
person for allowable innovation costs. 9193

(C) "Eligible innovation project" includes an eligible 9194  
project, including any project facilities associated with an 9195  
eligible innovation project and, in addition, includes all 9196  
tangible and intangible property related to a new product or 9197  
process based on new technology or the creative application of 9198  
existing technology, including research and development, product 9199  
or process testing, quality control, market research, and related 9200  
activities, that is to be acquired, established, expanded, 9201  
remodeled, rehabilitated, or modernized for industry, commerce, 9202  
distribution, or research, or any combination thereof, the 9203  
operation of which, alone or in conjunction with other eligible 9204  
projects, eligible innovation projects, or innovation property, 9205  
will create new jobs or preserve existing jobs and employment 9206  
opportunities and improve the economic welfare of the people of 9207  
the state. 9208

(D) "Eligible project" means project facilities to be 9209  
acquired, established, expanded, remodeled, rehabilitated, or 9210  
modernized for industry, commerce, distribution, or research, or 9211  
any combination thereof, the operation of which, alone or in 9212  
conjunction with other facilities, will create new jobs or 9213  
preserve existing jobs and employment opportunities and improve 9214  
the economic welfare of the people of the state. "Eligible 9215  
project" includes, without limitation, a voluntary action. For 9216  
purposes of this division, "new jobs" does not include existing 9217  
jobs transferred from another facility within the state, and 9218  
"existing jobs" includes only those existing jobs with work places 9219  
within the municipal corporation or unincorporated area of the 9220

county in which the eligible project is located. 9221

"Eligible project" does not include project facilities to be 9222  
acquired, established, expanded, remodeled, rehabilitated, or 9223  
modernized for industry, commerce, distribution, or research, or 9224  
any combination of industry, commerce, distribution, or research, 9225  
if the project facilities consist solely of 9226  
point-of-final-purchase retail facilities. If the project 9227  
facilities consist of both point-of-final-purchase retail 9228  
facilities and nonretail facilities, only the portion of the 9229  
project facilities consisting of nonretail facilities is an 9230  
eligible project. If a warehouse facility is part of a 9231  
point-of-final-purchase retail facility and supplies only that 9232  
facility, the warehouse facility is not an eligible project. 9233  
Catalog distribution facilities are not considered 9234  
point-of-final-purchase retail facilities for purposes of this 9235  
paragraph, and are eligible projects. 9236

(E) "Eligible research and development project" means an 9237  
eligible project, including project facilities, comprising, 9238  
within, or related to, a facility or portion of a facility at 9239  
which research is undertaken for the purpose of discovering 9240  
information that is technological in nature and the application of 9241  
which is intended to be useful in the development of a new or 9242  
improved product, process, technique, formula, or invention, a new 9243  
product or process based on new technology, or the creative 9244  
application of existing technology. 9245

(F) "Financial assistance" means inducements under division 9246  
(B) of section 166.02 of the Revised Code, loan guarantees under 9247  
section 166.06 of the Revised Code, and direct loans under section 9248  
166.07 of the Revised Code. 9249

(G) "Governmental action" means any action by a governmental 9250  
agency relating to the establishment, development, or operation of 9251  
an eligible project, eligible innovation project, eligible 9252

research and development project, eligible advanced energy 9253  
project, or eligible logistics and distribution project, and 9254  
project facilities that the governmental agency acting has 9255  
authority to take or provide for the purpose under law, including, 9256  
but not limited to, actions relating to contracts and agreements, 9257  
zoning, building, permits, acquisition and disposition of 9258  
property, public capital improvements, utility and transportation 9259  
service, taxation, employee recruitment and training, and liaison 9260  
and coordination with and among governmental agencies. 9261

(H) "Governmental agency" means the state and any state 9262  
department, division, commission, institution or authority; a 9263  
municipal corporation, county, or township, and any agency 9264  
thereof, and any other political subdivision or public corporation 9265  
or the United States or any agency thereof; any agency, 9266  
commission, or authority established pursuant to an interstate 9267  
compact or agreement; and any combination of the above. 9268

(I) "Innovation financial assistance" means inducements under 9269  
division (B) of section 166.12 of the Revised Code, innovation 9270  
Ohio loan guarantees under section 166.15 of the Revised Code, and 9271  
innovation Ohio loans under section 166.16 of the Revised Code. 9272

(J) "Innovation Ohio loan guarantee reserve requirement" 9273  
means, at any time, with respect to innovation loan guarantees 9274  
made under section 166.15 of the Revised Code, a balance in the 9275  
innovation Ohio loan guarantee fund equal to the greater of twenty 9276  
per cent of the then-outstanding principal amount of all 9277  
outstanding innovation loan guarantees made pursuant to section 9278  
166.15 of the Revised Code or fifty per cent of the principal 9279  
amount of the largest outstanding guarantee made pursuant to 9280  
section 166.15 of the Revised Code. 9281

(K) "Innovation property" includes property and also includes 9282  
software, inventory, licenses, contract rights, goodwill, 9283  
intellectual property, including without limitation, patents, 9284

patent applications, trademarks and service marks, and trade 9285  
secrets, and other tangible and intangible property, and any 9286  
rights and interests in or connected to the foregoing. 9287

(L) "Loan guarantee reserve requirement" means, at any time, 9288  
with respect to loan guarantees made under section 166.06 of the 9289  
Revised Code, a balance in the loan guarantee fund equal to the 9290  
greater of twenty per cent of the then-outstanding principal 9291  
amount of all outstanding guarantees made pursuant to section 9292  
166.06 of the Revised Code or fifty per cent of the principal 9293  
amount of the largest outstanding guarantee made pursuant to 9294  
section 166.06 of the Revised Code. 9295

(M) "Person" means any individual, firm, partnership, 9296  
association, corporation, or governmental agency, and any 9297  
combination thereof. 9298

(N) "Project facilities" means buildings, structures, and 9299  
other improvements, and equipment and other property, excluding 9300  
small tools, supplies, and inventory, and any one, part of, or 9301  
combination of the above, comprising all or part of, or serving or 9302  
being incidental to, an eligible project, an eligible innovation 9303  
project, an eligible research and development project, an eligible 9304  
advanced energy project, or an eligible logistics and distribution 9305  
project, including, but not limited to, public capital 9306  
improvements. 9307

(O) "Property" means real and personal property and interests 9308  
therein. 9309

(P) "Public capital improvements" means capital improvements 9310  
or facilities that any governmental agency has authority to 9311  
acquire, pay the costs of, own, maintain, or operate, or to 9312  
contract with other persons to have the same done, including, but 9313  
not limited to, highways, roads, streets, water and sewer 9314  
facilities, railroad and other transportation facilities, and air 9315

and water pollution control and solid waste disposal facilities. 9316  
For purposes of this division, "air pollution control facilities" 9317  
includes, without limitation, solar, geothermal, biofuel, biomass, 9318  
wind, hydro, wave, and other advanced energy projects as defined 9319  
in section 3706.25 of the Revised Code. 9320

(Q) "Research and development financial assistance" means 9321  
inducements under section 166.17 of the Revised Code, research and 9322  
development loans under section 166.21 of the Revised Code, and 9323  
research and development tax credits under sections 5733.352 and 9324  
5747.331 of the Revised Code. 9325

(R) "Targeted innovation industry sectors" means industry 9326  
sectors involving the production or use of advanced materials, 9327  
instruments, controls and electronics, power and propulsion, 9328  
biosciences, and information technology, or such other sectors as 9329  
may be designated by the director of development services. 9330

(S) "Voluntary action" means a voluntary action, as defined 9331  
in section 3746.01 of the Revised Code, that is conducted under 9332  
the voluntary action program established in Chapter 3746. of the 9333  
Revised Code. 9334

(T) "Project financing obligations" means obligations issued 9335  
pursuant to section 166.08 of the Revised Code other than 9336  
obligations for which the bond proceedings provide that bond 9337  
service charges shall be paid from receipts of the state 9338  
representing gross profit on the sale of spirituous liquor as 9339  
referred to in division (B)(4) of section 4310.10 of the Revised 9340  
Code. 9341

(U) "Regional economic development entity" means an entity 9342  
that is under contract with the director to administer a loan 9343  
program under this chapter in a particular area of this state. 9344

(V) ~~"Advanced energy research and development fund" means the~~ 9345  
~~advanced energy research and development fund created in section~~ 9346

~~3706.27 of the Revised Code.~~ 9347

~~(W) "Advanced energy research and development taxable fund"~~ 9348  
~~means the advanced energy research and development taxable fund~~ 9349  
~~created in section 3706.27 of the Revised Code.~~ 9350

~~(X)~~ "Eligible advanced energy project" means an eligible 9351  
project that is an "advanced energy project" as defined in section 9352  
3706.25 of the Revised Code. 9353

~~(Y)~~(W) "Eligible logistics and distribution project" means an 9354  
eligible project, including project facilities, to be acquired, 9355  
established, expanded, remodeled, rehabilitated, or modernized for 9356  
transportation logistics and distribution infrastructure purposes. 9357  
As used in this division, "transportation logistics and 9358  
distribution infrastructure purposes" means promoting, providing 9359  
for, and enabling improvements to the ground, air, and water 9360  
transportation infrastructure comprising the transportation system 9361  
in this state, including, without limitation, highways, streets, 9362  
roads, bridges, railroads carrying freight, and air and water 9363  
ports and port facilities, and all related supporting facilities. 9364

~~(Z)~~(X) "Department of development" means the development 9365  
services agency and "director of development" means the director 9366  
of development services. 9367

**Sec. 169.06.** (A) Before the first day of November of each 9368  
year immediately following the calendar year in which the filing 9369  
of reports is required by section 169.03 of the Revised Code, the 9370  
director of commerce shall cause notice to be published once in an 9371  
English language newspaper of general circulation in the county in 9372  
this state in which is located the last known address of any 9373  
person to be named in the notice required by this section. The 9374  
notice may be published in print or electronic format. If no 9375  
address is listed, the notice shall be published in the county in 9376  
which the holder of the unclaimed funds has its principal place of 9377

business within this state; or if the holder has no principal 9378  
place of business within this state, publication shall be made as 9379  
the director determines most effective. If the address is outside 9380  
this state, notice shall be published in a newspaper of general 9381  
circulation in the county or parish of any state in the United 9382  
States in which such last known address is located. If the last 9383  
known address is in a foreign country, publication shall be made 9384  
as the director determines most effective. 9385

If the name of the owner is not available, the director may 9386  
publish notice by class, identifying number, or as the director 9387  
determines most effective. 9388

(B) The published notice shall be entitled "Notice of Names 9389  
of Persons Appearing to be Owners of Unclaimed Funds," and shall 9390  
contain: 9391

(1) The names in alphabetical order and last known addresses, 9392  
if any, of each person appearing from the records of the holder to 9393  
be the owner of unclaimed funds of a value of fifty dollars or 9394  
more and entitled to notice as specified in division (A) of this 9395  
section; 9396

(2) A statement that information concerning the amount of the 9397  
funds and any necessary information concerning the presentment of 9398  
a claim therefor may be obtained by any persons possessing a 9399  
property interest in the unclaimed funds by addressing an inquiry 9400  
to the director. 9401

(C) With respect to items of unclaimed funds each having a 9402  
value of ten dollars or more, the director shall have available in 9403  
~~his~~ the director's office during business hours an alphabetical 9404  
list of owners and where a holder is a person providing life 9405  
insurance coverage, beneficiaries, and their last known addresses, 9406  
if any, whose funds are being held by the state pursuant to this 9407  
chapter. 9408

(D) The director may give any additional notice ~~he~~ using any electronic or print medium that the director deems necessary to inform the owner of the whereabouts of ~~his~~ the owner's funds.

**Sec. 173.04.** (A) As used in this section, ~~"respite;~~

(1) "Respite care" means short-term, temporary care or supervision provided to a person who has ~~Alzheimer's disease~~ dementia in the absence of the person who normally provides that care or supervision.

(2) "Dementia" includes ~~Alzheimer's disease~~ or other dementia.

(B) Through the internet web site maintained by the department of aging, the director of aging shall disseminate ~~Alzheimer's disease~~ dementia training materials for licensed physicians, registered nurses, licensed practical nurses, administrators of health care programs, social workers, and other health care and social service personnel who participate or assist in the care or treatment of persons who have ~~Alzheimer's disease~~ dementia. The training materials disseminated through the web site may be developed by the director or obtained from other sources.

(C) To the extent funds are available, the director shall administer respite care programs and other supportive services for persons who have ~~Alzheimer's disease~~ dementia and their families or care givers. Respite care programs shall be approved by the director and shall be provided for the following purposes:

(1) Giving persons who normally provide care or supervision for a person who has ~~Alzheimer's disease~~ dementia relief from the stresses and responsibilities that result from providing such care;

(2) Preventing or reducing inappropriate institutional care and enabling persons who have ~~Alzheimer's disease~~ dementia to

remain at home as long as possible. 9439

(D) The director may provide services under this section to 9440  
persons with ~~Alzheimer's disease~~ dementia and their families 9441  
regardless of the age of the persons with ~~Alzheimer's disease~~ 9442  
dementia. 9443

(E) The director may adopt rules in accordance with Chapter 9444  
119. of the Revised Code governing respite care programs and other 9445  
supportive services, the distribution of funds, and the purpose 9446  
for which funds may be utilized under this section. 9447

**Sec. 173.27.** (A) As used in this section: 9448

(1) "Applicant" means a person who is under final 9449  
consideration for employment by a responsible party in a 9450  
full-time, part-time, or temporary position that involves 9451  
providing ombudsman services to residents and recipients. 9452  
"Applicant" includes a person who is under final consideration for 9453  
employment as the state long-term care ombudsman or the head of a 9454  
regional long-term care ombudsman program. "Applicant" does not 9455  
include a person seeking to provide ombudsman services to 9456  
residents and recipients as a volunteer without receiving or 9457  
expecting to receive any form of remuneration other than 9458  
reimbursement for actual expenses. 9459

(2) "Criminal records check" has the same meaning as in 9460  
section 109.572 of the Revised Code. 9461

(3) "Disqualifying offense" means any of the offenses listed 9462  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 9463  
the Revised Code. 9464

(4) "Employee" means a person employed by a responsible party 9465  
in a full-time, part-time, or temporary position that involves 9466  
providing ombudsman services to residents and recipients. 9467  
"Employee" includes the person employed as the state long-term 9468

care ombudsman and a person employed as the head of a regional 9469  
long-term care ombudsman program. "Employee" does not include a 9470  
person who provides ombudsman services to residents and recipients 9471  
as a volunteer without receiving or expecting to receive any form 9472  
of remuneration other than reimbursement for actual expenses. 9473

(5) "Responsible party" means the following: 9474

(a) In the case of an applicant who is under final 9475  
consideration for employment as the state long-term care ombudsman 9476  
or the person employed as the state long-term care ombudsman, the 9477  
director of aging; 9478

(b) In the case of any other applicant who is under final 9479  
consideration for employment with the state long-term care 9480  
ombudsman program or any other employee of the state long-term 9481  
care ombudsman program, the state long-term care ombudsman; 9482

(c) In the case of an applicant who is under final 9483  
consideration for employment with a regional long-term care 9484  
ombudsman program (including as the head of the regional program) 9485  
or an employee of a regional long-term care ombudsman program 9486  
(including the head of a regional program), the regional long-term 9487  
care ombudsman program. 9488

(B) A responsible party may not employ an applicant or 9489  
continue to employ an employee in a position that involves 9490  
providing ombudsman services to residents and recipients if any of 9491  
the following apply: 9492

(1) A review of the databases listed in division (D) of this 9493  
section reveals any of the following: 9494

(a) That the applicant or employee is included in one or more 9495  
of the databases listed in divisions (D)(1) to (5) of this 9496  
section; 9497

(b) That there is in the state nurse aide registry 9498

established under section 3721.32 of the Revised Code a statement 9499  
detailing findings by the director of health that the applicant or 9500  
employee abused, neglected, or exploited a long-term care facility 9501  
or residential care facility resident or misappropriated property 9502  
of such a resident; 9503

(c) That the applicant or employee is included in one or more 9504  
of the databases, if any, specified in rules adopted under this 9505  
section and the rules prohibit the responsible party from 9506  
employing an applicant or continuing to employ an employee 9507  
included in such a database in a position that involves providing 9508  
ombudsman services to residents and recipients. 9509

(2) After the applicant or employee is provided, pursuant to 9510  
division (E)(2)(a) of this section, a copy of the form prescribed 9511  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9512  
and the standard impression sheet prescribed pursuant to division 9513  
(C)(2) of that section, the applicant or employee fails to 9514  
complete the form or provide the applicant's or employee's 9515  
fingerprint impressions on the standard impression sheet. 9516

(3) Unless the applicant or employee meets standards 9517  
specified in rules adopted under this section, the applicant or 9518  
employee is found by a criminal records check required by this 9519  
section to have been convicted of, pleaded guilty to, or been 9520  
found eligible for intervention in lieu of conviction for a 9521  
disqualifying offense. 9522

(C) A responsible party or a responsible party's designee 9523  
shall inform each applicant of both of the following at the time 9524  
of the applicant's initial application for employment in a 9525  
position that involves providing ombudsman services to residents 9526  
and recipients: 9527

(1) That a review of the databases listed in division (D) of 9528  
this section will be conducted to determine whether the 9529

responsible party is prohibited by division (B)(1) of this section 9530  
from employing the applicant in the position; 9531

(2) That, unless the database review reveals that the 9532  
applicant may not be employed in the position, a criminal records 9533  
check of the applicant will be conducted and the applicant is 9534  
required to provide a set of the applicant's fingerprint 9535  
impressions as part of the criminal records check. 9536

(D) As a condition of any applicant's being employed by a 9537  
responsible party in a position that involves providing ombudsman 9538  
services to residents and recipients, the responsible party or 9539  
designee shall conduct a database review of the applicant in 9540  
accordance with rules adopted under this section. If rules adopted 9541  
under this section so require, the responsible party or designee 9542  
shall conduct a database review of an employee in accordance with 9543  
the rules as a condition of the responsible party continuing to 9544  
employ the employee in a position that involves providing 9545  
ombudsman services to residents and recipients. A database review 9546  
shall determine whether the applicant or employee is included in 9547  
any of the following: 9548

(1) The excluded parties list system that is maintained by 9549  
the United States general services administration pursuant to 9550  
subpart 9.4 of the federal acquisition regulation and available at 9551  
the federal web site known as the system for award management; 9552

(2) The list of excluded individuals and entities maintained 9553  
by the office of inspector general in the United States department 9554  
of health and human services pursuant to section 1128 of the 9555  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 9556  
amended, and section 1156 of the "Social Security Act," 96 Stat. 9557  
388 (1982), 42 U.S.C. 1320c-5, as amended; 9558

(3) The registry of developmental disabilities employees 9559  
established under section 5123.52 of the Revised Code; 9560

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 9561  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 9564  
9565

(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 9566  
9567

(7) Any other database, if any, specified in rules adopted under this section. 9568  
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(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal 9570  
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bureau of investigation in a criminal records check, the 9593  
responsible party or designee shall request that the 9594  
superintendent obtain information from the federal bureau of 9595  
investigation as part of the criminal records check. Even if an 9596  
applicant or employee for whom a criminal records check request is 9597  
required by this section presents proof of having been a resident 9598  
of this state for the five-year period, the responsible party or 9599  
designee may request that the superintendent include information 9600  
from the federal bureau of investigation in the criminal records 9601  
check. 9602

(2) A responsible party or designee shall do all of the 9603  
following: 9604

(a) Provide to each applicant and employee for whom a 9605  
criminal records check request is required by this section a copy 9606  
of the form prescribed pursuant to division (C)(1) of section 9607  
109.572 of the Revised Code and a standard impression sheet 9608  
prescribed pursuant to division (C)(2) of that section; 9609

(b) Obtain the completed form and standard impression sheet 9610  
from the applicant or employee; 9611

(c) Forward the completed form and standard impression sheet 9612  
to the superintendent. 9613

(3) A responsible party shall pay to the bureau of criminal 9614  
identification and investigation the fee prescribed pursuant to 9615  
division (C)(3) of section 109.572 of the Revised Code for each 9616  
criminal records check the responsible party or the responsible 9617  
party's designee requests under this section. The responsible 9618  
party may charge an applicant a fee not exceeding the amount the 9619  
responsible party pays to the bureau under this section if the 9620  
responsible party or designee notifies the applicant at the time 9621  
of initial application for employment of the amount of the fee. 9622

(F)(1) A responsible party may employ conditionally an 9623

applicant for whom a criminal records check is required by this 9624  
section prior to obtaining the results of the criminal records 9625  
check if both of the following apply: 9626

(a) The responsible party is not prohibited by division 9627  
(B)(1) of this section from employing the applicant in a position 9628  
that involves providing ombudsman services to residents and 9629  
recipients; 9630

(b) The responsible party or designee requests the criminal 9631  
records check in accordance with division (E) of this section ~~not~~ 9632  
~~later than five business days after~~ before conditionally employing 9633  
the applicant ~~begins conditional employment.~~ 9634

(2) A responsible party shall terminate the employment of an 9635  
applicant employed conditionally under division (F)(1) of this 9636  
section if the results of the criminal records check, other than 9637  
the results of any request for information from the federal bureau 9638  
of investigation, are not obtained within the period ending sixty 9639  
days after the date the request for the criminal records check is 9640  
made. Regardless of when the results of the criminal records check 9641  
are obtained, if the results indicate that the applicant has been 9642  
convicted of, pleaded guilty to, or been found eligible for 9643  
intervention in lieu of conviction for a disqualifying offense, 9644  
the responsible party shall terminate the applicant's employment 9645  
unless the applicant meets standards specified in rules adopted 9646  
under this section that permit the responsible party to employ the 9647  
applicant and the responsible party chooses to employ the 9648  
applicant. Termination of employment under this division shall be 9649  
considered just cause for discharge for purposes of division 9650  
(D)(2) of section 4141.29 of the Revised Code if the applicant 9651  
makes any attempt to deceive the responsible party or designee 9652  
about the applicant's criminal record. 9653

(G) The report of any criminal records check conducted 9654  
pursuant to a request made under this section is not a public 9655

record for the purposes of section 149.43 of the Revised Code and 9656  
shall not be made available to any person other than the 9657  
following: 9658

(1) The applicant or employee who is the subject of the 9659  
criminal records check or the applicant's or employee's 9660  
representative; 9661

(2) The responsible party or designee; 9662

(3) In the case of a criminal records check conducted for an 9663  
applicant who is under final consideration for employment with a 9664  
regional long-term care ombudsman program (including as the head 9665  
of the regional program) or an employee of a regional long-term 9666  
care ombudsman program (including the head of a regional program), 9667  
the state long-term care ombudsman or a representative of the 9668  
office of the state long-term care ombudsman program who is 9669  
responsible for monitoring the regional program's compliance with 9670  
this section; 9671

(4) A court, hearing officer, or other necessary individual 9672  
involved in a case dealing with any of the following: 9673

(a) A denial of employment of the applicant or employee; 9674

(b) Employment or unemployment benefits of the applicant or 9675  
employee; 9676

(c) A civil or criminal action regarding the medicaid program 9677  
or a program the department of aging administers. 9678

(H) In a tort or other civil action for damages that is 9679  
brought as the result of an injury, death, or loss to person or 9680  
property caused by an applicant or employee who a responsible 9681  
party employs in a position that involves providing ombudsman 9682  
services to residents and recipients, all of the following shall 9683  
apply: 9684

(1) If the responsible party employed the applicant or 9685

employee in good faith and reasonable reliance on the report of a 9686  
criminal records check requested under this section, the 9687  
responsible party shall not be found negligent solely because of 9688  
its reliance on the report, even if the information in the report 9689  
is determined later to have been incomplete or inaccurate. 9690

(2) If the responsible party employed the applicant in good 9691  
faith on a conditional basis pursuant to division (F) of this 9692  
section, the responsible party shall not be found negligent solely 9693  
because it employed the applicant prior to receiving the report of 9694  
a criminal records check requested under this section. 9695

(3) If the responsible party in good faith employed the 9696  
applicant or employee because the applicant or employee meets 9697  
standards specified in rules adopted under this section, the 9698  
responsible party shall not be found negligent solely because the 9699  
applicant or employee has been convicted of, pleaded guilty to, or 9700  
been found eligible for intervention in lieu of conviction for a 9701  
disqualifying offense. 9702

(I) The state long-term care ombudsman may not act as the 9703  
director of aging's designee for the purpose of this section. The 9704  
head of a regional long-term care ombudsman program may not act as 9705  
the regional program's designee for the purpose of this section if 9706  
the head is the employee for whom a database review or criminal 9707  
records check is being conducted. 9708

(J) The director of aging shall adopt rules in accordance 9709  
with Chapter 119. of the Revised Code to implement this section. 9710

(1) The rules may do the following: 9711

(a) Require employees to undergo database reviews and 9712  
criminal records checks under this section; 9713

(b) If the rules require employees to undergo database 9714  
reviews and criminal records checks under this section, exempt one 9715  
or more classes of employees from the requirements; 9716

(c) For the purpose of division (D)(7) of this section, 9717  
specify other databases that are to be checked as part of a 9718  
database review conducted under this section. 9719

(2) The rules shall specify all of the following: 9720

(a) The procedures for conducting database reviews under this 9721  
section; 9722

(b) If the rules require employees to undergo database 9723  
reviews and criminal records checks under this section, the times 9724  
at which the database reviews and criminal records checks are to 9725  
be conducted; 9726

(c) If the rules specify other databases to be checked as 9727  
part of the database reviews, the circumstances under which a 9728  
responsible party is prohibited from employing an applicant or 9729  
continuing to employ an employee who is found by a database review 9730  
to be included in one or more of those databases; 9731

(d) Standards that an applicant or employee must meet for a 9732  
responsible party to be permitted to employ the applicant or 9733  
continue to employ the employee in a position that involves 9734  
providing ombudsman services to residents and recipients if the 9735  
applicant or employee is found by a criminal records check 9736  
required by this section to have been convicted of, pleaded guilty 9737  
to, or been found eligible for intervention in lieu of conviction 9738  
for a disqualifying offense. 9739

**Sec. 173.38.** (A) As used in this section: 9740

(1) "Applicant" means a person who is under final 9741  
consideration for employment with a responsible party in a 9742  
full-time, part-time, or temporary direct-care position or is 9743  
referred to a responsible party by an employment service for such 9744  
a position. "Applicant" does not include a person being considered 9745  
for a direct-care position as a volunteer. 9746

- (2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 9747  
9748
- (3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party. 9749  
9750
- (4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers. 9751  
9752  
9753  
9754
- (5) "Consumer" means an individual who receives community-based long-term care services. 9755  
9756
- (6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 9757  
9758
- (7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following: 9759  
9760
- (i) In-person contact with one or more consumers; 9761
- (ii) Access to one or more consumers' personal property or records. 9762  
9763
- (b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code. 9764  
9765  
9766
- (8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 9767  
9768  
9769
- (9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer. 9770  
9771  
9772  
9773  
9774  
9775
- (10) "PASSPORT administrative agency" has the same meaning as 9776

in section 173.42 of the Revised Code. 9777

(11) "Provider" has the same meaning as in section 173.39 of 9778  
the Revised Code. 9779

(12) "Responsible party" means the following: 9780

(a) An area agency on aging in the case of either of the 9781  
following: 9782

(i) A person who is an applicant because the person is under 9783  
final consideration for employment with the agency in a full-time, 9784  
part-time, or temporary direct-care position or is referred to the 9785  
agency by an employment service for such a position; 9786

(ii) A person who is an employee because the person is 9787  
employed by the agency in a full-time, part-time, or temporary 9788  
direct-care position or works in such a position due to being 9789  
referred to the agency by an employment service. 9790

(b) A PASSPORT administrative agency in the case of either of 9791  
the following: 9792

(i) A person who is an applicant because the person is under 9793  
final consideration for employment with the agency in a full-time, 9794  
part-time, or temporary direct-care position or is referred to the 9795  
agency by an employment service for such a position; 9796

(ii) A person who is an employee because the person is 9797  
employed by the agency in a full-time, part-time, or temporary 9798  
direct-care position or works in such a position due to being 9799  
referred to the agency by an employment service. 9800

(c) A provider in the case of either of the following: 9801

(i) A person who is an applicant because the person is under 9802  
final consideration for employment with the provider in a 9803  
full-time, part-time, or temporary direct-care position or is 9804  
referred to the provider by an employment service for such a 9805  
position; 9806

(ii) A person who is an employee because the person is 9807  
employed by the provider in a full-time, part-time, or temporary 9808  
direct-care position or works in such a position due to being 9809  
referred to the provider by an employment service. 9810

(d) A subcontractor in the case of either of the following: 9811

(i) A person who is an applicant because the person is under 9812  
final consideration for employment with the subcontractor in a 9813  
full-time, part-time, or temporary direct-care position or is 9814  
referred to the subcontractor by an employment service for such a 9815  
position; 9816

(ii) A person who is an employee because the person is 9817  
employed by the subcontractor in a full-time, part-time, or 9818  
temporary direct-care position or works in such a position due to 9819  
being referred to the subcontractor by an employment service. 9820

(e) A consumer in the case of either of the following: 9821

(i) A person who is an applicant because the person is under 9822  
final consideration for employment with the consumer in a 9823  
full-time, part-time, or temporary direct-care position for which 9824  
the consumer, as the employer of record, is to direct the person 9825  
in the provision of community-based long-term care services the 9826  
person is to provide the consumer or is referred to the consumer 9827  
by an employment service for such a position; 9828

(ii) A person who is an employee because the person is 9829  
employed by the consumer in a full-time, part-time, or temporary 9830  
direct-care position for which the consumer, as the employer of 9831  
record, directs the person in the provision of community-based 9832  
long-term care services the person provides to the consumer or who 9833  
works in such a position due to being referred to the consumer by 9834  
an employment service. 9835

(13) "Subcontractor" has the meaning specified in rules 9836  
adopted under this section. 9837

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or 3701.881 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code. ~~If a provider or subcontractor also is a waiver agency, the provider or subcontractor may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 5164.342 of the Revised Code rather than this section.~~

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from

employing an applicant or continuing to employ an employee 9869  
included in such a database in a direct-care position. 9870

(2) After the applicant or employee is provided, pursuant to 9871  
division (F)(2)(a) of this section, a copy of the form prescribed 9872  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9873  
and the standard impression sheet prescribed pursuant to division 9874  
(C)(2) of that section, the applicant or employee fails to 9875  
complete the form or provide the applicant's or employee's 9876  
fingerprint impressions on the standard impression sheet. 9877

(3) Unless the applicant or employee meets standards 9878  
specified in rules adopted under this section, the applicant or 9879  
employee is found by a criminal records check required by this 9880  
section to have been convicted of, pleaded guilty to, or been 9881  
found eligible for intervention in lieu of conviction for a 9882  
disqualifying offense. 9883

(D) Except as provided by division (G) of this section, the 9884  
chief administrator of a responsible party shall inform each 9885  
applicant of both of the following at the time of the applicant's 9886  
initial application for employment or referral to the responsible 9887  
party by an employment service for a direct-care position: 9888

(1) That a review of the databases listed in division (E) of 9889  
this section will be conducted to determine whether the 9890  
responsible party is prohibited by division (C)(1) of this section 9891  
from employing the applicant in the direct-care position; 9892

(2) That, unless the database review reveals that the 9893  
applicant may not be employed in the direct-care position, a 9894  
criminal records check of the applicant will be conducted and the 9895  
applicant is required to provide a set of the applicant's 9896  
fingerprint impressions as part of the criminal records check. 9897

(E) As a condition of employing any applicant in a 9898  
direct-care position, the chief administrator of a responsible 9899

party shall conduct a database review of the applicant in 9900  
accordance with rules adopted under this section. If rules adopted 9901  
under this section so require, the chief administrator of a 9902  
responsible party shall conduct a database review of an employee 9903  
in accordance with the rules as a condition of continuing to 9904  
employ the employee in a direct-care position. However, a chief 9905  
administrator is not required to conduct a database review of an 9906  
applicant or employee if division (G) of this section applies. A 9907  
database review shall determine whether the applicant or employee 9908  
is included in any of the following: 9909

(1) The excluded parties list system that is maintained by 9910  
the United States general services administration pursuant to 9911  
subpart 9.4 of the federal acquisition regulation and available at 9912  
the federal web site known as the system for award management; 9913

(2) The list of excluded individuals and entities maintained 9914  
by the office of inspector general in the United States department 9915  
of health and human services pursuant to the "Social Security 9916  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 9917

(3) The registry of developmental disabilities employees 9918  
established under section 5123.52 of the Revised Code; 9919

(4) The internet-based sex offender and child-victim offender 9920  
database established under division (A)(11) of section 2950.13 of 9921  
the Revised Code; 9922

(5) The internet-based database of inmates established under 9923  
section 5120.66 of the Revised Code; 9924

(6) The state nurse aide registry established under section 9925  
3721.32 of the Revised Code; 9926

(7) Any other database, if any, specified in rules adopted 9927  
under this section. 9928

(F)(1) As a condition of employing any applicant in a 9929

direct-care position, the chief administrator of a responsible 9930  
party shall request that the superintendent of the bureau of 9931  
criminal identification and investigation conduct a criminal 9932  
records check of the applicant. If rules adopted under this 9933  
section so require, the chief administrator of a responsible party 9934  
shall request that the superintendent conduct a criminal records 9935  
check of an employee at times specified in the rules as a 9936  
condition of continuing to employ the employee in a direct-care 9937  
position. However, the chief administrator is not required to 9938  
request the criminal records check of the applicant or employee if 9939  
division (G) of this section applies or the responsible party is 9940  
prohibited by division (C)(1) of this section from employing the 9941  
applicant or continuing to employ the employee in a direct-care 9942  
position. If an applicant or employee for whom a criminal records 9943  
check request is required by this section does not present proof 9944  
of having been a resident of this state for the five-year period 9945  
immediately prior to the date the criminal records check is 9946  
requested or provide evidence that within that five-year period 9947  
the superintendent has requested information about the applicant 9948  
or employee from the federal bureau of investigation in a criminal 9949  
records check, the chief administrator shall request that the 9950  
superintendent obtain information from the federal bureau of 9951  
investigation as part of the criminal records check. Even if an 9952  
applicant or employee for whom a criminal records check request is 9953  
required by this section presents proof of having been a resident 9954  
of this state for the five-year period, the chief administrator 9955  
may request that the superintendent include information from the 9956  
federal bureau of investigation in the criminal records check. 9957

(2) The chief administrator shall do all of the following: 9958

(a) Provide to each applicant and employee for whom a 9959  
criminal records check request is required by this section a copy 9960  
of the form prescribed pursuant to division (C)(1) of section 9961

109.572 of the Revised Code and a standard impression sheet	9962
prescribed pursuant to division (C)(2) of that section;	9963
(b) Obtain the completed form and standard impression sheet	9964
from the applicant or employee;	9965
(c) Forward the completed form and standard impression sheet	9966
to the superintendent.	9967
(3) A responsible party shall pay to the bureau of criminal	9968
identification and investigation the fee prescribed pursuant to	9969
division (C)(3) of section 109.572 of the Revised Code for each	9970
criminal records check the responsible party requests under this	9971
section. A responsible party may charge an applicant a fee not	9972
exceeding the amount the responsible party pays to the bureau	9973
under this section if both of the following apply:	9974
(a) The responsible party notifies the applicant at the time	9975
of initial application for employment of the amount of the fee and	9976
that, unless the fee is paid, the applicant will not be considered	9977
for employment.	9978
(b) The medicaid program does not pay the responsible party	9979
for the fee it pays to the bureau under this section.	9980
(G) Divisions (D) to (F) of this section do not apply with	9981
regard to an applicant or employee if the applicant or employee is	9982
referred to a responsible party by an employment service that	9983
supplies full-time, part-time, or temporary staff for direct-care	9984
positions and both of the following apply:	9985
(1) The chief administrator of the responsible party receives	9986
from the employment service confirmation that a review of the	9987
databases listed in division (E) of this section was conducted of	9988
the applicant or employee.	9989
(2) The chief administrator of the responsible party receives	9990
from the employment service, applicant, or employee a report of	9991

the results of a criminal records check of the applicant or 9992  
employee that has been conducted by the superintendent within the 9993  
one-year period immediately preceding the following: 9994

(a) In the case of an applicant, the date of the applicant's 9995  
referral by the employment service to the responsible party; 9996

(b) In the case of an employee, the date by which the 9997  
responsible party would otherwise have to request a criminal 9998  
records check of the employee under division (F) of this section. 9999

(H)(1) A responsible party may employ conditionally an 10000  
applicant for whom a criminal records check request is required by 10001  
this section prior to obtaining the results of the criminal 10002  
records check if the responsible party is not prohibited by 10003  
division (C)(1) of this section from employing the applicant in a 10004  
direct-care position and either of the following applies: 10005

(a) The chief administrator of the responsible party requests 10006  
the criminal records check in accordance with division (F) of this 10007  
section ~~not later than five business days after~~ before 10008  
conditionally employing the applicant ~~begins conditional~~ 10009  
employment. 10010

(b) The applicant is referred to the responsible party by an 10011  
employment service, the employment service or the applicant 10012  
provides the chief administrator of the responsible party a letter 10013  
that is on the letterhead of the employment service, the letter is 10014  
dated and signed by a supervisor or another designated official of 10015  
the employment service, and the letter states all of the 10016  
following: 10017

(i) That the employment service has requested the 10018  
superintendent to conduct a criminal records check regarding the 10019  
applicant; 10020

(ii) That the requested criminal records check is to include 10021  
a determination of whether the applicant has been convicted of, 10022

pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that employs an applicant conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant

makes any attempt to deceive the responsible party about the 10055  
applicant's criminal record. 10056

(I) The report of any criminal records check conducted 10057  
pursuant to a request made under this section is not a public 10058  
record for the purposes of section 149.43 of the Revised Code and 10059  
shall not be made available to any person other than the 10060  
following: 10061

(1) The applicant or employee who is the subject of the 10062  
criminal records check or the applicant's or employee's 10063  
representative; 10064

(2) The chief administrator of the responsible party 10065  
requesting the criminal records check or the administrator's 10066  
representative; 10067

(3) The administrator of any other facility, agency, or 10068  
program that provides community-based long-term care services that 10069  
is owned or operated by the same entity that owns or operates the 10070  
responsible party that requested the criminal records check; 10071

(4) The employment service that requested the criminal 10072  
records check; 10073

(5) The director of aging or a person authorized by the 10074  
director to monitor a responsible party's compliance with this 10075  
section; 10076

(6) The medicaid director and the staff of the department of 10077  
medicaid who are involved in the administration of the medicaid 10078  
program if any of the following apply: 10079

(a) In the case of a criminal records check requested by a 10080  
provider or subcontractor, the provider or subcontractor also is a 10081  
waiver agency; 10082

(b) In the case of a criminal records check requested by an 10083  
employment service, the employment service makes the request for 10084

an applicant or employee the employment service refers to a 10085  
provider or subcontractor that also is a waiver agency; 10086

(c) The criminal records check is requested by a consumer who 10087  
is acting as a responsible party. 10088

(7) A court, hearing officer, or other necessary individual 10089  
involved in a case dealing with any of the following: 10090

(a) A denial of employment of the applicant or employee; 10091

(b) Employment or unemployment benefits of the applicant or 10092  
employee; 10093

(c) A civil or criminal action regarding the medicaid program 10094  
or a program the department of aging administers. 10095

(J) In a tort or other civil action for damages that is 10096  
brought as the result of an injury, death, or loss to person or 10097  
property caused by an applicant or employee who a responsible 10098  
party employs in a direct-care position, all of the following 10099  
shall apply: 10100

(1) If the responsible party employed the applicant or 10101  
employee in good faith and reasonable reliance on the report of a 10102  
criminal records check requested under this section, the 10103  
responsible party shall not be found negligent solely because of 10104  
its reliance on the report, even if the information in the report 10105  
is determined later to have been incomplete or inaccurate. 10106

(2) If the responsible party employed the applicant in good 10107  
faith on a conditional basis pursuant to division (H) of this 10108  
section, the responsible party shall not be found negligent solely 10109  
because it employed the applicant prior to receiving the report of 10110  
a criminal records check requested under this section. 10111

(3) If the responsible party in good faith employed the 10112  
applicant or employee because the applicant or employee meets 10113  
standards specified in rules adopted under this section, the 10114

responsible party shall not be found negligent solely because the 10115  
applicant or employee has been convicted of, pleaded guilty to, or 10116  
been found eligible for intervention in lieu of conviction for a 10117  
disqualifying offense. 10118

(K) The director of aging shall adopt rules in accordance 10119  
with Chapter 119. of the Revised Code to implement this section. 10120

(1) The rules may do the following: 10121

(a) Require employees to undergo database reviews and 10122  
criminal records checks under this section; 10123

(b) If the rules require employees to undergo database 10124  
reviews and criminal records checks under this section, exempt one 10125  
or more classes of employees from the requirements; 10126

(c) For the purpose of division (E)(7) of this section, 10127  
specify other databases that are to be checked as part of a 10128  
database review conducted under this section. 10129

(2) The rules shall specify all of the following: 10130

(a) The meaning of the term "subcontractor"; 10131

(b) The procedures for conducting database reviews under this 10132  
section; 10133

(c) If the rules require employees to undergo database 10134  
reviews and criminal records checks under this section, the times 10135  
at which the database reviews and criminal records checks are to 10136  
be conducted; 10137

(d) If the rules specify other databases to be checked as 10138  
part of the database reviews, the circumstances under which a 10139  
responsible party is prohibited from employing an applicant or 10140  
continuing to employ an employee who is found by a database review 10141  
to be included in one or more of those databases; 10142

(e) Standards that an applicant or employee must meet for a 10143  
responsible party to be permitted to employ the applicant or 10144

continue to employ the employee in a direct-care position if the 10145  
applicant or employee is found by a criminal records check 10146  
required by this section to have been convicted of, pleaded guilty 10147  
to, or been found eligible for intervention in lieu of conviction 10148  
for a disqualifying offense. 10149

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised 10150  
Code, the department of aging or its designee shall do all of the 10151  
following in accordance with Chapter 119. of the Revised Code: 10152

(1) Certify a provider to provide community-based long-term 10153  
care services under a program the department administers if the 10154  
provider satisfies the requirements for certification established 10155  
by rules adopted under division (B) of this section and pays the 10156  
fee, if any, established by rules adopted under division (G) of 10157  
this section; 10158

(2) When required to do so by rules adopted under division 10159  
(B) of this section, take one or more of the following 10160  
disciplinary actions against a provider certified under division 10161  
(A)(1) of this section: 10162

(a) Issue a written warning; 10163

(b) Require the submission of a plan of correction or 10164  
evidence of compliance with requirements identified by the 10165  
department; 10166

(c) Suspend referrals; 10167

(d) Remove clients; 10168

(e) Impose a fiscal sanction such as a civil monetary penalty 10169  
or an order that unearned funds be repaid; 10170

(f) Suspend the certification; 10171

(g) Revoke the certification; 10172

(h) Impose another sanction. 10173

(3) Except as provided in division (E) of this section, hold 10174  
hearings when there is a dispute between the department or its 10175  
designee and a provider concerning actions the department or its 10176  
designee takes regarding a decision not to certify the provider 10177  
under division (A)(1) of this section or a disciplinary action 10178  
under divisions (A)(2)(e) to (h) of this section. 10179

(B) The director of aging shall adopt rules in accordance 10180  
with Chapter 119. of the Revised Code establishing certification 10181  
requirements and standards for determining which type of 10182  
disciplinary action to take under division (A)(2) of this section 10183  
in individual situations. The rules shall establish procedures for 10184  
all of the following: 10185

(1) Ensuring that providers comply with sections 173.38 and 10186  
173.381 of the Revised Code; 10187

(2) Evaluating the services provided by the providers to 10188  
ensure that the services are provided in a quality manner 10189  
advantageous to the individual receiving the services; 10190

(3) In a manner consistent with section 173.381 of the 10191  
Revised Code, determining when to take disciplinary action under 10192  
division (A)(2) of this section and which disciplinary action to 10193  
take; 10194

(4) Determining what constitutes another sanction for 10195  
purposes of division (A)(2)(h) of this section. 10196

(C) The procedures established in rules adopted under 10197  
division (B)(2) of this section shall require that all of the 10198  
following be considered as part of an evaluation described in 10199  
division (B)(2) of this section: 10200

(1) The provider's experience and financial responsibility; 10201

(2) The provider's ability to comply with standards for the 10202  
community-based long-term care services that the provider provides 10203

under a program the department administers; 10204

(3) The provider's ability to meet the needs of the 10205  
individuals served; 10206

(4) Any other factor the director considers relevant. 10207

(D) The rules adopted under division (B)(3) of this section 10208  
shall specify that the reasons disciplinary action may be taken 10209  
under division (A)(2) of this section include good cause, 10210  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 10211  
or neglect, financial irresponsibility, or other conduct the 10212  
director determines is injurious, or poses a threat, to the health 10213  
or safety of individuals being served. 10214

(E) Subject to division (F) of this section, the department 10215  
is not required to hold hearings under division (A)(3) of this 10216  
section if any of the following conditions apply: 10217

(1) Rules adopted by the director of aging pursuant to this 10218  
chapter require the provider to be a party to a provider 10219  
agreement; hold a license, certificate, or permit; or maintain a 10220  
certification, any of which is required or issued by a state or 10221  
federal government entity other than the department of aging, and 10222  
either of the following is the case: 10223

(a) The provider agreement has not been entered into or the 10224  
license, certificate, permit, or certification has not been 10225  
obtained or maintained. 10226

(b) The provider agreement, license, certificate, permit, or 10227  
certification has been denied, revoked, not renewed, or suspended 10228  
or has been otherwise restricted. 10229

(2) The provider's certification under this section has been 10230  
denied, suspended, or revoked for any of the following reasons: 10231

(a) A government entity of this state, other than the 10232  
department of aging, has terminated or refused to renew any of the 10233

following held by, or has denied any of the following sought by, a 10234  
provider: a provider agreement, license, certificate, permit, or 10235  
certification. Division (E)(2)(a) of this section applies 10236  
regardless of whether the provider has entered into a provider 10237  
agreement in, or holds a license, certificate, permit, or 10238  
certification issued by, another state. 10239

(b) The provider or a principal owner or manager of the 10240  
provider who provides direct care has entered a guilty plea for, 10241  
or has been convicted of, an offense materially related to the 10242  
medicaid program. 10243

(c) A principal owner or manager of the provider who provides 10244  
direct care has entered a guilty plea for, been convicted of, or 10245  
been found eligible for intervention in lieu of conviction for an 10246  
offense listed or described in divisions (A)(3)(a) to (e) of 10247  
section 109.572 of the Revised Code, but only if the provider, 10248  
principal owner, or manager does not meet standards specified by 10249  
the director in rules adopted under section 173.38 of the Revised 10250  
Code. 10251

(d) The department or its designee is required by section 10252  
173.381 of the Revised Code to deny or revoke the provider's 10253  
certification. 10254

(e) The United States department of health and human services 10255  
has taken adverse action against the provider and that action 10256  
impacts the provider's participation in the medicaid program. 10257

(f) The provider has failed to enter into or renew a provider 10258  
agreement with the PASSPORT administrative agency, as that term is 10259  
defined in section 173.42 of the Revised Code, that administers 10260  
programs on behalf of the department of aging in the region of the 10261  
state in which the provider is certified to provide services. 10262

(g) The provider has not billed or otherwise submitted a 10263  
claim to the department for payment under the medicaid program in 10264

at least two years. 10265

(h) The provider denied or failed to provide the department 10266  
or its designee access to the provider's facilities during the 10267  
provider's normal business hours for purposes of conducting an 10268  
audit or structural compliance review. 10269

(i) The provider has ceased doing business. 10270

(j) The provider has voluntarily relinquished its 10271  
certification for any reason. 10272

(3) The provider's provider agreement with the department of 10273  
medicaid has been suspended under ~~division (C) of section 5164.37~~ 10274  
5164.36 of the Revised Code. 10275

(4) The provider's provider agreement with the department of 10276  
medicaid is denied or revoked because the provider or its owner, 10277  
officer, authorized agent, associate, manager, or employee has 10278  
been convicted of an offense that caused the provider agreement to 10279  
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 10280

(F) If the department does not hold hearings when any 10281  
condition described in division (E) of this section applies, the 10282  
department ~~may~~ shall send a notice to the provider describing a 10283  
decision not to certify the provider under division (A)(1) of this 10284  
section or the disciplinary action the department ~~proposes to take~~ 10285  
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 10286  
section. The notice shall be sent to the provider's address that 10287  
is on record with the department and may be sent by regular mail. 10288

(G) The director of aging may adopt rules in accordance with 10289  
Chapter 119. of the Revised Code establishing a fee to be charged 10290  
by the department of aging or its designee for certification 10291  
issued under this section. 10292

~~All fees~~ (H) Any amounts collected by the department or its 10293  
designee under this section shall be deposited in the state 10294

treasury to the credit of the provider certification fund, which 10295  
is hereby created. Money credited to the fund shall be used to pay 10296  
for community-based long-term care services, administrative costs 10297  
associated with provider certification under this section, and 10298  
administrative costs related to the publication of the Ohio 10299  
long-term care consumer guide. 10300

**Sec. 174.02.** (A) The low- and moderate-income housing trust 10301  
fund is hereby created in the state treasury. The fund consists of 10302  
all appropriations made to the fund, housing trust fund fees 10303  
collected by county recorders pursuant to section 317.36 of the 10304  
Revised Code and deposited into the fund pursuant to section 10305  
319.63 of the Revised Code, ~~money transferred from the housing~~ 10306  
~~trust reserve fund pursuant to section 174.09 of the Revised Code,~~ 10307  
and all grants, gifts, loan repayments, and contributions of money 10308  
made from any source to the development services agency for 10309  
deposit in the fund. All investment earnings of the fund shall be 10310  
credited to the fund. The director of development services shall 10311  
allocate a portion of the money in the fund to an account of the 10312  
Ohio housing finance agency. The development services agency shall 10313  
administer the fund. The Ohio housing finance agency shall use 10314  
money allocated to it for implementing and administering its 10315  
programs and duties under sections 174.03 and 174.05 of the 10316  
Revised Code, and the development services agency shall use the 10317  
remaining money in the fund for implementing and administering its 10318  
programs and duties under sections 174.03 to 174.06 of the Revised 10319  
Code. Use of all money drawn from the fund is subject to the 10320  
following restrictions: 10321

(1)(a) Not more than five per cent of the current year 10322  
appropriation authority for the fund shall be allocated between 10323  
grants to community development corporations for the community 10324  
development corporation grant program and grants and loans to the 10325  
Ohio community development finance fund, a private nonprofit 10326

corporation. 10327

(b) In any year in which the amount in the fund exceeds one 10328  
hundred thousand dollars and at least that much is allocated for 10329  
the uses described in this section, not less than one hundred 10330  
thousand dollars shall be used to provide training, technical 10331  
assistance, and capacity building assistance to nonprofit 10332  
development organizations. 10333

(2) Not more than ten per cent of any current year 10334  
appropriation authority for the fund shall be used for the 10335  
emergency shelter housing grants program to make grants to 10336  
private, nonprofit organizations and municipal corporations, 10337  
counties, and townships for emergency shelter housing for the 10338  
homeless and emergency shelter facilities serving unaccompanied 10339  
youth seventeen years of age and younger. The grants shall be 10340  
distributed pursuant to rules the director adopts and qualify as 10341  
matching funds for funds obtained pursuant to the McKinney Act, 10342  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 10343

(3) In any fiscal year in which the amount in the fund 10344  
exceeds the amount awarded pursuant to division (A)(1)(b) of this 10345  
section by at least two hundred fifty thousand dollars, at least 10346  
two hundred fifty thousand dollars from the fund shall be provided 10347  
to the department of aging for the resident services coordinator 10348  
program as established in section 173.08 of the Revised Code. 10349

(4) Of all current year appropriation authority for the fund, 10350  
not more than five per cent shall be used for administration. 10351

(5) Not less than forty-five per cent of the funds awarded 10352  
during any one fiscal year shall be for grants and loans to 10353  
nonprofit organizations under section 174.03 of the Revised Code. 10354

(6) Not less than fifty per cent of the funds awarded during 10355  
any one fiscal year, excluding the amounts awarded pursuant to 10356  
divisions (A)(1), (2), and (7) of this section, shall be for 10357

grants and loans for activities that provide housing and housing 10358  
assistance to families and individuals in rural areas and small 10359  
cities that are not eligible to participate as a participating 10360  
jurisdiction under the "HOME Investment Partnerships Act," 104 10361  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 10362

(7) No money in the fund shall be used to pay for any legal 10363  
services other than the usual and customary legal services 10364  
associated with the acquisition of housing. 10365

(8) Money in the fund may be used as matching money for 10366  
federal funds received by the state, counties, municipal 10367  
corporations, and townships for the activities listed in section 10368  
174.03 of the Revised Code. 10369

(B) If, after the second quarter of any year, it appears to 10370  
the director of development services that the full amount of the 10371  
money in the fund designated in that year for activities that 10372  
provide housing and housing assistance to families and individuals 10373  
in rural areas and small cities under division (A) of this section 10374  
will not be used for that purpose, the director may reallocate all 10375  
or a portion of that amount for other housing activities. In 10376  
determining whether or how to reallocate money under this 10377  
division, the director may consult with and shall receive advice 10378  
from the housing trust fund advisory committee. 10379

**Sec. 177.02.** (A) Any person may file with the organized crime 10380  
investigations commission a complaint that alleges that organized 10381  
criminal activity has occurred in a county. A person who files a 10382  
complaint under this division also may file with the commission 10383  
information relative to the complaint. 10384

(B) Upon the filing of a complaint under division (A) of this 10385  
section or upon its own initiative, the commission may establish 10386  
an organized crime task force to investigate organized criminal 10387  
activity in a single county or in two or more counties if it 10388

determines, based upon the complaint filed and the information 10389  
relative to it or based upon any information that it may have 10390  
received, that there is reason to believe that organized criminal 10391  
activity has occurred and continues to occur in that county or in 10392  
each of those counties. The commission shall not establish an 10393  
organized crime task force to investigate organized criminal 10394  
activity in any single county unless it makes the determination 10395  
required under this division relative to that county and shall not 10396  
establish an organized crime task force to investigate organized 10397  
criminal activity in two or more counties unless it makes the 10398  
determination required under this division relative to each of 10399  
those counties. The commission, at any time, may terminate an 10400  
organized crime task force it has established under this section. 10401

(C)(1) If the commission establishes an organized crime task 10402  
force to investigate organized criminal activity in a single 10403  
county or in two or more counties pursuant to division (B) of this 10404  
section, the commission initially shall appoint a task force 10405  
director to directly supervise the investigation. The task force 10406  
director shall be either the sheriff or a deputy sheriff of any 10407  
county in the state, the chief law enforcement officer or a member 10408  
of a law enforcement agency of any municipal corporation or 10409  
township in the state, or an agent of the bureau of criminal 10410  
identification and investigation. No person shall be appointed as 10411  
task force director without the person's consent and, if 10412  
applicable, the consent of the person's employing sheriff or law 10413  
enforcement agency or of the superintendent of the bureau of 10414  
criminal identification and investigation if the person is an 10415  
employee of the bureau. Upon appointment of a task force director, 10416  
the commission shall meet with the director and establish the 10417  
scope and limits of the investigation to be conducted by the task 10418  
force and the size of the task force investigatory staff to be 10419  
appointed by the task force director. The commission, at any time, 10420  
may remove a task force director appointed under this division and 10421

may replace any director so removed according to the guidelines 10422  
for the initial appointment of a director. 10423

(2) A task force director appointed under this section shall 10424  
assemble a task force investigatory staff, of a size determined by 10425  
the commission and the director, to conduct the investigation. 10426  
Unless it appears to the commission and the director, based upon 10427  
the complaint filed and any information relative to it or based 10428  
upon any information that the commission may have received, that 10429  
there is reason to believe that the office of the prosecuting 10430  
attorney of the county or one of the counties served by the task 10431  
force is implicated in the organized criminal activity to be 10432  
investigated, one member of the investigatory staff shall be the 10433  
prosecuting attorney or an assistant prosecuting attorney of the 10434  
county or one of the counties served by the task force. If a 10435  
prosecuting attorney or assistant prosecuting attorney is not a 10436  
participating member of the task force, the office of the attorney 10437  
general shall provide legal assistance to the task force upon 10438  
request. Each of the other members of the investigatory staff 10439  
shall be either the sheriff or a deputy sheriff of any county in 10440  
the state, the chief law enforcement officer or a member of a law 10441  
enforcement agency of any municipal corporation or township in the 10442  
state, or an agent of the bureau of criminal identification and 10443  
investigation. No person shall be appointed to the investigatory 10444  
staff without the person's consent and, if applicable, the consent 10445  
of the person's employing sheriff or law enforcement agency or the 10446  
superintendent of the bureau of criminal identification and 10447  
investigation if the person is an employee of the bureau. To the 10448  
extent possible, the investigatory staff shall be composed of 10449  
persons familiar with investigatory techniques that generally 10450  
would be utilized in an investigation of organized criminal 10451  
activity. To the extent practicable, the investigatory staff shall 10452  
be assembled in such a manner that numerous law enforcement 10453  
agencies within the county or the counties served by the task 10454

force are represented on the investigatory staff. The 10455  
investigatory staff shall be assembled in such a manner that at 10456  
least one sheriff, deputy sheriff, municipal corporation law 10457  
enforcement officer, or township law enforcement officer from each 10458  
of the counties served by the task force is represented on the 10459  
investigatory staff. A task force director, at any time, may 10460  
remove any member of the investigatory staff the task force 10461  
director has assembled under this division and may replace any 10462  
member so removed according to the guidelines for the initial 10463  
assembly of the investigatory staff. 10464

(3) The commission may provide an organized crime task force 10465  
established under this section with technical and clerical 10466  
employees and with equipment necessary to efficiently conduct its 10467  
investigation into organized criminal activity. 10468

(4) Upon the establishment of a task force, the commission 10469  
shall issue to the task force director and each member of the task 10470  
force investigatory staff appropriate credentials stating the 10471  
person's identity, position, and authority. 10472

(D)(1) A task force investigatory staff, during the period of 10473  
the investigation for which it is assembled, is responsible only 10474  
to the task force director and shall operate under the direction 10475  
and control of the task forcedirector. Any necessary and actual 10476  
expenses incurred by a task force director or investigatory staff, 10477  
including any such expenses incurred for food, lodging, or travel, 10478  
and any other necessary and actual expenses of an investigation 10479  
into organized criminal activity conducted by a task force, shall 10480  
be paid by the commission. ~~For~~ 10481

(2) For purposes of workers' compensation and the allocation 10482  
of liability for any death, injury, or damage they may cause in 10483  
the performance of their duties, a task force director and 10484  
investigatory staff, during the period of the investigation for 10485  
which the task force is assembled, shall be considered to be 10486

employees of the commission and of the state. ~~However, for~~ 10487

(3) For purposes of compensation, pension or indemnity fund 10488  
rights, and other rights and benefits to which they may be 10489  
entitled, a task force director and investigatory staff, during 10490  
the period of the performance of their duties as director and 10491  
investigatory staff, shall be considered to be performing their 10492  
duties in their normal capacity as prosecuting attorney, assistant 10493  
prosecuting attorney, sheriff, deputy sheriff, chief law 10494  
enforcement officer or member of a law enforcement agency of a 10495  
municipal corporation or township, or agent of the bureau of 10496  
criminal identification and investigation. 10497

The commission may reimburse a political subdivision for any 10498  
costs incurred under division (D)(3) of this section resulting 10499  
from the payment of any compensation, rights, or benefits as 10500  
described in that division from the organized crime commission 10501  
fund created in section 177.011 of the Revised Code. 10502

(E) Except as provided in this division, upon the 10503  
establishment of a task force, the commission shall provide the 10504  
prosecuting attorney of each of the counties served by the task 10505  
force with written notice that the task force has been established 10506  
to investigate organized criminal activity in that county. Such 10507  
notice shall not be provided to a prosecuting attorney if it 10508  
appears to the commission, based upon the complaint filed and any 10509  
information relative to it or based upon any information that the 10510  
commission may have received, that there is reason to believe that 10511  
the office of that prosecuting attorney is implicated in the 10512  
organized criminal activity to be investigated. 10513

(F) The filing of a complaint alleging organized criminal 10514  
activity, the establishment of an organized crime task force, the 10515  
appointment of a task force director and the identity of the task 10516  
force director, the assembly of an investigatory staff and the 10517  
identity of its members, the conduct of an investigation into 10518

organized criminal activity, and the identity of any person who is 10519  
being or is expected to be investigated by the task force shall be 10520  
kept confidential by the commission and its director and 10521  
employees, and by the task force and its director, investigatory 10522  
staff, and employees until an indictment is returned or a criminal 10523  
action or proceeding is initiated in a court of proper 10524  
jurisdiction. 10525

(G) For purposes of divisions (C) and (E) of this section, 10526  
the office of a prosecuting attorney shall be considered as being 10527  
implicated in organized criminal activity only if the prosecuting 10528  
attorney, one or more of the prosecuting attorney's assistants, or 10529  
one or more of the prosecuting attorney's employees has committed 10530  
or attempted or conspired to commit, is committing or attempting 10531  
or conspiring to commit, or has engaged in or is engaging in 10532  
complicity in the commission of, organized criminal activity. 10533

**Sec. 183.18.** ~~(A) Ohio's public health priorities trust fund 10534~~  
is hereby created in the state treasury. All investment earnings 10535  
of the fund shall be credited to the fund. Notwithstanding any 10536  
conflicting provision of the Revised Code, the director of budget 10537  
and management may credit to the fund any money received by the 10538  
state, director of health, or department of health as part of a 10539  
settlement agreement relating to a pressing public health issue. 10540

~~(B) Money credited to the fund shall be used by the director 10541~~  
~~of health for the following purposes: 10542~~

~~(A) Minority health programs, on which not less than 10543~~  
~~twenty five per cent of the annual appropriations from the trust 10544~~  
~~fund shall be expended; 10545~~

~~(B) Enforcing section 2927.02 of the Revised Code; 10546~~

~~(C) Alcohol and drug abuse treatment and prevention programs, 10547~~  
~~including programs for adult and juvenile offenders in state 10548~~

~~institutions and aftercare programs;~~ 10549

~~(D) A non-entitlement program funded through the department 10550  
of health to provide emergency assistance consisting of 10551  
medication, oxygen, or both to seniors whose health has been 10552  
adversely affected by tobacco use and whose income does not exceed 10553  
one hundred per cent of the federal poverty guidelines, on which 10554  
five per cent of the annual appropriations from the trust fund 10555  
shall be expended. However, if federal funding becomes available 10556  
for this purpose, the department shall utilize the federal funding 10557  
and the appropriations from the trust fund shall be used for the 10558  
other purposes authorized by this section. If the federal program 10559  
requires seniors described by this division to pay a premium or 10560  
copayment to obtain medication or oxygen, the director of health 10561  
shall recommend to the general assembly whether this division's 10562  
set aside of five per cent of the appropriations from the trust 10563  
fund should be used to pay such premiums or copayments. As used in 10564  
this division, "federal poverty guidelines" has the same meaning 10565  
as in section 5101.46 of the Revised Code. 10566~~

~~(E) Partial reimbursement, on a county basis, of hospitals, 10567  
free medical clinics, and similar organizations or programs that 10568  
provide free, uncompensated care to the general public, and of 10569  
counties that pay private entities to provide such care using 10570  
revenue from a property tax levied at least in part for that 10571  
purpose (1) To conduct public health awareness and educational 10572  
campaigns; 10573~~

~~(2) To address any pressing public health issue identified by 10574  
the director or described in the state health improvement plan or 10575  
a successor document prepared for the department of health; 10576~~

~~(3) To implement and administer innovative public health 10577  
programs and prevention strategies; 10578~~

~~(4) To improve the population health of Ohio. 10579~~

The director may collaborate with one or more nonprofit 10580  
entities, including a public health foundation, to meet the 10581  
requirements of division (B) of this section. 10582

~~All investment earnings of the fund shall be credited to the~~ 10583  
~~fund.~~ 10584

**Sec. 183.33.** No money shall be appropriated or transferred 10585  
from the general revenue fund to the law enforcement improvements 10586  
trust fund, southern Ohio agricultural and community development 10587  
foundation endowment fund, ~~Ohio's public health priorities trust~~ 10588  
~~fund,~~ biomedical research and technology transfer trust fund, 10589  
~~education facilities trust fund,~~ or education technology trust 10590  
fund. 10591

**Sec. 195.01.** (A) As used in this chapter, "internet crimes 10592  
against children task force" means the Ohio internet crimes 10593  
against children task force recognized by the United States 10594  
department of justice's internet crimes against children task 10595  
force program in this state. 10596

(B) The Ohio internet crimes against children task force 10597  
shall do all of the following: 10598

(1) Consistent with its federal duties, coordinate a state 10599  
network of local law enforcement agencies that assist federal, 10600  
state, and local law enforcement agencies in investigations, 10601  
forensic examinations, and prosecutions related to technologically 10602  
facilitated sexual exploitation of children, internet crimes 10603  
against children, and victim identification; 10604

(2) Consistent with available funding, support the state 10605  
network of law enforcement agencies by funding personnel with 10606  
agencies who have demonstrated the ability to investigate and 10607  
prosecute internet crimes against children; 10608

(3) Support the state network of law enforcement agencies by 10609

coordinating and providing investigative training and digital forensic support through on-scene forensic facilities, laboratory computer forensic services, or by funding computer forensic hardware and software licensing to agencies who employ trained computer forensic personnel; and 10610  
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(4) Conduct or support internet safety presentations and community outreach events throughout the state aimed at educating the public about the dangers of the internet and how to keep children safe while they are online. 10615  
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(C) Not later than the last day of January of each year, the Ohio internet crimes against children task force and the office of the attorney general shall compile and provide a summary of the previous calendar year's expenditures, including any money appropriated for the task force in a previous year that is carried over, and progress in combating internet crimes against children, to the general assembly. The task force and the office of the attorney general shall include in the report annual statistics, including statistics from affiliated agencies, consistent with the reporting requirements of the United States department of justice, office of juvenile justice and delinquency prevention's internet crimes against children task force program. 10619  
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Sec. 195.02. The attorney general shall use money appropriated to the internet crimes against children task force to support the operation of the task force including equipment, personnel, and training only and for no other purpose. 10631  
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The attorney general shall disburse money appropriated for the purposes of this section in the following manner: 10635  
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Sixty per cent to the Ohio internet crimes against children task force; 10637  
10638

Twenty per cent, in coordination with the task force, to 10639

local internet crimes against children affiliated agencies in good 10640  
standing with the task force; and 10641

Twenty per cent to the crimes against children initiative 10642  
within the office of the attorney general for investigations, 10643  
forensic examinations, and prosecutions related to technologically 10644  
facilitated sexual exploitation of children, internet crimes 10645  
against children, and victim identification. 10646

**Sec. 307.622.** (A) The health commissioner of the board of 10647  
health of a city or a general health district who is appointed 10648  
under section 307.621 of the Revised Code to establish the child 10649  
fatality review board shall select six members to serve on the 10650  
child fatality review board along with the commissioner. The 10651  
review board shall consist of the following: 10652

(1) A county coroner or designee; 10653

(2) The chief of police of a police department or the sheriff 10654  
that serves the greatest population in the county or region or a 10655  
designee of the chief or sheriff; 10656

(3) The executive director of a public children services 10657  
agency or designee; 10658

(4) A public health official or designee; 10659

(5) The executive director of a board of alcohol, drug 10660  
addiction, and mental health services or designee; 10661

(6) A physician who holds a ~~certificate~~ license issued 10662  
pursuant to Chapter 4731. of the Revised Code authorizing the 10663  
practice of medicine and surgery or osteopathic medicine and 10664  
surgery, specializes in pediatric or family medicine, and 10665  
currently practices pediatric or family medicine. 10666

(B) The majority of the members of a review board may invite 10667  
additional members to serve on the board. The additional members 10668  
invited under this division shall serve for a period of time 10669

determined by a majority of the members described in division (A) 10670  
of this section. An additional member shall have the same 10671  
authority, duties, and responsibilities as members described in 10672  
division (A) of this section. 10673

(C) A vacancy in a child fatality review board shall be 10674  
filled in the same manner as the original appointment. 10675

(D) A child fatality review board member shall not receive 10676  
any compensation for, and shall not be paid for any expenses 10677  
incurred pursuant to, fulfilling the member's duties on the board 10678  
unless compensation for, or payment for expenses incurred pursuant 10679  
to, those duties is received pursuant to a member's regular 10680  
employment. 10681

**Sec. 307.6910.** (A) A new nonprofit corporation shall be 10682  
organized under the laws of this state for the purpose of 10683  
operating a veterans memorial and museum to be located within the 10684  
city of Columbus at the site described in division (B) of this 10685  
section. 10686

(B) The site of the veterans memorial and museum, shall be 10687  
constructed on the following parcel of real property owned in fee 10688  
simple by the board of county commissioners of Franklin county: 10689

That property located at 300 West Broad Street, Columbus, 10690  
Ohio, generally lying north of Broad Street, south of the 10691  
right-of-way line of Norfolk and Southern Railway, west of the 10692  
Scioto River and its floodwall, and east of the east line of Belle 10693  
Street if the same extended north of Broad Street to the railroad 10694  
right-of-way. 10695

(C) The bylaws of the new nonprofit corporation shall provide 10696  
for the board of directors to consist of a minimum of fifteen 10697  
members. The appointments to the board of directors shall be made 10698  
in accordance with the articles of incorporation and bylaws of the 10699

nonprofit corporation. All appointments to the board of directors 10700  
shall satisfy any qualifications set forth in the nonprofit 10701  
corporation's bylaws. The appointments to the board of directors 10702  
shall be made as follows: 10703

(1) The board of county commissioners of Franklin county 10704  
shall appoint five members. 10705

(2) The articles of incorporation shall provide for the 10706  
remaining appointments. 10707

(D) The bylaws of the new nonprofit corporation shall provide 10708  
for a national veterans advisory committee to consist of veterans 10709  
and family members of veterans. Appointments to the national 10710  
veterans advisory committee shall be made in accordance with the 10711  
bylaws of the nonprofit corporation. 10712

(E) ~~All~~ Notwithstanding any other provision of the Revised 10713  
Code, meetings and records of the board of directors of the new 10714  
nonprofit corporation shall be conducted and maintained in 10715  
accordance with the sunshine laws of this state, including, but 10716  
not limited to, sections are not subject to section 121.22 and 10717  
149.43 of the Revised Code, and records of the board and of the 10718  
corporation are not public records under section 149.43 of the 10719  
Revised Code. 10720

(F) The board of county commissioners of Franklin county may 10721  
lease the site described in division (B) of this section together 10722  
with any adjacent property, without engaging in competitive 10723  
bidding, to an Ohio nonprofit corporation for the construction, 10724  
development, and operation of the veterans memorial and museum. A 10725  
board of county commissioners may appropriate funds to either the 10726  
nonprofit corporation established as provided in this section or 10727  
the nonprofit corporation with which the county has leased the 10728  
property for permanent improvements and operating expenses of the 10729  
veterans memorial and museum. 10730

Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a concealed handgun license or duplicate concealed handgun license under section 2923.125 of the Revised Code and all fees paid by the person seeking a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code. The county shall distribute all fees deposited into the fund except forty dollars of each fee paid by an applicant under division (B) of section 2923.125 of the Revised Code, fifteen dollars of each fee paid under section 2923.1213 of the Revised Code, and thirty-five dollars of each fee paid under division (F) of section 2923.125 of the Revised Code to the attorney general to be used to pay the cost of background checks performed by the bureau of criminal identification and investigation and the federal bureau of investigation and to cover administrative costs associated with issuing the license.

(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff's concealed handgun license issuance expense fund for any of the following:

(1) Any costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of concealed handgun licenses under section 2923.125 or 2923.1213 of the Revised Code, including, but not limited to, personnel expenses and any costs associated with a firearm safety education program, or a firearm training or qualification program that the sheriff chooses to fund;

(2) Ammunition and firearms to be used by the sheriff and the sheriff's employees;

(3) Any costs incurred in constructing, maintaining, or 10762  
renovating a shooting range to be used by the sheriff or the 10763  
sheriff's employees, including costs incurred for equipment 10764  
associated with the shooting range. 10765

**Sec. 317.32.** The county recorder shall charge and collect the 10766  
following fees, to include, except as otherwise provided in 10767  
division (A)(2) of this section, base fees for the recorder's 10768  
services and housing trust fund fees collected pursuant to section 10769  
317.36 of the Revised Code: 10770

(A)(1) Except as otherwise provided in division (A)(2) of 10771  
this section, for recording and indexing an instrument if the 10772  
photocopy or any similar process is employed, a base fee of 10773  
~~fourteen~~ sixteen dollars for the first two pages and a housing 10774  
trust fund fee of ~~fourteen~~ sixteen dollars, and a base fee of four 10775  
dollars and a housing trust fund fee of four dollars for each 10776  
subsequent page, size eight and one-half inches by fourteen 10777  
inches, or fraction of a page, including the caption page, of such 10778  
instrument; 10779

(2) For recording and indexing an instrument described in 10780  
division (D) of section 317.08 of the Revised Code if the 10781  
photocopy or any similar process is employed, a fee of 10782  
twenty-eight dollars for the first two pages to be deposited as 10783  
specified elsewhere in this division, and a fee of eight dollars 10784  
to be deposited in the same manner for each subsequent page, size 10785  
eight and one-half inches by fourteen inches, or fraction of a 10786  
page, including the caption page, of that instrument. If the 10787  
county recorder's technology fund has been established under 10788  
section 317.321 of the Revised Code, of the twenty-eight dollars, 10789  
fourteen dollars shall be deposited into the county treasury to 10790  
the credit of the county recorder's technology fund and fourteen 10791  
dollars shall be deposited into the county treasury to the credit 10792

of the county general fund. If the county recorder's technology 10793  
fund has not been established, the twenty-eight dollars shall be 10794  
deposited into the county treasury to the credit of the county 10795  
general fund. 10796

(B) For certifying a photocopy from the record previously 10797  
recorded, a base fee of one dollar and a housing trust fund fee of 10798  
one dollar per page, size eight and one-half inches by fourteen 10799  
inches, or fraction of a page; for each certification if the 10800  
recorder's seal is required, except as to instruments issued by 10801  
the armed forces of the United States, a base fee of fifty cents 10802  
and a housing trust fund fee of fifty cents; 10803

(C) For entering any marginal reference by separate recorded 10804  
instrument, a base fee of two dollars and a housing trust fund fee 10805  
of two dollars for each marginal reference set out in that 10806  
instrument, in addition to the fees set forth in division (A)(1) 10807  
of this section; 10808

(D) For indexing in the real estate mortgage records, 10809  
pursuant to section 1309.519 of the Revised Code, financing 10810  
statements covering crops growing or to be grown, timber to be 10811  
cut, minerals or the like, including oil and gas, accounts subject 10812  
to section 1309.301 of the Revised Code, or fixture filings made 10813  
pursuant to section 1309.334 of the Revised Code, a base fee of 10814  
two dollars and a housing trust fund fee of two dollars for each 10815  
name indexed; 10816

(E) For filing zoning resolutions, including text and maps, 10817  
in the office of the recorder as required under sections 303.11 10818  
and 519.11 of the Revised Code, a base fee of twenty-five dollars 10819  
and a housing trust fund fee of twenty-five dollars, regardless of 10820  
the size or length of the resolutions; 10821

(F) For filing zoning amendments, including text and maps, in 10822  
the office of the recorder as required under sections 303.12 and 10823

519.12 of the Revised Code, a base fee of ten dollars and a 10824  
housing trust fund fee of ten dollars regardless of the size or 10825  
length of the amendments; 10826

(G) For photocopying a document, other than at the time of 10827  
recording and indexing as provided for in division (A)(1) or (2) 10828  
of this section, a base fee of one dollar and a housing trust fund 10829  
fee of one dollar per page, size eight and one-half inches by 10830  
fourteen inches, or fraction thereof; 10831

(H) For local facsimile transmission of a document, a base 10832  
fee of one dollar and a housing trust fund fee of one dollar per 10833  
page, size eight and one-half inches by fourteen inches, or 10834  
fraction thereof; for long distance facsimile transmission of a 10835  
document, a base fee of two dollars and a housing trust fund fee 10836  
of two dollars per page, size eight and one-half inches by 10837  
fourteen inches, or fraction thereof; 10838

(I) For recording a declaration executed pursuant to section 10839  
2133.02 of the Revised Code or a durable power of attorney for 10840  
health care executed pursuant to section 1337.12 of the Revised 10841  
Code, or both a declaration and a durable power of attorney for 10842  
health care, a base fee of at least fourteen dollars but not more 10843  
than twenty dollars and a housing trust fund fee of at least 10844  
fourteen dollars but not more than twenty dollars. 10845

In any county in which the recorder employs the photostatic 10846  
or any similar process for recording maps, plats, or prints the 10847  
recorder shall determine, charge, and collect for the recording or 10848  
rerecording of any map, plat, or print, a base fee of five cents 10849  
and a housing trust fund fee of five cents per square inch, for 10850  
each square inch of the map, plat, or print filed for that 10851  
recording or rerecording, with a minimum base fee of twenty 10852  
dollars and a minimum housing trust fund fee of twenty dollars; 10853  
for certifying a copy from the record, a base fee of two cents and 10854  
a housing trust fund fee of two cents per square inch of the 10855

record, with a minimum base fee of two dollars and a minimum 10856  
housing trust fund fee of two dollars. 10857

The fees provided in this section shall be paid upon the 10858  
presentation of the instruments for record or upon the application 10859  
for any certified copy of the record, except that the payment of 10860  
fees for providing copies of instruments conveying or 10861  
extinguishing agricultural easements to the office of farmland 10862  
preservation in the department of agriculture under division (H) 10863  
of section 5301.691 of the Revised Code shall be governed by that 10864  
division. 10865

The fees provided for in this section shall not apply to the 10866  
recording, indexing, or making of a certified copy or to the 10867  
filing of any instrument by a county land reutilization 10868  
corporation, its wholly owned subsidiary, or any other electing 10869  
subdivision as defined in section 5722.01 of the Revised Code. 10870

**Sec. 317.321.** (A) Not later than the first day of October of 10871  
any year, the county recorder may submit to the board of county 10872  
commissioners a proposal for funding any of the following: 10873

(1) The acquisition and maintenance of imaging and other 10874  
technological equipment and contract services therefor; 10875

(2) To reserve funds for the office's future technology needs 10876  
if the county recorder has no immediate plans for the acquisition 10877  
of imaging and other technological equipment or contract services, 10878  
or to use the county recorder's technology fund as a dedicated 10879  
revenue source to repay debt to purchase any imaging and other 10880  
technological equipment before the accumulation of adequate 10881  
resources to purchase the equipment with cash. 10882

(3) Subject to division (G) of this section, for other 10883  
expenses associated with the acquisition and maintenance of 10884  
imaging and other technological equipment and contract services. 10885

(B) The proposal shall be in writing and shall include at least the following:

(1) A request that an amount not to exceed eight dollars of the total base fees collected for filing or recording a document for which a fee is charged as required by division (A)(1) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury to the credit of the county recorder's technology fund;

(2) Except as provided in division (E)(3) of this section, the number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the county recorder's technology fund if the request submitted under division (B)(1) of this section is approved by the board of county commissioners.

(C) A proposal for the purposes of division (A)(1) of this section shall include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal for the purposes of division (A)(2) of this

section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes.

(D) The board of county commissioners shall receive a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the board receives the proposal, on which to meet with the recorder to review the proposal.

(E)(1) Except as provided in division (E)(3) of this section, not later than the fifteenth day of December of any year in which a proposal is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for a purpose in division (A) of this section, or that the amount requested is excessive as determined by the board.

(2) A proposal submitted under division (A) of this section that was approved by the board of county commissioners before, and is in effect on ~~, the effective date of this amendment~~ the effective date of this amendment, shall continue in effect until January 1, ~~2019~~ 2025, notwithstanding the number of years of funding specified in the approved proposal.

(3) A proposal submitted under division (A) of this section between October 1, ~~2013~~ 2019, and October 1, ~~2017~~ 2023, may request that an amount that does not exceed three dollars be

credited to the county recorder's technology fund, in addition to 10949  
the amount previously approved by the board of county 10950  
commissioners in a proposal described in division (E)(2) of this 10951  
section. The proposal may be submitted each year during that time 10952  
period, but shall be limited to funding in the following fiscal 10953  
year. If the total of the amount under division (E)(2) of this 10954  
section and the amount requested under this division does not 10955  
exceed eight dollars, the board shall approve the proposal and 10956  
notify the county recorder of its approval. 10957

(4) If the total amount of fees provided for in divisions 10958  
(B), (E)(2), and (E)(3) of this section is less than eight 10959  
dollars, a proposal requesting additional fees may be submitted to 10960  
the board of county commissioners under division (E)(1) of this 10961  
section, as long as the total amount of the fees in divisions (B) 10962  
and (E)(2), (3), and (4) of this section that are to be credited 10963  
to the county recorder's technology fund does not exceed eight 10964  
dollars, and the proposal is for a number of years, not to exceed 10965  
five. 10966

(5) When a proposal is approved by the board of county 10967  
commissioners under division (E) of this section, the county 10968  
recorder's technology fund is established in the county treasury, 10969  
and, beginning on the following first day of January, the fees 10970  
approved shall be deposited in that fund. 10971

(F) The acquisition and maintenance of imaging and other 10972  
technological equipment, and other associated expenses and 10973  
contract services therefor, shall be specifically governed by 10974  
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 10975  
and 5705.38, and by division (D) of section 5705.41 of the Revised 10976  
Code. 10977

(G) If the use of the county recorder's technology fund for 10978  
the purposes of division (A)(3) of this section includes 10979  
associated expenses for personnel, the use of the fund for 10980

personnel shall be strictly confined to personnel directly related 10981  
to imaging and other technological equipment, and any compensation 10982  
increases for those personnel shall not exceed the average of the 10983  
annual aggregate percentage increase or decrease in the 10984  
compensation fixed by the board of county commissioners for their 10985  
employees, and for the officers in section 325.27 of the Revised 10986  
Code. Use of the fund for compensation bonuses, or for recognizing 10987  
outstanding employee performance in a manner described in section 10988  
325.25 of the Revised Code, is prohibited. 10989

(H) If a county is under a fiscal caution under section 10990  
118.025 of the Revised Code, or is under a fiscal watch or fiscal 10991  
emergency as defined in section 118.01 of the Revised Code, the 10992  
board of county commissioners, notwithstanding sections 5705.14 to 10993  
5705.16 of the Revised Code, may transfer from the county 10994  
recorder's technology fund any moneys the board deems necessary. 10995

**Sec. 319.63.** (A) During the first thirty days of each 10996  
calendar quarter, the county auditor shall pay to the treasurer of 10997  
state all amounts that the county recorder collected as housing 10998  
trust fund fees pursuant to section 317.36 of the Revised Code 10999  
during the previous calendar quarter. If payment is made to the 11000  
treasurer of state within the first thirty days of the quarter, 11001  
the county auditor may retain an administrative fee of one per 11002  
cent of the amount of the trust fund fees collected during the 11003  
previous calendar quarter. 11004

(B) The treasurer of state shall deposit the ~~first fifty~~ 11005  
~~million dollars~~ of housing trust fund fees received each year 11006  
pursuant to this section into the low- and moderate-income housing 11007  
trust fund created under section 174.02 of the Revised Code. ~~The~~ 11008  
~~treasurer of state shall deposit any amounts received each year in~~ 11009  
~~excess of fifty million dollars into the housing trust reserve~~ 11010  
~~fund created under section 174.09 of the Revised Code, unless the~~ 11011

~~cash balance of the housing trust reserve fund is greater than 11012  
fifteen million dollars. In that event, the treasurer of state 11013  
shall deposit any amounts received each year in excess of fifty 11014  
million dollars into the state general revenue fund. 11015~~

(C) The county auditor shall deposit the administrative fee 11016  
that the auditor is permitted to retain pursuant to division (A) 11017  
of this section into the county general fund for the county 11018  
recorder to use in administering the trust fund fee. 11019

**Sec. 321.24.** (A) On or before the fifteenth day of February, 11020  
in each year, the county treasurer shall settle with the county 11021  
auditor for all taxes and assessments that the treasurer has 11022  
collected on the general duplicate of real and public utility 11023  
property at the time of making the settlement. If the county 11024  
treasurer has made or will make advance payments to the several 11025  
taxing districts of current year unpaid taxes under section 11026  
321.341 of the Revised Code before collecting them, the county 11027  
treasurer shall take the advance payments into account for 11028  
purposes of the settlement with the county auditor under this 11029  
division. 11030

(B) On or before the thirtieth day of June, in each year, the 11031  
treasurer shall settle with the auditor for all advance payments 11032  
of general personal and classified property taxes that the 11033  
treasurer has received at the time of making the settlement. 11034

(C) On or before the tenth day of August, in each year, the 11035  
treasurer shall settle with the auditor for all taxes and 11036  
assessments that the treasurer has collected on the general 11037  
duplicates of real and public utility property at the time of 11038  
making such settlement, not included in the preceding February 11039  
settlement. If the county treasurer has made or will make advance 11040  
payments to the several taxing districts of the current year 11041  
delinquent taxes under section 321.341 of the Revised Code before 11042

collecting them, the county treasurer shall take the advance 11043  
payments into account for purposes of the settlement with the 11044  
county auditor under this division. 11045

(D) On or before the thirty-first day of October, in each 11046  
year, the treasurer shall settle with the auditor for all taxes 11047  
that the treasurer has collected on the general personal and 11048  
classified property duplicates, and for all advance payments of 11049  
general personal and classified property taxes, not included in 11050  
the preceding June settlement, that the treasurer has received at 11051  
the time of making such settlement. 11052

(E) In the event the time for the payment of taxes is 11053  
extended, pursuant to section 323.17 of the Revised Code, the date 11054  
on or before which settlement for the taxes so extended must be 11055  
made, as herein prescribed, shall be deemed to be extended for a 11056  
like period of time. At each such settlement, the auditor shall 11057  
allow to the treasurer, on the moneys received or collected and 11058  
accounted for by the treasurer, the treasurer's fees, at the rate 11059  
or percentage allowed by law, at a full settlement of the 11060  
treasurer. 11061

(F) Within thirty days after the day of each settlement of 11062  
taxes required under divisions (A) and (C) of this section, the 11063  
treasurer shall certify to the tax commissioner any adjustments 11064  
that have been made to the amount certified previously pursuant to 11065  
section 319.302 of the Revised Code and that the settlement has 11066  
been completed. Upon receipt of such certification, the 11067  
commissioner shall provide for payment to the county treasurer 11068  
from the general revenue fund of an amount equal to one-half of 11069  
the amount certified by the treasurer in the preceding tax year 11070  
under section 319.302 of the Revised Code, less the sum of (1) 11071  
one-half of the amount computed for all taxing districts in that 11072  
county for the current fiscal year under section 5703.80 of the 11073  
Revised Code for crediting to the property tax administration fund 11074

and (2) any reduction required by the commissioner under division (D) of section 718.83 of the Revised Code. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges which the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each taxing district shall be reduced by the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing district under this division. The amount distributed to a taxing district shall account for any reduction required by the commissioner under division (D) of section 718.83 of the Revised Code. The tax commissioner shall make available to taxing districts such information as is sufficient for a taxing district to be able to determine the amount of the reduction in its distribution under this section.

(G)(1) Within thirty days after the day of the settlement required in division (D) of this section, the county treasurer shall notify the tax commissioner that the settlement has been completed. Upon receipt of that notification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified under former section 319.311 of the Revised Code and paid in the state's fiscal year 2003 multiplied by the percentage specified in division (G)(2) of this section. The payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts of the county as if it had been levied,

collected, and settled as personal property taxes. The amount 11108  
received by a taxing district under this division shall be 11109  
apportioned among its funds in the same proportion as the current 11110  
year's personal property taxes are apportioned. 11111

(2) Payments required under division (G)(1) of this section 11112  
shall be made at the following percentages of the amount certified 11113  
under former section 319.311 of the Revised Code and paid under 11114  
division (G)(1) of this section in the state's fiscal year 2003: 11115

(a) In fiscal year 2004, ninety per cent; 11116

(b) In fiscal year 2005, eighty per cent; 11117

(c) In fiscal year 2006, sixty-four per cent; 11118

(d) In fiscal year 2007, forty per cent; 11119

(e) In fiscal year 2008, thirty-two per cent; 11120

(f) In fiscal year 2009, sixteen per cent. 11121

After fiscal year 2009, no payments shall be made under 11122  
division (G)(1) of this section. 11123

(H)(1) On or before the fifteenth day of April each year, the 11124  
county treasurer shall settle with the county auditor for all 11125  
manufactured home taxes that the county treasurer has collected on 11126  
the manufactured home tax duplicate at the time of making the 11127  
settlement. 11128

(2) On or before the fifteenth day of September each year, 11129  
the county treasurer shall settle with the county auditor for all 11130  
remaining manufactured home taxes that the county treasurer has 11131  
collected on the manufactured home tax duplicate at the time of 11132  
making the settlement. 11133

(3) If the time for payment of such taxes is extended under 11134  
section 4503.06 of the Revised Code, the time for making the 11135  
settlement as prescribed by divisions (H)(1) and (2) of this 11136  
section is extended for a like period of time. 11137

(I) On or before the second Monday in September of each year, 11138  
the county treasurer shall certify to the tax commissioner the 11139  
total amount by which the manufactured home taxes levied in that 11140  
year were reduced pursuant to section 319.302 of the Revised Code. 11141  
Within ninety days after the receipt of such certification, the 11142  
commissioner shall provide for payment to the county treasurer 11143  
from the general revenue fund of an amount equal to the amount 11144  
certified by the treasurer. Such payment shall be credited upon 11145  
receipt to the county's undivided income tax fund, and the county 11146  
auditor shall transfer to the county general fund from the amount 11147  
thereof the total amount of all fees and charges that the auditor 11148  
and treasurer would have been authorized to receive had such 11149  
section not been in effect and that amount had been levied and 11150  
collected as manufactured home taxes. The county auditor shall 11151  
distribute the amount remaining among the various taxing districts 11152  
in the county as if it had been levied, collected, and settled as 11153  
manufactured home taxes. 11154

**Sec. 323.131.** (A) Each tax bill prepared and mailed or 11155  
delivered under section 323.13 of the Revised Code shall be in the 11156  
form and contain the information required by the tax commissioner. 11157  
The commissioner may prescribe different forms for each county and 11158  
may authorize the county auditor to make up tax bills and tax 11159  
receipts to be used by the county treasurer. For any county in 11160  
which the board of county commissioners has granted a partial 11161  
property tax exemption on homesteads under section 323.158 of the 11162  
Revised Code, the commissioner shall require that the tax bills 11163  
for those homesteads include a notice of the amount of the tax 11164  
reduction that results from the partial exemption. In addition to 11165  
the information required by the commissioner, each tax bill shall 11166  
contain the following information: 11167

(1) The taxes levied and the taxes charged and payable 11168  
against the property; 11169

(2) The effective tax rate. The words "effective tax rate" shall appear in boldface type. 11170  
11171

(3) A list of the various taxing units to which the taxes charged are to be allocated and the respective amounts allocated to each unit, including, in the case of the county, the various county purposes to which such taxes are to be allocated and the respective amounts. 11172  
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(4) The following notices: 11177

(a) "Notice: If the taxes are not paid within sixty days from the date they are certified delinquent, the property is subject to foreclosure for tax delinquency." Failure to provide such notice has no effect upon the validity of any tax foreclosure to which a property is subjected. 11178  
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(b) "Notice: If the taxes charged against this parcel have been reduced by the 2-1/2 per cent tax reduction for residences occupied by the owner but the property is not a residence occupied by the owner, the owner must notify the county auditor's office not later than March 31 of the year following the year for which the taxes are due. Failure to do so may result in the owner being convicted of a fourth degree misdemeanor, which is punishable by imprisonment up to 30 days, a fine up to \$250, or both, and in the owner having to repay the amount by which the taxes were erroneously or illegally reduced, plus any interest that may apply. 11183  
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If the taxes charged against this parcel have not been reduced by the 2-1/2 per cent tax reduction and the parcel includes a residence occupied by the owner, the parcel may qualify for the tax reduction. To obtain an application for the tax reduction or further information, the owner may contact the county auditor's office at ..... (insert the address and telephone number of the county auditor's office)." 11194  
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11200

~~(4)~~(5) For a tract or lot on the real property tax suspension list under section 319.48 of the Revised Code, the following notice: "Notice: The taxes shown due on this bill are for the current year only. Delinquent taxes, penalties, and interest also are due on this property. Contact the county treasurer to learn the total amount due." 11201  
11202  
11203  
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The tax bill shall not contain or be mailed or delivered with any information or material that is not required by this section or that is not authorized by section 321.45 of the Revised Code or by the tax commissioner. 11207  
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(B) If the property is residential rental property, the tax bill shall contain a statement that the owner of the residential rental property shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. 11211  
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(C) Each county auditor and treasurer shall post on their respective web sites, or on the county's web site, the percentage of property taxes charged by each taxing unit and, in the case of the county as a taxing unit, the percentage of taxes charged by the county for each of the county purposes for which taxes are charged. 11216  
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(D) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code. 11222  
11223

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the Revised Code: 11224  
11225

(A)(1) "Homestead" means either of the following: 11226

(a) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in 11227  
11228  
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11230

this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code.

(b) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this state.

(2) The homestead shall include so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or unit as a home. An owner includes a holder of one of the several estates in fee, a vendee in possession under a purchase agreement or a land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, and a settlor of a revocable or irrevocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust. The tax commissioner shall adopt rules for the uniform classification and valuation of real property or portions of real property as homesteads.

(B) "Sixty-five years of age or older" means a person who has attained age sixty-four prior to the first day of January of the year of application for reduction in real estate taxes.

(C) "Total income" means ~~this~~ modified adjusted gross income, as that term is defined in section 5747.01 of the Revised Code, of the owner and the owner's spouse for the year preceding the year in which application for a reduction in taxes is made, ~~as determined under division (A) of section 5747.01 of the Revised Code.~~

(D) "Permanently and totally disabled" means that a person other than a disabled veteran has, on the first day of January of the year of application for reduction in real estate taxes, some

impairment in body or mind that makes the person unable to work at 11262  
any substantially remunerative employment that the person is 11263  
reasonably able to perform and that will, with reasonable 11264  
probability, continue for an indefinite period of at least twelve 11265  
months without any present indication of recovery therefrom or has 11266  
been certified as permanently and totally disabled by a state or 11267  
federal agency having the function of so classifying persons. 11268

(E) "Housing cooperative" means a housing complex of at least 11269  
two units that is owned and operated by a nonprofit corporation 11270  
that issues a share of the corporation's stock to an individual, 11271  
entitling the individual to live in a unit of the complex, and 11272  
collects a monthly maintenance fee from the individual to 11273  
maintain, operate, and pay the taxes of the complex. 11274

(F) "Disabled veteran" means a person who is a veteran of the 11275  
armed forces of the United States, including reserve components 11276  
thereof, or of the national guard, who has been discharged or 11277  
released from active duty in the armed forces under honorable 11278  
conditions, and who has received a total disability rating or a 11279  
total disability rating for compensation based on individual 11280  
unemployability for a service-connected disability or combination 11281  
of service-connected disabilities as prescribed in Title 38, Part 11282  
4 of the Code of Federal Regulations, as amended. 11283

Sec. 339.10. (A) The board of county hospital trustees of a 11284  
county hospital may do either of the following: 11285

(1) Form, or acquire control of, a domestic nonprofit 11286  
corporation or a domestic nonprofit limited liability company; 11287

(2) Be a partner, member, owner, associate, or participant in 11288  
a nonprofit enterprise or nonprofit venture. 11289

(B) A board of county hospital trustees of a county hospital 11290  
forming, acquiring, or becoming involved with a nonprofit 11291

corporation, limited liability company, enterprise, or venture 11292  
under division (A) of this section shall do so in furtherance of 11293  
any of the following: 11294

(1) To support the county hospital's mission; 11295

(2) To provide for any or all health care or medical 11296  
services, whether inpatient or outpatient services, diagnostic, 11297  
treatment, care, or rehabilitation services, wellness services, 11298  
services involving the prevention, detection, and control of 11299  
disease, home health services or services provided at or through 11300  
various facilities, education, training, and other necessary and 11301  
related services for the health professions; 11302

(3) The management or operation of any hospital facility as 11303  
defined in division (E) of section 140.01 of the Revised Code; 11304

(4) The management, operation, or participation in programs, 11305  
projects, activities, and services useful to, connected with, 11306  
supporting, or otherwise related to the health, wellness, and 11307  
medical services and wellness programs provided in divisions 11308  
(B)(2) and (3) of this section; 11309

(5) Any other activities that are in furtherance of the 11310  
county hospital or the persons served by the county hospital or 11311  
are necessary to perform the county hospital's mission and 11312  
functions and respond to change in the health care industry as 11313  
determined by the board of trustees. 11314

**Sec. 341.34.** (A) As used in this section, "building or 11315  
structure" includes, but is not limited to, a modular unit, 11316  
building, or structure and a movable unit, building, or structure. 11317

(B)(1) The board of county commissioners of any county, by 11318  
resolution, may dedicate and permit the use, as a minimum security 11319  
jail, of any vacant or abandoned public building or structure 11320  
owned by the county that has not been dedicated to or is not then 11321

in use for any county or other public purpose, or any building or structure rented or leased by the county. The board of county commissioners of any county, by resolution, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the county. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such a resolution, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation or a misdemeanor or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county or municipal jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge 11354  
of the sentencing court upon the request of the sheriff, 11355  
administrator, jailer, or other person responsible for operating 11356  
the jail other than a contractor as defined in section 9.06 of the 11357  
Revised Code, who is named in the request as being suitable for 11358  
confinement in a minimum security facility. 11359

(2) The board of county commissioners of any county, by 11360  
resolution, may affiliate with one or more adjacent counties, or 11361  
with one or more municipal corporations located within the county 11362  
or within an adjacent county, and dedicate and permit the use, as 11363  
a minimum security jail, of any vacant or abandoned public 11364  
building or structure owned by any of the affiliating counties or 11365  
municipal corporations that has not been dedicated to or is not 11366  
then in use for any public purpose, or any building or structure 11367  
rented or leased by any of the affiliating counties or municipal 11368  
corporations. The board of county commissioners of any county, by 11369  
resolution, also may affiliate with one or more adjacent counties 11370  
or with one or more municipal corporations located within the 11371  
county or within an adjacent county and dedicate and permit the 11372  
use, as a minimum security jail, of any building or structure 11373  
purchased by or constructed by or for any of the affiliating 11374  
counties or municipal corporations. Any counties and municipal 11375  
corporations that affiliate for purposes of this division shall 11376  
enter into an agreement that establishes the responsibilities for 11377  
the operation and for the cost of operation of the minimum 11378  
security jail. Subject to divisions (B)(3) and (C) of this 11379  
section, upon the effective date of a resolution adopted under 11380  
this division, the specified building or structure shall be used, 11381  
in accordance with this section, for the confinement of persons 11382  
who meet one of the following conditions: 11383

(a) The person is sentenced to a term of imprisonment for a 11384  
traffic violation, a misdemeanor, or a violation of an ordinance 11385

of any municipal corporation, or is sentenced to a residential 11386  
sanction in the jail for a felony of the fourth or fifth degree 11387  
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 11388  
the jail administrator or the jail administrator's designee has 11389  
classified the person as a minimal security risk. In determining 11390  
the person's classification under this division, the administrator 11391  
or designee shall consider all relevant factors, including, but 11392  
not limited to, the person's escape risk and propensity for 11393  
assaultive or violent behavior, based upon the person's prior and 11394  
current behavior. 11395

(b) The person is charged with a traffic violation, a 11396  
misdemeanor, or a felony of the fourth or fifth degree and has had 11397  
bail set and has not been released on bail and is confined in a 11398  
county jail pending trial, and the jail administrator or the jail 11399  
administrator's designee has classified the person as a minimal 11400  
security risk. In determining the person's classification under 11401  
this division, the administrator or designee shall consider all 11402  
relevant factors, including, but not limited to, the person's 11403  
escape risk and propensity for assaultive or violent behavior, 11404  
based upon the person's prior and current behavior. Nothing in 11405  
this division authorizes the operation or management of a minimum 11406  
security jail by a private entity. 11407

(c) The person is an inmate transferred by order of a judge 11408  
of the sentencing court upon the request of the sheriff, 11409  
administrator, jailer, or other person responsible for operating 11410  
the jail other than a contractor as defined in section 9.06 of the 11411  
Revised Code, who is named in the request as being suitable for 11412  
confinement in a minimum security facility. 11413

(3) No person shall be confined in a building or structure 11414  
dedicated as a minimum security jail under division (B)(1) or (2) 11415  
of this section unless the judge who sentenced the person to the 11416  
term of imprisonment for the traffic violation or the misdemeanor 11417

specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the residential sanction is to be served in a jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or structure is so dedicated, the building or structure may be used as a minimum security jail only during the period that it is rented or leased by the county or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any county, municipal corporation, or township zoning regulations or ordinances, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or standards.

(3) Unless such satisfaction or compliance is required under 11450  
the standards described in division (C)(4) of this section, and 11451  
notwithstanding any other provision of state or local law to the 11452  
contrary, the building or structure need not satisfy or comply 11453  
with any state or local building standard or code in order to be 11454  
used to confine a person for the purposes specified in division 11455  
(B) of this section. 11456

(4) The building or structure shall not be used to confine 11457  
any person unless it is in compliance with all minimum standards 11458  
and minimum renovation, modification, and construction criteria 11459  
for ~~minimum security~~ jails that have been proposed by the 11460  
department of rehabilitation and correction, through its bureau of 11461  
adult detention, under section 5120.10 of the Revised Code. 11462

(5) The building or structure need not be renovated or 11463  
modified into a secure detention facility in order to be used 11464  
solely to confine a person for the purposes specified in divisions 11465  
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 11466

(6) The building or structure shall be used, equipped, 11467  
furnished, and staffed in the manner necessary to provide adequate 11468  
and suitable living, sleeping, food service or preparation, 11469  
drinking, bathing and toilet, sanitation, and other necessary 11470  
facilities, furnishings, and equipment. 11471

(D) Except as provided in this section, a minimum security 11472  
jail dedicated and used under this section shall be considered to 11473  
be part of the jail, workhouse, or other correctional facilities 11474  
of the county or the affiliated counties and municipal 11475  
corporations for all purposes under the law. All persons confined 11476  
in such a minimum security jail shall be and shall remain, in all 11477  
respects, under the control of the county authority that has 11478  
responsibility for the management and operation of the jail, 11479  
workhouse, or other correctional facilities of the county or, if 11480  
it is operated by any affiliation of counties or municipal 11481

corporations, under the control of the specified county or 11482  
municipal corporation with that authority, provided that, if the 11483  
person was convicted of a felony and is serving a residential 11484  
sanction in the facility, all provisions of law that pertain to 11485  
persons convicted of a felony that would not by their nature 11486  
clearly be inapplicable apply regarding the person. A minimum 11487  
security jail dedicated and used under this section shall be 11488  
managed and maintained in accordance with policies and procedures 11489  
adopted by the board of county commissioners or the affiliated 11490  
counties and municipal corporations governing the safe and 11491  
healthful operation of the jail, the confinement and supervision 11492  
of the persons sentenced to it, and their participation in work 11493  
release or similar rehabilitation programs. In addition to other 11494  
rules of conduct and discipline, the rights of ingress and egress 11495  
of persons confined in a minimum security jail dedicated and used 11496  
under this section shall be subject to reasonable restrictions. 11497  
Every person confined in a minimum security jail dedicated and 11498  
used under this section shall be given verbal and written 11499  
notification, at the time of the person's admission to the jail, 11500  
that purposely leaving, or purposely failing to return to, the 11501  
jail without proper authority or permission constitutes the felony 11502  
offense of escape. 11503

(E) If a person who has been convicted of or pleaded guilty 11504  
to an offense is sentenced to a term of imprisonment or a 11505  
residential sanction in a minimum security jail as described in 11506  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 11507  
an inmate transferred to a minimum security jail by order of a 11508  
judge of the sentencing court as described in division (B)(1)(c) 11509  
or (B)(2)(c) of this section, at the time of reception and at 11510  
other times the person in charge of the operation of the jail 11511  
determines to be appropriate, the sheriff or other person in 11512  
charge of the operation of the jail may cause the convicted 11513  
offender to be examined and tested for tuberculosis, HIV 11514

infection, hepatitis, including but not limited to hepatitis A, B, 11515  
and C, and other contagious diseases. The person in charge of the 11516  
operation of the jail may cause a convicted offender in the jail 11517  
who refuses to be tested or treated for tuberculosis, HIV 11518  
infection, hepatitis, including but not limited to hepatitis A, B, 11519  
and C, or another contagious disease to be tested and treated 11520  
involuntarily. 11521

**Sec. 349.01.** As used in this chapter: 11522

(A) "New community" means a community or development of 11523  
property in relation to an existing community planned so that the 11524  
resulting community includes facilities for the conduct of 11525  
industrial, commercial, residential, cultural, educational, and 11526  
recreational activities, and designed in accordance with planning 11527  
concepts for the placement of utility, open space, and other 11528  
supportive facilities. 11529

(B) "New community development program" means a program for 11530  
the development of a new community characterized by well-balanced 11531  
and diversified land use patterns and which includes land 11532  
acquisition and land development, the acquisition, construction, 11533  
operation, and maintenance of community facilities, and the 11534  
provision of services authorized in this chapter. 11535

A new community development program may take into account any 11536  
existing community in relation to which a new community is 11537  
developed for purposes of being characterized by well-balanced and 11538  
diversified land use patterns. 11539

(C) "New community district" means the area of land described 11540  
by the developer in the petition as set forth in division (A) of 11541  
section 349.03 of the Revised Code for development as a new 11542  
community and any lands added to the district by amendment of the 11543  
resolution establishing the community authority. 11544

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. "Developer" may also mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least seventy-five years' duration.

(F) "Organizational board of commissioners" means the following:

(1) For a new community district that is located in only one county, the board of county commissioners of that county;

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of

the municipal corporation. 11576

(G) "Land acquisition" means the acquisition of real property 11577  
and interests in real property as part of a new community 11578  
development program. 11579

(H) "Land development" means the process of clearing and 11580  
grading land, making, installing, or constructing water 11581  
distribution systems, sewers, sewage collection systems, steam, 11582  
gas, and electric lines, roads, streets, curbs, gutters, 11583  
sidewalks, storm drainage facilities, and other installations or 11584  
work, whether within or without the new community district, and 11585  
the construction of community facilities. 11586

(I) "Community facilities" means all real property, 11587  
buildings, structures, or other facilities, including related 11588  
fixtures, equipment, and furnishings, to be owned, operated, 11589  
financed, constructed, and maintained under this chapter or in 11590  
furtherance of community activities, whether within or without the 11591  
new community district, including public, community, village, 11592  
neighborhood, or town buildings, centers and plazas, auditoriums, 11593  
day care centers, recreation halls, educational facilities, health 11594  
care facilities including hospital facilities as defined in 11595  
section 140.01 of the Revised Code, telecommunications facilities, 11596  
including all facilities necessary to provide telecommunications 11597  
service as defined in section 4927.01 of the Revised Code, 11598  
recreational facilities, natural resource facilities, including 11599  
parks and other open space land, lakes and streams, cultural 11600  
facilities, community streets and off-street parking facilities, 11601  
pathway and bikeway systems, pedestrian underpasses and 11602  
overpasses, lighting facilities, design amenities, or other 11603  
community facilities, and buildings needed in connection with 11604  
water supply or sewage disposal installations, or energy 11605  
facilities including those for renewable or sustainable energy 11606  
sources, and steam, gas, or electric lines or installation. 11607

(J) "Cost" as applied to a new community development program 11608  
means all costs related to land acquisition and land development, 11609  
the acquisition, construction, maintenance, and operation of 11610  
community facilities and offices of the community authority, and 11611  
of providing furnishings and equipment therefor, financing charges 11612  
including interest prior to and during construction and for the 11613  
duration of the new community development program, planning 11614  
expenses, engineering expenses, administrative expenses including 11615  
working capital, and all other expenses necessary and incident to 11616  
the carrying forward of the new community development program. 11617

(K) "Income source" means any and all sources of income to 11618  
the community authority, including community development charges 11619  
of which the new community authority is the beneficiary as 11620  
provided in section 349.07 of the Revised Code, rentals, user fees 11621  
and other charges received by the new community authority, any 11622  
gift or grant received, any moneys received from any funds 11623  
invested by or on behalf of the new community authority, and 11624  
proceeds from the sale or lease of land and community facilities. 11625

(L) "Community development charge" means: 11626

(1) A dollar amount which shall be determined on the basis of 11627  
the assessed valuation of real property or interests in real 11628  
property in a new community district ~~owned, sold, leased, or~~ 11629  
~~otherwise conveyed by the developer or the new community~~ 11630  
~~authority~~, the income of the residents of such property subject to 11631  
such charge under section 349.07 of the Revised Code, if such 11632  
property is devoted to residential uses or to the profits, gross 11633  
receipts, or other revenues of any business including, but not 11634  
limited to, rentals received from leases of real property located 11635  
in the district, a uniform or other fee on each parcel of such 11636  
real property ~~owned, sold, leased, or otherwise conveyed by the~~ 11637  
~~developer or new community authority~~ in a new community district, 11638  
or any combination of the foregoing bases. 11639

(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.

(M) "Proximate city" means the following:

(1) For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district.

(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located.

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial,

distribution and research activities, or any combination thereof 11671  
that includes residential activities. 11672

**Sec. 349.03.** (A) Proceedings for the organization of a new 11673  
community authority shall be initiated by a petition filed by the 11674  
developer in the office of the clerk of the organizational board 11675  
of commissioners. Such petition shall be signed by the developer 11676  
and may be signed by each proximate city. The legislative 11677  
authorities of each such proximate city shall act in behalf of 11678  
such city. Such petition shall contain: 11679

(1) The name of the proposed new community authority; 11680

(2) The address where the principal office of the authority 11681  
will be located or the manner in which the location will be 11682  
selected; 11683

(3) A map and a full and accurate description of the 11684  
boundaries of the new community district together with a 11685  
description of the properties within such boundaries, if any, 11686  
which will not be included in the new community district. 11687

~~The total acreage included in such district shall be owned 11688  
by, or under the control through leases of at least seventy five 11689  
years' duration, options, or contracts to purchase, of the 11690  
developer, if the developer is a private entity, unless one of the 11691  
following applies: 11692~~

~~(a) The district is wholly contained within municipal 11693  
corporations. 11694~~

~~(b) More than one half of the proposed district is, at the 11695  
time of filing the petition under this section, contained within a 11696  
joint economic development district created under sections 715.70 11697  
to 715.83 of the Revised Code. 11698~~

(4) A statement setting forth the zoning regulations proposed 11699  
for zoning the area within the boundaries of the new community 11700

district for comprehensive development as a new community, and if 11701  
the area has been zoned for such development, a certified copy of 11702  
the applicable zoning regulations therefor; 11703

(5) A current plan indicating the proposed development 11704  
program for the new community district, the land acquisition and 11705  
land development activities, community facilities, services 11706  
proposed to be undertaken by the new community authority under 11707  
such program, the proposed method of financing such activities and 11708  
services, including a description of the bases, timing, and manner 11709  
of collecting any proposed community development charges, and the 11710  
projected total residential population of, and employment within, 11711  
the new community; 11712

(6) A suggested number of members, consistent with section 11713  
349.04 of the Revised Code, for the board of trustees; 11714

(7) A preliminary economic feasibility analysis, including 11715  
the area development pattern and demand, location and proposed new 11716  
community district size, present and future socio-economic 11717  
conditions, public services provision, financial plan, and the 11718  
developer's management capability; 11719

(8) A statement that the development will comply with all 11720  
applicable environmental laws and regulations. 11721

Upon the filing of such petition, the organizational board of 11722  
commissioners shall determine whether such petition complies with 11723  
the requirements of this section as to form and substance. The 11724  
board in subsequent proceedings may at any time permit the 11725  
petition to be amended in form and substance to conform to the 11726  
facts by correcting any errors in the description of the proposed 11727  
new community district or in any other particular. 11728

Upon the determination of the organizational board of 11729  
commissioners that a sufficient petition has been filed in 11730  
accordance with this section, the board shall fix the time and 11731

place of a hearing on the petition for the establishment of the 11732  
proposed new community authority. Such hearing shall be held not 11733  
less than ninety-five nor more than one hundred fifteen days after 11734  
the petition filing date, except that if the petition has been 11735  
signed by all proximate cities or if the organizational board of 11736  
commissioners is the legislative authority of the only proximate 11737  
city for the proposed new community district, such hearing shall 11738  
be held not less than thirty nor more than forty-five days after 11739  
the petition filing date. The clerk of the organizational board of 11740  
commissioners with which the petition was filed shall give notice 11741  
thereof by publication once each week for three consecutive weeks, 11742  
or as provided in section 7.16 of the Revised Code, in a newspaper 11743  
of general circulation in any county of which a portion is within 11744  
the proposed new community district. Except where the 11745  
organizational board of commissioners is the legislative authority 11746  
of the only proximate city for the proposed new community 11747  
district, such clerk shall also give written notice of the date, 11748  
time, and place of the hearing and furnish a certified copy of the 11749  
petition to the clerk of the legislative authority of each 11750  
proximate city which has not signed such petition. Except where 11751  
the organizational board of commissioners is the legislative 11752  
authority of the only proximate city for the proposed new 11753  
community district, in the event that the legislative authority of 11754  
a proximate city which did not sign the petition does not approve 11755  
by ordinance, resolution, or motion the establishment of the 11756  
proposed new community authority and does not deliver such 11757  
ordinance, resolution, or motion to the clerk of the 11758  
organizational board of commissioners with which the petition was 11759  
filed within ninety days following the date of the first 11760  
publication of the notice of the public hearing, the 11761  
organizational board of commissioners shall cancel such public 11762  
hearing and terminate the proceedings for the establishment of the 11763  
new community authority. 11764

Upon the hearing, if the organizational board of 11765  
commissioners determines by resolution that the proposed new 11766  
community district will be conducive to the public health, safety, 11767  
convenience, and welfare, and is intended to result in the 11768  
development of a new community, the board shall by its resolution, 11769  
declare the new community authority to be organized and a body 11770  
politic and corporate with the corporate name designated in the 11771  
resolution, and define the boundary of the new community district. 11772  
In addition, the resolution shall provide the method of selecting 11773  
the board of trustees of the new community authority and fix the 11774  
surety for their bonds in accordance with section 349.04 of the 11775  
Revised Code. 11776

If the organizational board of commissioners finds that the 11777  
establishment of the district will not be conducive to the public 11778  
health, safety, convenience, or welfare, or is not intended to 11779  
result in the development of a new community, it shall reject the 11780  
petition thereby terminating the proceedings for the establishment 11781  
of the new community authority. 11782

(B) At any time after the creation of a new community 11783  
authority, the developer may file an application with the clerk of 11784  
the organizational board of commissioners with which the original 11785  
petition was filed, setting forth a general description of 11786  
territory it desires to add or to delete from such district, that 11787  
such change will be conducive to the public health, safety, 11788  
convenience, and welfare, and will be consistent with the 11789  
development of a new community and will not jeopardize the plan of 11790  
the new community. If the developer is not a municipal 11791  
corporation, port authority, or county, all of such an addition to 11792  
such a district shall be owned by, or under the control through 11793  
leases of at least seventy-five years' duration, options, or 11794  
contracts to purchase, of the developer. Upon the filing of the 11795  
application, the organizational board of commissioners shall 11796

follow the same procedure as required by this section in relation 11797  
to the petition for the establishment of the proposed new 11798  
community. The organizational board of commissioners also may 11799  
determine by resolution to add territory to such district, 11800  
provided that the owner or other person who controls such 11801  
territory through leases of at least forty years' duration, 11802  
options, or contracts to purchase files a written consent to the 11803  
addition of such territory with the clerk of the organizational 11804  
board of commissioners, and the developer does not object to the 11805  
addition of such territory by filing a written objection to the 11806  
addition of such territory with the clerk of the organizational 11807  
board of commissioners before the adoption of the resolution 11808  
adding such territory to the district. The organizational board of 11809  
commissioners shall follow the same procedure as required by this 11810  
section in relation to the petition for the establishment of the 11811  
proposed new community when adopting such a resolution. 11812

(C) If all or any part of the new community district is 11813  
annexed to one or more existing municipal corporations, their 11814  
legislative authorities may appoint persons to replace any 11815  
appointed citizen member of the board of trustees. The number of 11816  
such trustees to be replaced by the municipal corporation shall be 11817  
the number, rounded to the lowest integer, bearing the 11818  
proportionate relationship to the number of existing appointed 11819  
citizen members as the acreage of the new community district 11820  
within such municipal corporation bears to the total acreage of 11821  
the new community district. If any such municipal corporation 11822  
chooses to replace an appointed citizen member, it shall do so by 11823  
ordinance, the term of the trustee being replaced shall terminate 11824  
thirty days from the date of passage of such ordinance, and the 11825  
trustee to be replaced shall be determined by lot. Each newly 11826  
appointed member shall assume the term of the member's 11827  
predecessor. 11828

Sec. 349.07. Notwithstanding any other rule of law, any 11829  
covenant or agreement in deeds, land contracts, leases and any 11830  
other instruments or conveyance by which real estate or any 11831  
interest in real estate is conveyed by or to the developer or by 11832  
the new community authority to any person or entity, including the 11833  
developer, or any declaration of covenants executed by the owner 11834  
of real estate, whereby such person or entity agrees, by 11835  
acceptance of any such instrument of conveyance containing said 11836  
covenant of agreement or execution of said declaration, to pay 11837  
annually or semiannually a community development charge for the 11838  
benefit and use of the new community authority to cover all or 11839  
part of the cost of the acquisition, construction, operation and 11840  
maintenance of land, land development and community facilities, 11841  
the debt service thereof and any other cost incurred by the 11842  
authority in the exercise of the powers granted by Chapter 349. of 11843  
the Revised Code shall be deemed to be a covenant running with the 11844  
land and shall, in any event and without regard to technical 11845  
classification, after such instrument has been duly recorded in 11846  
the land records of the county, be fully binding on behalf of and 11847  
enforceable by the new community authority against each such 11848  
person or entity and all successors and assigns of the property 11849  
conveyed by such instrument of conveyance or encumbered by such 11850  
declaration. 11851

No purchase agreement for any real estate or interest in real 11852  
estate upon which a community development charge exists by reason 11853  
of a covenant running with the land shall be enforceable by the 11854  
seller or binding upon the purchaser unless such purchase 11855  
agreement specifically refers to such community development charge 11856  
and identifies the volume and page number of the deed records of 11857  
the county in which the covenant running with the land 11858  
establishing such community development charge is recorded, 11859  
provided that in the event a conveyance of such real estate or 11860

interest in real estate is made pursuant to a purchase agreement 11861  
which does not make such reference and identification, the 11862  
covenant shall continue to be deemed to be a covenant running with 11863  
the land fully binding on behalf of and enforceable by the 11864  
community authority against such person or entity accepting the 11865  
conveyance pursuant to such purchase agreement. 11866

The new community authority may certify the community 11867  
development charge to the county auditor, who shall enter the 11868  
unpaid charge on the tax list and duplicates of real property 11869  
opposite the parcel against which it is charged, and certify the 11870  
charge to the county treasurer. An unpaid community development 11871  
charge is a lien on property against which it is charged from the 11872  
date the charge is entered on the tax list, and shall be collected 11873  
in the manner provided for the collection of real property taxes. 11874  
Once the charge is collected, it shall be paid immediately to the 11875  
new community district. 11876

No community development charge established pursuant to this 11877  
chapter shall be construed as prohibiting or limiting the taxing 11878  
power of municipal corporations. 11879

**Sec. 351.021.** (A) The resolution of the county commissioners 11880  
creating a convention facilities authority, or any amendment or 11881  
supplement to that resolution, may authorize the authority to levy 11882  
one or both of the excise taxes authorized by division (B) of this 11883  
section to pay the cost of one or more facilities; to pay 11884  
principal, interest, and premium on convention facilities 11885  
authority tax anticipation bonds issued to pay those costs; to pay 11886  
the operating costs of the authority; to pay operating and 11887  
maintenance costs of those facilities; and to pay the costs of 11888  
administering the excise tax. 11889

(B) The board of directors of a convention facilities 11890  
authority that has been authorized pursuant to resolution adopted, 11891

amended, or supplemented by the board of county commissioners 11892  
pursuant to division (A) of this section may levy, by resolution 11893  
adopted on or before December 31, 1988, either or both of the 11894  
following: 11895

(1) Within the territory of the authority, an additional 11896  
excise tax not to exceed four per cent on each transaction. The 11897  
excise tax authorized by division (B)(1) of this section shall be 11898  
in addition to any excise tax levied pursuant to section 5739.08 11899  
or 5739.09 of the Revised Code, or division (B)(2) of this 11900  
section. 11901

(2) Within that portion of any municipal corporation that is 11902  
located within the territory of the authority or within the 11903  
boundaries of any township that is located within the territory of 11904  
the authority, which municipal corporation or township is levying 11905  
any portion of the excise tax authorized by division (A) of 11906  
section 5739.08 of the Revised Code, and with the approval, by 11907  
ordinance or resolution, of the legislative authority of that 11908  
municipal corporation or township, an additional excise tax not to 11909  
exceed nine-tenths of one per cent on each transaction. The excise 11910  
tax authorized by division (B)(2) of this section may be levied 11911  
only if, on the effective date of the levy specified in the 11912  
resolution making the levy, the amount being levied pursuant to 11913  
division (A) of section 5739.08 of the Revised Code by each 11914  
municipal corporation or township in which the tax authorized by 11915  
division (B)(2) of this section will be levied, when added to the 11916  
amount levied under division (B)(2) of this section, does not 11917  
exceed three per cent on each transaction. The excise tax 11918  
authorized by division (B)(2) of this section shall be in addition 11919  
to any excise tax that is levied pursuant to section 5739.08 or 11920  
5739.09 of the Revised Code, or division (B)(1) of this section. 11921

(C)(1) The board of directors of a convention facilities 11922  
authority that is located in an eligible Appalachian county; that 11923

has been authorized pursuant to resolution adopted, amended, or 11924  
supplemented by the board of county commissioners pursuant to 11925  
division (A) of this section; and that is not levying a tax under 11926  
division (B)(1) or (2) of this section may levy within the 11927  
territory of the authority, by resolution adopted on or before 11928  
December 31, 2005, an additional excise tax not to exceed three 11929  
per cent on each transaction. The excise tax authorized under 11930  
division (C)(1) of this section shall be in addition to any excise 11931  
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 11932  
Code. 11933

As used in division (C)(1) of this section, "eligible 11934  
Appalachian county" means a county in this state designated as 11935  
being in the "Appalachian region" under the "Appalachian Regional 11936  
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 11937  
having a population less than eighty thousand according to the 11938  
most recent federal decennial census. 11939

(2) Division (C)(2) of this section applies only to a 11940  
convention facilities authority located in a county with a 11941  
population, according to the 2000 federal decennial census, of at 11942  
least one hundred thirty-five thousand and not more than one 11943  
hundred fifty thousand and containing entirely within its 11944  
boundaries the territory of a municipal corporation with a 11945  
population according to that census of more than fifty thousand. 11946  
The board of directors of such a convention facilities authority, 11947  
by resolution adopted on or before November 1, 2009, may levy 11948  
within the territory of the authority an excise tax on 11949  
transactions by which lodging by a hotel is or is to be furnished 11950  
to transient guests at a rate not to exceed three per cent on such 11951  
transactions for the same purposes for which a tax may be levied 11952  
under division (B) of this section. The resolution may be adopted 11953  
only if the board of county commissioners of the county, by 11954  
resolution, authorizes the levy of the tax. The resolution of the 11955

board of county commissioners is subject to referendum as 11956  
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 11957  
pursuant to those procedures, a referendum is to be held, the 11958  
board's resolution does not take effect until approved by a 11959  
majority of electors voting on the question. The convention 11960  
facilities authority may adopt the resolution authorized by 11961  
division (C)(2) of this section before the election, but the 11962  
authority's resolution shall not take effect if the board of 11963  
commissioners' resolution is not approved at the election. A tax 11964  
levied under division (C)(2) of this section is in addition to any 11965  
tax levied under section 5739.09 of the Revised Code. 11966

(3) The board of directors of a convention facilities 11967  
authority created between July 1, 2019, and December 31, 2019, by 11968  
resolution adopted on or before December 30, 2020, may levy within 11969  
the territory of the authority an excise tax on transactions by 11970  
which lodging by a hotel is or is to be furnished to transient 11971  
guests at a rate not to exceed three per cent on such transactions 11972  
for the purposes described in division (A) of this section. This 11973  
tax shall be in addition to any excise tax levied pursuant to this 11974  
section or section 5739.08 or 5739.09 of the Revised Code. The 11975  
resolution levying the tax shall not take effect sooner than 11976  
ninety days after the convention facilities authority is created. 11977

(D) The authority shall provide for the administration and 11978  
allocation of an excise tax levied pursuant to division (B) or (C) 11979  
of this section. All receipts arising from those excise taxes 11980  
shall be expended for the purposes provided in, and in accordance 11981  
with this section and section 351.141 of the Revised Code. An 11982  
excise tax levied under division (B) or (C) of this section shall 11983  
remain in effect at the rate at which it is levied for at least 11984  
the duration of the period for which the receipts from the tax 11985  
have been anticipated and pledged pursuant to section 351.141 of 11986  
the Revised Code. 11987

(E) Except as provided in division (B)(2) of this section, 11988  
the levy of an excise tax on each transaction pursuant to sections 11989  
5739.08 and 5739.09 of the Revised Code does not prevent a 11990  
convention facilities authority from levying an excise tax 11991  
pursuant to division (B) or (C) of this section. 11992

(F) A convention facilities authority located in a county 11993  
with a population greater than eighty thousand but less than 11994  
ninety thousand according to the 2010 federal decennial census 11995  
that levies a tax under division (B) of this section may amend the 11996  
resolution levying the tax to allocate a portion of the revenue 11997  
from the tax for support of tourism-related sites or facilities 11998  
and programs operated by the county or a municipal corporation 11999  
within the county in which the authority is located or for the 12000  
purpose of leasing lands for county fairs, erecting buildings for 12001  
county fair purposes, making improvements on a county fairground, 12002  
or for any purpose connected with the use of a county fairground 12003  
or with the management thereof by the county in which the 12004  
authority is located. The revenue allocated by the authority for 12005  
such purposes in a calendar year shall not exceed ~~fifteen~~ 12006  
twenty-five per cent of the total revenue from the tax in the 12007  
preceding calendar year. Revenue allocated for such purposes that 12008  
is not fully used by the end of the calendar year may be carried 12009  
forward for use in subsequent calendar years. Any amount carried 12010  
forward does not count toward the limitation on the amount that 12011  
may be allocated for such purposes in succeeding calendar years. 12012

**Sec. 503.56.** (A) As used in this section: 12013

(1) "Tourism development district" means a district 12014  
designated by a township under this section. 12015

(2) "Territory of a tourism development district" means all 12016  
of the area included within the territorial boundaries of a 12017  
tourism development district. 12018

(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (C) of section 5739.101 of the Revised Code.

(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.

(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on September 29, 2015.

(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed six hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board 12050  
receives a petition signed by every record owner of a parcel of 12051  
real property located in the proposed district and the owner of 12052  
every business that operates in the proposed district. 12053

(e) The board adopts the resolution on or before December 31, 12054  
2020. 12055

(2) The petition described in division (B)(1)(d) of this 12056  
section shall include an explanation of the taxes and charges that 12057  
may be levied or imposed in the proposed district. 12058

(3) The board shall certify the resolution to the tax 12059  
commissioner within five days after its adoption, along with a 12060  
description of the boundaries of the district authorized in the 12061  
resolution. That description shall include sufficient information 12062  
for the commissioner to determine if the address of a vendor is 12063  
within the boundaries of the district. 12064

(4) Subject to the limitations of division (B)(1)(a) and (b) 12065  
of this section, the board of trustees of an eligible township may 12066  
enlarge the territory of an existing tourism development district 12067  
in the manner prescribed for the creation of a district under 12068  
divisions (B)(1) to (3) of this section, except that the petition 12069  
described in division (B)(1)(d) of this section must be signed by 12070  
every record owner of a parcel of real property located in the 12071  
area proposed to be added to the district and the owner of every 12072  
business that operates in the area proposed to be added to the 12073  
district. 12074

(C) For the purpose of fostering and developing tourism in a 12075  
tourism development district, a lessor leasing real property in a 12076  
tourism development district may impose and collect a uniform fee 12077  
on each parcel of real property leased by the lessor, to be paid 12078  
by each of the person's lessees. A lessee is subject to such a fee 12079  
only if the lease separately states the amount of the fee. Before 12080

a lessor may impose and collect such a fee, the lessor shall file 12081  
a copy of such lease with the fiscal officer of the township that 12082  
designated the tourism development district. A lessor that imposes 12083  
such a fee shall remit all collections of the fee to the fiscal 12084  
officer of the township in which the real property is located. 12085

The board shall establish all regulations necessary to 12086  
provide for the administration and remittance of such fees. The 12087  
regulations may prescribe the time for payment of the fee, and may 12088  
provide for the imposition of a penalty or interest, or both, for 12089  
late remittances, provided that the penalty does not exceed ten 12090  
per cent of the amount of fee due, and the rate at which interest 12091  
accrues does not exceed the rate per annum prescribed pursuant to 12092  
section 5703.47 of the Revised Code. The regulations shall 12093  
provide, after deducting the real and actual costs of 12094  
administering the fee, that the revenue be used exclusively for 12095  
fostering and developing tourism within the tourism development 12096  
district. 12097

(D) The board of trustees of an eligible township that has 12098  
designated a tourism development district under this section may 12099  
levy one or both of the taxes authorized under section 503.57 or 12100  
5739.101 of the Revised Code. If the board does not levy a tax 12101  
under section 5739.101 of the Revised Code, the board may enter 12102  
into and enforce agreements imposing a development charge under 12103  
section 503.58 of the Revised Code. 12104

(E) On or before the first day of each January and July, 12105  
beginning after the designation of the tourism development 12106  
district, the fiscal officer of the township shall certify a list 12107  
of vendors located within the tourism development district to the 12108  
tax commissioner, which shall include the name, address, and 12109  
vendor's license number for each vendor. 12110

Sec. 503.58. (A) The board of trustees of an eligible 12111

township that has designated a tourism development district under 12112  
section 503.56 of the Revised Code may enter into and enforce 12113  
agreements with one or more owners of property located within the 12114  
district by which the owner or owners agree to pay a development 12115  
charge for the purpose of fostering and developing tourism within 12116  
the district. The amount of the development charge shall equal 12117  
one-half, one, one and one-half, or two per cent of the gross 12118  
receipts derived from making sales at or from the property, 12119  
whether wholesale or retail, but including sales of food only to 12120  
the extent such sales are subject to the tax levied under section 12121  
5739.02 of the Revised Code. 12122

(B) The imposition of a development charge under this section 12123  
is subject to approval of the board of county commissioners of the 12124  
county in which the property is located. If the property owner 12125  
agrees to the development charge and the board of county 12126  
commissioners, by resolution, approves the agreement, the 12127  
development charge shall be treated in the same manner as taxes 12128  
for all purposes of the lien described in section 323.11 of the 12129  
Revised Code, including, but not limited to, the priority and 12130  
enforcement of the lien and the collection of the development 12131  
charge secured by the lien. 12132

**Sec. 505.37.** (A) The board of township trustees may establish 12133  
all necessary rules to guard against the occurrence of fires and 12134  
to protect the property and lives of the citizens against damage 12135  
and accidents, and may, with the approval of the specifications by 12136  
the prosecuting attorney or, if the township has adopted limited 12137  
home rule government under Chapter 504. of the Revised Code, with 12138  
the approval of the specifications by the township's law director, 12139  
purchase, lease, lease with an option to purchase, or otherwise 12140  
provide any fire apparatus, mechanical resuscitators, underwater 12141  
rescue and recovery equipment, or other fire equipment, 12142

appliances, materials, fire hydrants, and water supply for 12143  
fire-fighting and fire and rescue purposes that seems advisable to 12144  
the board. The board shall provide for the care and maintenance of 12145  
such fire equipment, and, for these purposes, may purchase, lease, 12146  
lease with an option to purchase, or construct and maintain 12147  
necessary buildings, and it may establish and maintain lines of 12148  
fire-alarm communications within the limits of the township. The 12149  
board may employ one or more persons to maintain and operate such 12150  
fire equipment, or it may enter into an agreement with a volunteer 12151  
fire company for the use and operation of the equipment. The board 12152  
may compensate the members of a volunteer fire company on any 12153  
basis and in any amount that it considers equitable. 12154

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When the estimated cost to purchase fire apparatus, 12156  
mechanical resuscitators, underwater rescue and recovery 12157  
equipment, or other fire equipment, appliances, materials, fire 12158  
hydrants, buildings, or fire-alarm communications equipment or 12159  
services exceeds fifty thousand dollars, the contract shall be let 12160  
by competitive bidding. When competitive bidding is required, the 12161  
board shall advertise once a week for not less than two 12162  
consecutive weeks in a newspaper of general circulation within the 12163  
township. The board may also cause notice to be inserted in trade 12164  
papers or other publications designated by it or to be distributed 12165  
by electronic means, including posting the notice on the board's 12166  
internet web site. If the board posts the notice on its web site, 12167  
it may eliminate the second notice otherwise required to be 12168  
published in a newspaper of general circulation within the 12169  
township, provided that the first notice published in such 12170  
newspaper meets all of the following requirements: 12171

(1) It is published at least two weeks before the opening of 12172  
bids. 12173

(2) It includes a statement that the notice is posted on the board's internet web site. 12174  
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(3) It includes the internet address of the board's internet web site. 12176  
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(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 12178  
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The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement. 12180  
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(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire equipment described in division (A) of this section, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon. 12192  
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(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their 12201  
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occurrence, create a fire district of any portions of the township 12205  
that it considers necessary. The board may purchase, lease, lease 12206  
with an option to purchase, or otherwise provide any fire 12207  
apparatus, mechanical resuscitators, underwater rescue and 12208  
recovery equipment, or other fire equipment, appliances, 12209  
materials, fire hydrants, and water supply for fire-fighting and 12210  
fire and rescue purposes, or may contract for the fire protection 12211  
for the fire district as provided in section 9.60 of the Revised 12212  
Code. The fire district so created shall be given a separate name 12213  
by which it shall be known. 12214

Additional unincorporated territory of the township may be 12215  
added to a fire district upon the board's adoption of a resolution 12216  
authorizing the addition. A municipal corporation, or a portion of 12217  
a municipal corporation, that is within or adjoining the township 12218  
may be added to a fire district upon the board's adoption of a 12219  
resolution authorizing the addition and the municipal legislative 12220  
authority's adoption of a resolution or ordinance requesting the 12221  
addition of the municipal corporation or a portion of the 12222  
municipal corporation to the fire district. 12223

If the township fire district imposes a tax, additional 12224  
unincorporated territory of the township or a municipal 12225  
corporation or a portion of a municipal corporation that is within 12226  
or adjoining the township shall become part of the fire district 12227  
only after all of the following have occurred: 12228

(1) Adoption by the board of township trustees of a 12229  
resolution approving the expansion of the territorial limits of 12230  
the district and, if the resolution proposes to add a municipal 12231  
corporation or a portion of a municipal corporation, adoption by 12232  
the municipal legislative authority of a resolution or ordinance 12233  
requesting the addition of the municipal corporation or a portion 12234  
of the municipal corporation to the district; 12235

(2) Adoption by the board of township trustees of a 12236

resolution recommending the extension of the tax to the additional 12237  
territory; 12238

(3) Approval of the tax by the electors of the territory 12239  
proposed for addition to the district. 12240

Each resolution of the board adopted under division (C)(2) of 12241  
this section shall state the name of the fire district, a 12242  
description of the territory to be added, and the rate and 12243  
termination date of the tax, which shall be the rate and 12244  
termination date of the tax currently in effect in the fire 12245  
district. 12246

The board of trustees shall certify each resolution adopted 12247  
under division (C)(2) of this section to the board of elections in 12248  
accordance with section 5705.19 of the Revised Code. The election 12249  
required under division (C)(3) of this section shall be held, 12250  
canvassed, and certified in the manner provided for the submission 12251  
of tax levies under section 5705.25 of the Revised Code, except 12252  
that the question appearing on the ballot shall read: 12253

"Shall the territory within ..... 12254  
(description of the proposed territory to be added) be added to 12255  
..... (name) fire district, and a property tax 12256  
at a rate of taxation not exceeding ..... (here insert tax rate) 12257  
be in effect for ..... (here insert the number of years the 12258  
tax is to be in effect or "a continuing period of time," as 12259  
applicable)?" 12260

If the question is approved by at least a majority of the 12261  
electors voting on it, the joinder shall be effective as of the 12262  
first day of July of the year following approval, and on that 12263  
date, the township fire district tax shall be extended to the 12264  
taxable property within the territory that has been added. If the 12265  
territory that has been added is a municipal corporation or 12266  
portion thereof and if it had adopted a tax levy for fire 12267

purposes, the levy is terminated on the effective date of the 12268  
joinder in the area of the municipal corporation added to the 12269  
district. 12270

Any municipal corporation may withdraw from a township fire 12271  
district created under division (C) of this section by the 12272  
adoption by the municipal legislative authority of a resolution or 12273  
ordinance ordering withdrawal. On the first day of July of the 12274  
year following the adoption of the resolution or ordinance of 12275  
withdrawal, the withdrawing municipal corporation ~~withdrawing~~ or 12276  
the portion thereof ceases to be a part of the district, and the 12277  
power of the fire district to levy a tax upon taxable property in 12278  
the withdrawing municipal corporation or the portion thereof 12279  
terminates, except that the fire district shall continue to levy 12280  
and collect taxes for the payment of indebtedness within the 12281  
territory of the fire district as it was composed at the time the 12282  
indebtedness was incurred. 12283

Upon the withdrawal of any municipal corporation from a 12284  
township fire district created under division (C) of this section, 12285  
the county auditor shall ascertain, apportion, and order a 12286  
division of the funds on hand, moneys and taxes in the process of 12287  
collection except for taxes levied for the payment of 12288  
indebtedness, credits, and real and personal property, either in 12289  
money or in kind, on the basis of the valuation of the respective 12290  
tax duplicates of the withdrawing municipal corporation and the 12291  
remaining territory of the fire district. 12292

A board of township trustees may remove unincorporated 12293  
territory of the township from the fire district upon the adoption 12294  
of a resolution authorizing the removal. On the first day of July 12295  
of the year following the adoption of the resolution, the 12296  
unincorporated township territory described in the resolution 12297  
ceases to be a part of the district, and the power of the fire 12298  
district to levy a tax upon taxable property in that territory 12299

terminates, except that the fire district shall continue to levy 12300  
and collect taxes for the payment of indebtedness within the 12301  
territory of the fire district as it was composed at the time the 12302  
indebtedness was incurred. 12303

(D) The board of township trustees of any township, the board 12304  
of fire district trustees of a fire district created under section 12305  
505.371 of the Revised Code, or the legislative authority of any 12306  
municipal corporation may purchase, lease, or lease with an option 12307  
to purchase the necessary fire equipment described in division (A) 12308  
of this section, buildings, and sites for the township, fire 12309  
district, or municipal corporation and issue securities for that 12310  
purpose with maximum maturities as provided in section 133.20 of 12311  
the Revised Code. The board of township trustees, board of fire 12312  
district trustees, or legislative authority may also construct any 12313  
buildings necessary to house fire equipment and issue securities 12314  
for that purpose with maximum maturities as provided in section 12315  
133.20 of the Revised Code. 12316

The board of township trustees, board of fire district 12317  
trustees, or legislative authority may issue the securities of the 12318  
township, fire district, or municipal corporation, signed by the 12319  
board or designated officer of the municipal corporation and 12320  
attested by the signature of the township fiscal officer, fire 12321  
district clerk, or municipal clerk, covering any deferred payments 12322  
and payable at the times provided, which securities shall bear 12323  
interest not to exceed the rate determined as provided in section 12324  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 12325  
of the Revised Code. The legislation authorizing the issuance of 12326  
the securities shall provide for levying and collecting annually 12327  
by taxation, amounts sufficient to pay the interest on and 12328  
principal of the securities. The securities shall be offered for 12329  
sale on the open market or given to the vendor or contractor if no 12330  
sale is made. 12331

Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division.

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

(F) As used in this division, "emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.

A board of township trustees, by adoption of an appropriate resolution, may choose to have the state board of emergency medical, fire, and transportation services license any emergency medical service organization it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code, except for

sections 4766.06 and 4766.99 of the Revised Code, applies to the 12364  
organization. All rules adopted under the applicable sections of 12365  
that chapter also apply to the organization. A board of township 12366  
trustees, by adoption of an appropriate resolution, may remove its 12367  
emergency medical service organization from the jurisdiction of 12368  
the state board of emergency medical, fire, and transportation 12369  
services. 12370

**Sec. 505.371.** (A) The boards of township trustees of one or 12371  
more townships and the legislative authorities of one or more 12372  
municipal corporations, or the legislative authorities of two or 12373  
more municipal corporations, or the boards of township trustees of 12374  
two or more townships, may, by adoption of a joint resolution by a 12375  
majority of the members of each board of township trustees and by 12376  
a majority of the members of the legislative authority of each 12377  
municipal corporation, create a joint fire district comprising all 12378  
or any portions of the municipal corporations and all or any 12379  
portions of the townships as are mutually agreed upon. A joint 12380  
fire district so created shall be given a name different from the 12381  
name of any participating township or municipal corporation. 12382

(B) The governing body of the joint fire district shall be a 12383  
board of fire district trustees, which shall include one 12384  
representative from each board of township trustees and one 12385  
representative from the legislative authority of each municipal 12386  
corporation in the district. The board of fire district trustees 12387  
may exercise the same powers as are granted to a board of township 12388  
trustees in sections 505.37 to 505.45 of the Revised Code, 12389  
including, but not limited to, the power to levy a tax upon all 12390  
taxable property in the fire district as provided in section 12391  
505.39 of the Revised Code. The board of fire district trustees 12392  
may be compensated at a rate not to exceed thirty dollars per 12393  
meeting, not to exceed fifteen meetings per year, and may be 12394  
reimbursed for all necessary expenses incurred. The board shall 12395

employ a clerk of the board of fire district trustees. 12396

(C)(1) The board of fire district trustees may establish 12397  
reasonable charges for the use of ambulance or emergency medical 12398  
services. The board may establish different charges for residents 12399  
and nonresidents of the district, and may waive, at its 12400  
discretion, all or part of the charge for any resident of the 12401  
district. The charge for nonresidents shall be an amount not less 12402  
than the authorized medicare reimbursement rate, except that if, 12403  
prior to February 4, 1998, the board had different charges for 12404  
residents and nonresidents and the charge for nonresidents was 12405  
less than the authorized medicare reimbursement rate, the board 12406  
may charge nonresidents less than the authorized medicare 12407  
reimbursement rate. 12408

(2) In the resolution creating the joint fire district, the 12409  
political subdivisions that create the district may provide that 12410  
any of those political subdivisions may agree to pay any charges 12411  
for the use of ambulance or emergency medical services that the 12412  
board of fire district trustees establishes under division (C)(1) 12413  
of this section and that are incurred by the residents of the 12414  
particular political subdivision. Unless the board elects pursuant 12415  
to that division to waive all or part of the charges for the use 12416  
of ambulance or emergency medical services that any resident of 12417  
the district incurs, the residents of a particular political 12418  
subdivision that has not so agreed to pay the charges for the use 12419  
of ambulance or emergency medical services incurred by its 12420  
residents shall pay those charges. 12421

(3) Charges collected under division (C) of this section 12422  
shall be kept in a separate fund designated as the ambulance and 12423  
emergency medical services fund and shall be appropriated and 12424  
administered by the board. The fund shall be used for the payment 12425  
of the costs of the management, maintenance, and operation of 12426  
ambulance and emergency medical services in the district. 12427

(4) As used in division (C) of this section, "authorized  
medicare reimbursement rate" has the same meaning as in section  
505.84 of the Revised Code.

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(D) Any municipal corporation or township, or parts of them,  
may join an existing joint fire district by the adoption of a  
resolution requesting such membership and upon approval of the  
board of fire district trustees. Any municipal corporation or  
township may withdraw from a joint fire district created under  
this section, by the adoption of a resolution ordering withdrawal.  
On or after the first day of January of the year following the  
adoption of the resolution of withdrawal, the municipal  
corporation or township withdrawing ceases to be a part of such  
district, and the power of the district to levy a tax upon taxable  
property in the withdrawing township or municipal corporation  
terminates, except that the district shall continue to levy and  
collect taxes for the payment of indebtedness within the territory  
of the district as it was comprised at the time the indebtedness  
was incurred.

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Upon the withdrawal of any township or municipal corporation  
from a joint fire district created under this section, the county  
auditor shall ascertain, apportion, and order a division of the  
funds on hand, including funds in the ambulance and emergency  
medical services fund, moneys and taxes in the process of  
collection, except for taxes levied for the payment of  
indebtedness, credits, and real and personal property, either in  
money or in kind, on the basis of the valuation of the respective  
tax duplicates of the withdrawing municipal corporation or  
township and the remaining territory of the joint fire district.

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When the number of townships and municipal corporations  
comprising a joint fire district is reduced to one, the joint fire  
district ceases to exist by operation of law, and the funds,  
credits, and property remaining after apportionments to

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withdrawing municipal corporations or townships shall be assumed 12460  
by the one remaining township or municipal corporation. When a 12461  
joint fire district ceases to exist and an indebtedness remains 12462  
unpaid, the board of county commissioners shall continue to levy 12463  
and collect taxes for the payment of that indebtedness within the 12464  
territory of the joint fire district as it was comprised at the 12465  
time the indebtedness was incurred. 12466

(E) Neither this section nor any other section of the Revised 12467  
Code requires, or shall be construed to require, that the fire 12468  
chief of a joint fire district be a resident of the fire district. 12469

Sec. 513.172. (A) A joint township district hospital board 12470  
may do either of the following: 12471

(1) Form, or acquire control of, a domestic nonprofit 12472  
corporation or a domestic nonprofit limited liability company; 12473

(2) Be a partner, member, owner, associate, or participant in 12474  
a nonprofit enterprise or nonprofit venture. 12475

(B) A joint township district hospital board forming, 12476  
acquiring, or becoming involved with a nonprofit corporation, 12477  
limited liability company, enterprise, or venture under division 12478  
(A) of this section shall do so in furtherance of any of the 12479  
following: 12480

(1) To support the joint township hospital district's 12481  
mission; 12482

(2) To provide for any or all health care or medical 12483  
services, whether inpatient or outpatient services, diagnostic, 12484  
treatment, care, or rehabilitation services, wellness services, 12485  
services involving the prevention, detection, and control of 12486  
disease, home health services or services provided at or through 12487  
various facilities, education, training, and other necessary and 12488  
related services for the health professions; 12489

(3) The management or operation of any hospital facility as defined in division (E) of section 140.01 of the Revised Code; 12490  
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(4) The management, operation, or participation in programs, projects, activities, and services useful to, connected with, supporting, or otherwise related to the health, wellness, and medical services and wellness programs provided in divisions (B)(2) and (3) of this section; 12492  
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(5) Any other activities that are in furtherance of the joint township hospital district or the persons served by the joint township hospital district or are necessary to perform the joint township hospital district's mission and functions and respond to change in the health care industry as determined by the joint township district hospital board. 12497  
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**Sec. 701.10.** The legislative authority of a municipal corporation ~~that is located in a charter county and~~ that has established a rate or charge for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may certify to the county ~~fiscal officer~~ auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services, when the unpaid amount is at least two hundred fifty dollars. The amount certified shall be a lien on the person's property to which services are provided, placed on the tax list in a separate column, collected as other taxes, and paid into the general fund of the municipal corporation. 12503  
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**Sec. 715.014.** (A) As used in this section: 12516

(1) "Tourism development district" means a district designated by a municipal corporation under this section. 12517  
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(2) "Territory of a tourism development district" means all 12519

of the area included within the territorial boundaries of a 12520  
tourism development district. 12521

(3) "Business" and "owner" have the same meanings as in 12522  
section 503.56 of the Revised Code. 12523

(4) "Eligible municipal corporation" means a municipal 12524  
corporation wholly or partly located in a county having a 12525  
population greater than three hundred seventy-five thousand but 12526  
less than four hundred thousand that levies taxes under section 12527  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 12528  
which does not exceed one-half of one per cent on September 29, 12529  
2015. 12530

(5) "Fiscal officer" means the city auditor, village clerk, 12531  
or other municipal officer having the duties and functions of a 12532  
city auditor or village clerk. 12533

(B)(1) The legislative authority of an eligible municipal 12534  
corporation, by resolution or ordinance, may declare an area of 12535  
the municipal corporation to be a tourism development district for 12536  
the purpose of fostering and developing tourism in the district if 12537  
all of the following criteria are met: 12538

(a) The district's area does not exceed six hundred acres. 12539

(b) All territory in the district is contiguous. 12540

(c) Before adopting the resolution or ordinance, the 12541  
legislative authority holds at least two public hearings 12542  
concerning the creation of the tourism development district. 12543

(d) Before adopting the resolution or ordinance, the 12544  
legislative authority receives a petition signed by every record 12545  
owner of a parcel of real property located in the proposed 12546  
district and the owner of every business that operates in the 12547  
proposed district. 12548

(e) The legislative authority adopts the resolution or 12549

ordinance on or before December 31, 2020. 12550

A legislative authority may declare more than one area of the 12551  
municipal corporation to be a tourism development district under 12552  
this section. 12553

(2) The petition described in division (B)(1)(d) of this 12554  
section shall include an explanation of the taxes and charges that 12555  
may be levied or imposed in the proposed district. 12556

(3) The legislative authority shall certify the resolution or 12557  
ordinance to the tax commissioner within five days after its 12558  
adoption, along with a description of the boundaries of the 12559  
district authorized in the resolution. That description shall 12560  
include sufficient information for the commissioner to determine 12561  
if the address of a vendor is within the boundaries of the 12562  
district. 12563

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 12564  
of this section, the legislative authority of an eligible 12565  
municipal corporation may enlarge the territory of an existing 12566  
tourism development district in the manner prescribed for the 12567  
creation of a district under divisions (B)(1) to (3) of this 12568  
section, except that the petition described in division (B)(1)(d) 12569  
of this section must be signed by every record owner of a parcel 12570  
of real property located in the area proposed to be added to the 12571  
district and the owner of every business that operates in the area 12572  
proposed to be added to the district. 12573

(C) For the purpose of fostering and developing tourism in a 12574  
tourism development district, a lessor leasing real property in a 12575  
tourism development district may impose and collect a uniform fee 12576  
on each parcel of real property leased by the lessor, to be paid 12577  
by each of the person's lessees. A lessee is subject to such a fee 12578  
only if the lease separately states the amount of the fee. Before 12579  
a lessor may impose and collect such a fee, the lessor shall file 12580

a copy of such lease with the fiscal officer. A lessor that 12581  
imposes such a fee shall remit all collections of the fee to the 12582  
municipal corporation in which the real property is located. 12583

The legislative authority of that municipal corporation shall 12584  
establish all regulations necessary to provide for the 12585  
administration and remittance of such fees. The regulations may 12586  
prescribe the time for payment of the fee, and may provide for the 12587  
imposition of a penalty or interest, or both, for late 12588  
remittances, provided that the penalty does not exceed ten per 12589  
cent of the amount of fee due, and the rate at which interest 12590  
accrues does not exceed the rate per annum prescribed pursuant to 12591  
section 5703.47 of the Revised Code. The regulations shall 12592  
provide, after deducting the real and actual costs of 12593  
administering the fee, that the revenue be used exclusively for 12594  
fostering and developing tourism within the tourism development 12595  
district. 12596

(D) The legislative authority of an eligible municipal 12597  
corporation that has designated a tourism development district may 12598  
levy the tax authorized under section 5739.101 of the Revised Code 12599  
or enter into and enforce agreements imposing a development charge 12600  
under section 715.015 of the Revised Code. Nothing in this section 12601  
limits the power of the legislative authority of a municipal 12602  
corporation to levy a tax on the basis of admissions in a tourism 12603  
development district pursuant to its powers of local 12604  
self-government conferred by Section 3 of Article XVIII, Ohio 12605  
Constitution. 12606

(E) On or before the first day of each January and July, 12607  
beginning after the designation of a tourism development district, 12608  
the fiscal officer shall certify a list of vendors located within 12609  
the tourism development district to the tax commissioner, which 12610  
shall include the name, address, and vendor's license number for 12611  
each vendor. 12612

Sec. 715.015. (A) The legislative authority of an eligible municipal corporation that has designated a tourism development district under section 715.014 of the Revised Code may enter into and enforce agreements with one or more owners of property located within the district by which the owner or owners agree to pay a development charge for the purpose of fostering and developing tourism within the district. The amount of the development charge shall equal one-half, one, one and one-half, or two per cent of the gross receipts derived from making sales at or from the property, whether wholesale or retail, but including sales of food only to the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code.

(B) The imposition of a development charge under this section is subject to approval of the board of county commissioners of the county in which the property is located. If the property owner agrees to the development charge and the board of county commissioners, by resolution, approves the agreement, the development charge shall be treated in the same manner as taxes for all purposes of the lien described in section 323.11 of the Revised Code, including, but not limited to, the priority and enforcement of the lien and the collection of the development charge secured by the lien.

(C) Nothing in this section limits the power of the legislative authority of a municipal corporation to levy taxes pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

**Sec. 715.82.** A municipal corporation may issue bonds and exercise all other powers under Chapter 165. of the Revised Code for one or more projects or parts thereof located in a joint economic development district created pursuant to a contract entered into under section 715.70, 715.71, or 715.72 of the

Revised Code to which the municipal corporation is a party, or in a township adjacent to that municipal corporation, if the legislative authority of the municipal corporation determines that the project is in furtherance of the public purposes of the state to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the municipal corporation and the township. As used in this section, "project" has the same meaning as in ~~division (H)~~ of section 165.01 of the Revised Code, except that a project described in this section is not required to be located within the territorial boundaries of the municipal corporation.

**Sec. 718.01.** Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code, unless a different meaning is clearly required. Except as provided in section 718.81 of the Revised Code, if a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Revised Code.

Except as otherwise provided in section 718.81 of the Revised Code, as used in this chapter:

(A)(1) "Municipal taxable income" means the following:

(a) For a person other than an individual, income apportioned or situated to the municipal corporation under section 718.02 of the Revised Code, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the

municipal corporation. 12674

(b)(i) For an individual who is a resident of a municipal 12675  
corporation other than a qualified municipal corporation, income 12676  
reduced by exempt income to the extent otherwise included in 12677  
income, then reduced as provided in division (A)(2) of this 12678  
section, and further reduced by any pre-2017 net operating loss 12679  
carryforward available to the individual for the municipal 12680  
corporation. 12681

(ii) For an individual who is a resident of a qualified 12682  
municipal corporation, Ohio adjusted gross income reduced by 12683  
income exempted, and increased by deductions excluded, by the 12684  
qualified municipal corporation from the qualified municipal 12685  
corporation's tax. If a qualified municipal corporation, on or 12686  
before December 31, 2013, exempts income earned by individuals who 12687  
are not residents of the qualified municipal corporation and net 12688  
profit of persons that are not wholly located within the qualified 12689  
municipal corporation, such individual or person shall have no 12690  
municipal taxable income for the purposes of the tax levied by the 12691  
qualified municipal corporation and may be exempted by the 12692  
qualified municipal corporation from the requirements of section 12693  
718.03 of the Revised Code. 12694

(c) For an individual who is a nonresident of a municipal 12695  
corporation, income reduced by exempt income to the extent 12696  
otherwise included in income and then, as applicable, apportioned 12697  
or situated to the municipal corporation under section 718.02 of 12698  
the Revised Code, then reduced as provided in division (A)(2) of 12699  
this section, and further reduced by any pre-2017 net operating 12700  
loss carryforward available to the individual for the municipal 12701  
corporation. 12702

(2) In computing the municipal taxable income of a taxpayer 12703  
who is an individual, the taxpayer may subtract, as provided in 12704  
division (A)(1)(b)(i) or (c) of this section, the amount of the 12705

individual's employee business expenses reported on the 12706  
individual's form 2106 that the individual deducted for federal 12707  
income tax purposes for the taxable year, subject to the 12708  
limitation imposed by section 67 of the Internal Revenue Code. For 12709  
the municipal corporation in which the taxpayer is a resident, the 12710  
taxpayer may deduct all such expenses allowed for federal income 12711  
tax purposes. For a municipal corporation in which the taxpayer is 12712  
not a resident, the taxpayer may deduct such expenses only to the 12713  
extent the expenses are related to the taxpayer's performance of 12714  
personal services in that nonresident municipal corporation. 12715

(B) "Income" means the following: 12716

(1)(a) For residents, all income, salaries, qualifying wages, 12717  
commissions, and other compensation from whatever source earned or 12718  
received by the resident, including the resident's distributive 12719  
share of the net profit of pass-through entities owned directly or 12720  
indirectly by the resident and any net profit of the resident, 12721  
except as provided in division (D)(5) of this section. 12722

(b) For the purposes of division (B)(1)(a) of this section: 12723

(i) Any net operating loss of the resident incurred in the 12724  
taxable year and the resident's distributive share of any net 12725  
operating loss generated in the same taxable year and attributable 12726  
to the resident's ownership interest in a pass-through entity 12727  
shall be allowed as a deduction, for that taxable year and the 12728  
following five taxable years, against any other net profit of the 12729  
resident or the resident's distributive share of any net profit 12730  
attributable to the resident's ownership interest in a 12731  
pass-through entity until fully utilized, subject to division 12732  
(B)(1)(d) of this section; 12733

(ii) The resident's distributive share of the net profit of 12734  
each pass-through entity owned directly or indirectly by the 12735  
resident shall be calculated without regard to any net operating 12736

loss that is carried forward by that entity from a prior taxable 12737  
year and applied to reduce the entity's net profit for the current 12738  
taxable year. 12739

(c) Division (B)(1)(b) of this section does not apply with 12740  
respect to any net profit or net operating loss attributable to an 12741  
ownership interest in an S corporation unless shareholders' 12742  
distributive shares of net profits from S corporations are subject 12743  
to tax in the municipal corporation as provided in division 12744  
(C)(14)(b) or (c) of this section. 12745

(d) Any amount of a net operating loss used to reduce a 12746  
taxpayer's net profit for a taxable year shall reduce the amount 12747  
of net operating loss that may be carried forward to any 12748  
subsequent year for use by that taxpayer. In no event shall the 12749  
cumulative deductions for all taxable years with respect to a 12750  
taxpayer's net operating loss exceed the original amount of that 12751  
net operating loss available to that taxpayer. 12752

(2) In the case of nonresidents, all income, salaries, 12753  
qualifying wages, commissions, and other compensation from 12754  
whatever source earned or received by the nonresident for work 12755  
done, services performed or rendered, or activities conducted in 12756  
the municipal corporation, including any net profit of the 12757  
nonresident, but excluding the nonresident's distributive share of 12758  
the net profit or loss of only pass-through entities owned 12759  
directly or indirectly by the nonresident. 12760

(3) For taxpayers that are not individuals, net profit of the 12761  
taxpayer; 12762

(4) Lottery, sweepstakes, gambling and sports winnings, 12763  
winnings from games of chance, and prizes and awards. If the 12764  
taxpayer is a professional gambler for federal income tax 12765  
purposes, the taxpayer may deduct related wagering losses and 12766  
expenses to the extent authorized under the Internal Revenue Code 12767

and claimed against such winnings.	12768
(C) "Exempt income" means all of the following:	12769
(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;	12770 12771 12772
(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income;	12773 12774
(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.	12775 12776 12777 12778 12779 12780 12781
(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.	12782 12783 12784 12785 12786 12787 12788 12789 12790 12791 12792
(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.	12793 12794 12795 12796
(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official	12797 12798

to the extent that such compensation does not exceed one thousand 12799  
dollars for the taxable year. Such compensation in excess of one 12800  
thousand dollars for the taxable year may be subject to taxation 12801  
by a municipal corporation. A municipal corporation shall not 12802  
require the payer of such compensation to withhold any tax from 12803  
that compensation. 12804

(6) Dues, contributions, and similar payments received by 12805  
charitable, religious, educational, or literary organizations or 12806  
labor unions, lodges, and similar organizations; 12807

(7) Alimony and child support received; 12808

(8) Compensation for personal injuries or for damages to 12809  
property from insurance proceeds or otherwise, excluding 12810  
compensation paid for lost salaries or wages or compensation from 12811  
punitive damages; 12812

(9) Income of a public utility when that public utility is 12813  
subject to the tax levied under section 5727.24 or 5727.30 of the 12814  
Revised Code. Division (C)(9) of this section does not apply for 12815  
purposes of Chapter 5745. of the Revised Code. 12816

(10) Gains from involuntary conversions, interest on federal 12817  
obligations, items of income subject to a tax levied by the state 12818  
and that a municipal corporation is specifically prohibited by law 12819  
from taxing, and income of a decedent's estate during the period 12820  
of administration except such income from the operation of a trade 12821  
or business; 12822

(11) Compensation or allowances excluded from federal gross 12823  
income under section 107 of the Internal Revenue Code; 12824

(12) Employee compensation that is not qualifying wages as 12825  
defined in division (R) of this section; 12826

(13) Compensation paid to a person employed within the 12827  
boundaries of a United States air force base under the 12828

jurisdiction of the United States air force that is used for the 12829  
housing of members of the United States air force and is a center 12830  
for air force operations, unless the person is subject to taxation 12831  
because of residence or domicile. If the compensation is subject 12832  
to taxation because of residence or domicile, tax on such income 12833  
shall be payable only to the municipal corporation of residence or 12834  
domicile. 12835

(14)(a) Except as provided in division (C)(14)(b) or (c) of 12836  
this section, an S corporation shareholder's distributive share of 12837  
net profits of the S corporation, other than any part of the 12838  
distributive share of net profits that represents wages as defined 12839  
in section 3121(a) of the Internal Revenue Code or net earnings 12840  
from self-employment as defined in section 1402(a) of the Internal 12841  
Revenue Code. 12842

(b) If, pursuant to division (H) of former section 718.01 of 12843  
the Revised Code as it existed before March 11, 2004, a majority 12844  
of the electors of a municipal corporation voted in favor of the 12845  
question at an election held on November 4, 2003, the municipal 12846  
corporation may continue after 2002 to tax an S corporation 12847  
shareholder's distributive share of net profits of an S 12848  
corporation. 12849

(c) If, on December 6, 2002, a municipal corporation was 12850  
imposing, assessing, and collecting a tax on an S corporation 12851  
shareholder's distributive share of net profits of the S 12852  
corporation to the extent the distributive share would be 12853  
allocated or apportioned to this state under divisions (B)(1) and 12854  
(2) of section 5733.05 of the Revised Code if the S corporation 12855  
were a corporation subject to taxes imposed under Chapter 5733. of 12856  
the Revised Code, the municipal corporation may continue to impose 12857  
the tax on such distributive shares to the extent such shares 12858  
would be so allocated or apportioned to this state only until 12859  
December 31, 2004, unless a majority of the electors of the 12860

municipal corporation voting on the question of continuing to tax 12861  
such shares after that date voted in favor of that question at an 12862  
election held November 2, 2004. If a majority of those electors 12863  
voted in favor of the question, the municipal corporation may 12864  
continue after December 31, 2004, to impose the tax on such 12865  
distributive shares only to the extent such shares would be so 12866  
allocated or apportioned to this state. 12867

(d) A municipal corporation shall be deemed to have elected 12868  
to tax S corporation shareholders' distributive shares of net 12869  
profits of the S corporation in the hands of the shareholders if a 12870  
majority of the electors of a municipal corporation voted in favor 12871  
of a question at an election held under division (C)(14)(b) or (c) 12872  
of this section. The municipal corporation shall specify by 12873  
resolution or ordinance that the tax applies to the distributive 12874  
share of a shareholder of an S corporation in the hands of the 12875  
shareholder of the S corporation. 12876

(15) To the extent authorized under a resolution or ordinance 12877  
adopted by a municipal corporation before January 1, 2016, all or 12878  
a portion of the income of individuals or a class of individuals 12879  
under eighteen years of age. 12880

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12881  
(d) of this section, qualifying wages described in division (B)(1) 12882  
or (E) of section 718.011 of the Revised Code to the extent the 12883  
qualifying wages are not subject to withholding for the municipal 12884  
corporation under either of those divisions. 12885

(b) The exemption provided in division (C)(16)(a) of this 12886  
section does not apply with respect to the municipal corporation 12887  
in which the employee resided at the time the employee earned the 12888  
qualifying wages. 12889

(c) The exemption provided in division (C)(16)(a) of this 12890  
section does not apply to qualifying wages that an employer elects 12891

to withhold under division (D)(2) of section 718.011 of the Revised Code. 12892  
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(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply: 12894  
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(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located; 12897  
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(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation. 12905  
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(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year. 12908  
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(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances: 12913  
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(i) The individual's base of operation is located in the municipal corporation. 12916  
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(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, 12918  
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"professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code. 12923  
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(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled. 12926  
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(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation. 12931  
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(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence. 12936  
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(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section. 12947  
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(20) All of the following: 12953

(a) Income derived from disaster work conducted in this state 12954  
by an out-of-state disaster business during a disaster response 12955  
period pursuant to a qualifying solicitation received by the 12956  
business; 12957

(b) Income of a qualifying employee described in division 12958  
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 12959  
such income is derived from disaster work conducted in this state 12960  
by the employee during a disaster response period pursuant to a 12961  
qualifying solicitation received by the employee's employer; 12962

(c) Income of a qualifying employee described in division 12963  
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 12964  
such income is derived from disaster work conducted in this state 12965  
by the employee during a disaster response period on critical 12966  
infrastructure owned or used by the employee's employer. 12967

(21) Income the taxation of which is prohibited by the 12968  
constitution or laws of the United States. 12969

Any item of income that is exempt income of a pass-through 12970  
entity under division (C) of this section is exempt income of each 12971  
owner of the pass-through entity to the extent of that owner's 12972  
distributive or proportionate share of that item of the entity's 12973  
income. 12974

(D)(1) "Net profit" for a person who is an individual means 12975  
the individual's net profit required to be reported on schedule C, 12976  
schedule E, or schedule F reduced by any net operating loss 12977  
carried forward. For the purposes of division (D)(1) of this 12978  
section, the net operating loss carried forward shall be 12979  
calculated and deducted in the same manner as provided in division 12980  
(D)(3) of this section. 12981

(2) "Net profit" for a person other than an individual means 12982  
adjusted federal taxable income reduced by any net operating loss 12983  
incurred by the person in a taxable year beginning on or after 12984

January 1, 2017, subject to the limitations of division (D)(3) of this section. 12985  
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(3)(a) The amount of such net operating loss shall be 12987  
deducted from net profit to the extent necessary to reduce 12988  
municipal taxable income to zero, with any remaining unused 12989  
portion of the net operating loss carried forward to not more than 12990  
five consecutive taxable years following the taxable year in which 12991  
the loss was incurred, but in no case for more years than 12992  
necessary for the deduction to be fully utilized. 12993

(b) No person shall use the deduction allowed by division 12994  
(D)(3) of this section to offset qualifying wages. 12995

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12996  
or 2022, a person may not deduct, for purposes of an income tax 12997  
levied by a municipal corporation that levies an income tax before 12998  
January 1, 2016, more than fifty per cent of the amount of the 12999  
deduction otherwise allowed by division (D)(3) of this section. 13000

(ii) For taxable years beginning in 2023 or thereafter, a 13001  
person may deduct, for purposes of an income tax levied by a 13002  
municipal corporation that levies an income tax before January 1, 13003  
2016, the full amount allowed by division (D)(3) of this section 13004  
without regard to the limitation of division (D)(3)(b)(i) of this 13005  
section. 13006

(d) Any pre-2017 net operating loss carryforward deduction 13007  
that is available may be utilized before a taxpayer may deduct any 13008  
amount pursuant to division (D)(3) of this section. 13009

(e) Nothing in division (D)(3)(c)(i) of this section 13010  
precludes a person from carrying forward, for use with respect to 13011  
any return filed for a taxable year beginning after 2018, any 13012  
amount of net operating loss that was not fully utilized by 13013  
operation of division (D)(3)(c)(i) of this section. To the extent 13014  
that an amount of net operating loss that was not fully utilized 13015

in one or more taxable years by operation of division (D)(3)(c)(i) 13016  
of this section is carried forward for use with respect to a 13017  
return filed for a taxable year beginning in 2019, 2020, 2021, or 13018  
2022, the limitation described in division (D)(3)(c)(i) of this 13019  
section shall apply to the amount carried forward. 13020

(4) For the purposes of this chapter, and notwithstanding 13021  
division (D)(2) of this section, net profit of a disregarded 13022  
entity shall not be taxable as against that disregarded entity, 13023  
but shall instead be included in the net profit of the owner of 13024  
the disregarded entity. 13025

(5) For the purposes of this chapter, and notwithstanding any 13026  
other provision of this chapter, the net profit of a publicly 13027  
traded partnership that makes the election described in division 13028  
(D)(5) of this section shall be taxed as if the partnership were a 13029  
C corporation, and shall not be treated as the net profit or 13030  
income of any owner of the partnership. 13031

A publicly traded partnership that is treated as a 13032  
partnership for federal income tax purposes and that is subject to 13033  
tax on its net profits in one or more municipal corporations in 13034  
this state may elect to be treated as a C corporation for 13035  
municipal income tax purposes. The publicly traded partnership 13036  
shall make the election in every municipal corporation in which 13037  
the partnership is subject to taxation on its net profits. The 13038  
election shall be made on the annual tax return filed in each such 13039  
municipal corporation. The publicly traded partnership shall not 13040  
be required to file the election with any municipal corporation in 13041  
which the partnership is not subject to taxation on its net 13042  
profits, but division (D)(5) of this section applies to all 13043  
municipal corporations in which an individual owner of the 13044  
partnership resides. 13045

(E) "Adjusted federal taxable income," for a person required 13046  
to file as a C corporation, or for a person that has elected to be 13047

taxed as a C corporation under division (D)(5) of this section, 13048  
means a C corporation's federal taxable income before net 13049  
operating losses and special deductions as determined under the 13050  
Internal Revenue Code, adjusted as follows: 13051

(1) Deduct intangible income to the extent included in 13052  
federal taxable income. The deduction shall be allowed regardless 13053  
of whether the intangible income relates to assets used in a trade 13054  
or business or assets held for the production of income. 13055

(2) Add an amount equal to five per cent of intangible income 13056  
deducted under division (E)(1) of this section, but excluding that 13057  
portion of intangible income directly related to the sale, 13058  
exchange, or other disposition of property described in section 13059  
1221 of the Internal Revenue Code; 13060

(3) Add any losses allowed as a deduction in the computation 13061  
of federal taxable income if the losses directly relate to the 13062  
sale, exchange, or other disposition of an asset described in 13063  
section 1221 or 1231 of the Internal Revenue Code; 13064

(4)(a) Except as provided in division (E)(4)(b) of this 13065  
section, deduct income and gain included in federal taxable income 13066  
to the extent the income and gain directly relate to the sale, 13067  
exchange, or other disposition of an asset described in section 13068  
1221 or 1231 of the Internal Revenue Code; 13069

(b) Division (E)(4)(a) of this section does not apply to the 13070  
extent the income or gain is income or gain described in section 13071  
1245 or 1250 of the Internal Revenue Code. 13072

(5) Add taxes on or measured by net income allowed as a 13073  
deduction in the computation of federal taxable income; 13074

(6) In the case of a real estate investment trust or 13075  
regulated investment company, add all amounts with respect to 13076  
dividends to, distributions to, or amounts set aside for or 13077  
credited to the benefit of investors and allowed as a deduction in 13078

the computation of federal taxable income; 13079

(7) Deduct, to the extent not otherwise deducted or excluded 13080  
in computing federal taxable income, any income derived from a 13081  
transfer agreement or from the enterprise transferred under that 13082  
agreement under section 4313.02 of the Revised Code; 13083

(8) Deduct exempt income to the extent not otherwise deducted 13084  
or excluded in computing adjusted federal taxable income. 13085

(9) Deduct any net profit of a pass-through entity owned 13086  
directly or indirectly by the taxpayer and included in the 13087  
taxpayer's federal taxable income unless an affiliated group of 13088  
corporations includes that net profit in the group's federal 13089  
taxable income in accordance with division (E)(3)(b) of section 13090  
718.06 of the Revised Code. 13091

(10) Add any loss incurred by a pass-through entity owned 13092  
directly or indirectly by the taxpayer and included in the 13093  
taxpayer's federal taxable income unless an affiliated group of 13094  
corporations includes that loss in the group's federal taxable 13095  
income in accordance with division (E)(3)(b) of section 718.06 of 13096  
the Revised Code. 13097

If the taxpayer is not a C corporation, is not a disregarded 13098  
entity that has made the election described in division (L)(2) of 13099  
this section, is not a publicly traded partnership that has made 13100  
the election described in division (D)(5) of this section, and is 13101  
not an individual, the taxpayer shall compute adjusted federal 13102  
taxable income under this section as if the taxpayer were a C 13103  
corporation, except guaranteed payments and other similar amounts 13104  
paid or accrued to a partner, former partner, shareholder, former 13105  
shareholder, member, or former member shall not be allowed as a 13106  
deductible expense unless such payments are in consideration for 13107  
the use of capital and treated as payment of interest under 13108  
section 469 of the Internal Revenue Code or United States treasury 13109

regulations. Amounts paid or accrued to a qualified self-employed 13110  
retirement plan with respect to a partner, former partner, 13111  
shareholder, former shareholder, member, or former member of the 13112  
taxpayer, amounts paid or accrued to or for health insurance for a 13113  
partner, former partner, shareholder, former shareholder, member, 13114  
or former member, and amounts paid or accrued to or for life 13115  
insurance for a partner, former partner, shareholder, former 13116  
shareholder, member, or former member shall not be allowed as a 13117  
deduction. 13118

Nothing in division (E) of this section shall be construed as 13119  
allowing the taxpayer to add or deduct any amount more than once 13120  
or shall be construed as allowing any taxpayer to deduct any 13121  
amount paid to or accrued for purposes of federal self-employment 13122  
tax. 13123

(F) "Schedule C" means internal revenue service schedule C 13124  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 13125  
Code. 13126

(G) "Schedule E" means internal revenue service schedule E 13127  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 13128  
Code. 13129

(H) "Schedule F" means internal revenue service schedule F 13130  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 13131  
Code. 13132

(I) "Internal Revenue Code" has the same meaning as in 13133  
section 5747.01 of the Revised Code. 13134

(J) "Resident" means an individual who is domiciled in the 13135  
municipal corporation as determined under section 718.012 of the 13136  
Revised Code. 13137

(K) "Nonresident" means an individual that is not a resident. 13138

(L)(1) "Taxpayer" means a person subject to a tax levied on 13139

income by a municipal corporation in accordance with this chapter. 13140  
"Taxpayer" does not include a grantor trust or, except as provided 13141  
in division (L)(2)(a) of this section, a disregarded entity. 13142

(2)(a) A single member limited liability company that is a 13143  
disregarded entity for federal tax purposes may be a separate 13144  
taxpayer from its single member in all Ohio municipal corporations 13145  
in which it either filed as a separate taxpayer or did not file 13146  
for its taxable year ending in 2003, if all of the following 13147  
conditions are met: 13148

(i) The limited liability company's single member is also a 13149  
limited liability company. 13150

(ii) The limited liability company and its single member were 13151  
formed and doing business in one or more Ohio municipal 13152  
corporations for at least five years before January 1, 2004. 13153

(iii) Not later than December 31, 2004, the limited liability 13154  
company and its single member each made an election to be treated 13155  
as a separate taxpayer under division (L) of this section as this 13156  
section existed on December 31, 2004. 13157

(iv) The limited liability company was not formed for the 13158  
purpose of evading or reducing Ohio municipal corporation income 13159  
tax liability of the limited liability company or its single 13160  
member. 13161

(v) The Ohio municipal corporation that was the primary place 13162  
of business of the sole member of the limited liability company 13163  
consented to the election. 13164

(b) For purposes of division (L)(2)(a)(v) of this section, a 13165  
municipal corporation was the primary place of business of a 13166  
limited liability company if, for the limited liability company's 13167  
taxable year ending in 2003, its income tax liability was greater 13168  
in that municipal corporation than in any other municipal 13169  
corporation in Ohio, and that tax liability to that municipal 13170

corporation for its taxable year ending in 2003 was at least four 13171  
hundred thousand dollars. 13172

(M) "Person" includes individuals, firms, companies, joint 13173  
stock companies, business trusts, estates, trusts, partnerships, 13174  
limited liability partnerships, limited liability companies, 13175  
associations, C corporations, S corporations, governmental 13176  
entities, and any other entity. 13177

(N) "Pass-through entity" means a partnership not treated as 13178  
an association taxable as a C corporation for federal income tax 13179  
purposes, a limited liability company not treated as an 13180  
association taxable as a C corporation for federal income tax 13181  
purposes, an S corporation, or any other class of entity from 13182  
which the income or profits of the entity are given pass-through 13183  
treatment for federal income tax purposes. "Pass-through entity" 13184  
does not include a trust, estate, grantor of a grantor trust, or 13185  
disregarded entity. 13186

(O) "S corporation" means a person that has made an election 13187  
under subchapter S of Chapter 1 of Subtitle A of the Internal 13188  
Revenue Code for its taxable year. 13189

(P) "Single member limited liability company" means a limited 13190  
liability company that has one direct member. 13191

(Q) "Limited liability company" means a limited liability 13192  
company formed under Chapter 1705. of the Revised Code or under 13193  
the laws of another state. 13194

(R) "Qualifying wages" means wages, as defined in section 13195  
3121(a) of the Internal Revenue Code, without regard to any wage 13196  
limitations, adjusted as follows: 13197

(1) Deduct the following amounts: 13198

(a) Any amount included in wages if the amount constitutes 13199  
compensation attributable to a plan or program described in 13200

section 125 of the Internal Revenue Code. 13201

(b) Any amount included in wages if the amount constitutes 13202  
payment on account of a disability related to sickness or an 13203  
accident paid by a party unrelated to the employer, agent of an 13204  
employer, or other payer. 13205

(c) Any amount attributable to a nonqualified deferred 13206  
compensation plan or program described in section 3121(v)(2)(C) of 13207  
the Internal Revenue Code if the compensation is included in wages 13208  
and the municipal corporation has, by resolution or ordinance 13209  
adopted before January 1, 2016, exempted the amount from 13210  
withholding and tax. 13211

(d) Any amount included in wages if the amount arises from 13212  
the sale, exchange, or other disposition of a stock option, the 13213  
exercise of a stock option, or the sale, exchange, or other 13214  
disposition of stock purchased under a stock option and the 13215  
municipal corporation has, by resolution or ordinance adopted 13216  
before January 1, 2016, exempted the amount from withholding and 13217  
tax. 13218

(e) Any amount included in wages that is exempt income. 13219

(2) Add the following amounts: 13220

(a) Any amount not included in wages solely because the 13221  
employee was employed by the employer before April 1, 1986. 13222

(b) Any amount not included in wages because the amount 13223  
arises from the sale, exchange, or other disposition of a stock 13224  
option, the exercise of a stock option, or the sale, exchange, or 13225  
other disposition of stock purchased under a stock option and the 13226  
municipal corporation has not, by resolution or ordinance, 13227  
exempted the amount from withholding and tax adopted before 13228  
January 1, 2016. Division (R)(2)(b) of this section applies only 13229  
to those amounts constituting ordinary income. 13230

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

(f) Any amount not included in wages if all of the following apply:

(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(iii) For no succeeding taxable year will the amount constitute wages; and

(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other

disposition of intangible property including, but not limited to, 13261  
investments, deposits, money, or credits as those terms are 13262  
defined in Chapter 5701. of the Revised Code, and patents, 13263  
copyrights, trademarks, tradenames, investments in real estate 13264  
investment trusts, investments in regulated investment companies, 13265  
and appreciation on deferred compensation. "Intangible income" 13266  
does not include prizes, awards, or other income associated with 13267  
any lottery winnings, gambling winnings, or other similar games of 13268  
chance. 13269

(T) "Taxable year" means the corresponding tax reporting 13270  
period as prescribed for the taxpayer under the Internal Revenue 13271  
Code. 13272

(U) "Tax administrator" means the individual charged with 13273  
direct responsibility for administration of an income tax levied 13274  
by a municipal corporation in accordance with this chapter, and 13275  
also includes the following: 13276

(1) A municipal corporation acting as the agent of another 13277  
municipal corporation; 13278

(2) A person retained by a municipal corporation to 13279  
administer a tax levied by the municipal corporation, but only if 13280  
the municipal corporation does not compensate the person in whole 13281  
or in part on a contingency basis; 13282

(3) The central collection agency or the regional income tax 13283  
agency or their successors in interest, or another entity 13284  
organized to perform functions similar to those performed by the 13285  
central collection agency and the regional income tax agency. 13286

"Tax administrator" does not include the tax commissioner. 13287

(V) "Employer" means a person that is an employer for federal 13288  
income tax purposes. 13289

(W) "Employee" means an individual who is an employee for 13290

federal income tax purposes.	13291
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	13292 13293 13294 13295 13296
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	13297 13298
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	13299 13300
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	13301 13302 13303 13304
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	13305 13306 13307 13308
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	13309 13310 13311 13312 13313 13314
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	13315 13316 13317
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms	13318 13319 13320

with state agencies and includes any successor electronic filing 13321  
and payment system. 13322

(FF) "Local board of tax review" and "board of tax review" 13323  
mean the entity created under section 718.11 of the Revised Code. 13324

(GG) "Net operating loss" means a loss incurred by a person 13325  
in the operation of a trade or business. "Net operating loss" does 13326  
not include unutilized losses resulting from basis limitations, 13327  
at-risk limitations, or passive activity loss limitations. 13328

(HH) "Casino operator" and "casino facility" have the same 13329  
meanings as in section 3772.01 of the Revised Code. 13330

(II) "Video lottery terminal" has the same meaning as in 13331  
section 3770.21 of the Revised Code. 13332

(JJ) "Video lottery terminal sales agent" means a lottery 13333  
sales agent licensed under Chapter 3770. of the Revised Code to 13334  
conduct video lottery terminals on behalf of the state pursuant to 13335  
section 3770.21 of the Revised Code. 13336

(KK) "Postal service" means the United States postal service. 13337

(LL) "Certified mail," "express mail," "United States mail," 13338  
"postal service," and similar terms include any delivery service 13339  
authorized pursuant to section 5703.056 of the Revised Code. 13340

(MM) "Postmark date," "date of postmark," and similar terms 13341  
include the date recorded and marked in the manner described in 13342  
division (B)(3) of section 5703.056 of the Revised Code. 13343

(NN) "Related member" means a person that, with respect to 13344  
the taxpayer during all or any portion of the taxable year, is 13345  
either a related entity, a component member as defined in section 13346  
1563(b) of the Internal Revenue Code, or a person to or from whom 13347  
there is attribution of stock ownership in accordance with section 13348  
1563(e) of the Internal Revenue Code except, for purposes of 13349  
determining whether a person is a related member under this 13350

division, "twenty per cent" shall be substituted for "5 percent" 13351  
wherever "5 percent" appears in section 1563(e) of the Internal 13352  
Revenue Code. 13353

(OO) "Related entity" means any of the following: 13354

(1) An individual stockholder, or a member of the 13355  
stockholder's family enumerated in section 318 of the Internal 13356  
Revenue Code, if the stockholder and the members of the 13357  
stockholder's family own directly, indirectly, beneficially, or 13358  
constructively, in the aggregate, at least fifty per cent of the 13359  
value of the taxpayer's outstanding stock; 13360

(2) A stockholder, or a stockholder's partnership, estate, 13361  
trust, or corporation, if the stockholder and the stockholder's 13362  
partnerships, estates, trusts, or corporations own directly, 13363  
indirectly, beneficially, or constructively, in the aggregate, at 13364  
least fifty per cent of the value of the taxpayer's outstanding 13365  
stock; 13366

(3) A corporation, or a party related to the corporation in a 13367  
manner that would require an attribution of stock from the 13368  
corporation to the party or from the party to the corporation 13369  
under division (OO)(4) of this section, provided the taxpayer owns 13370  
directly, indirectly, beneficially, or constructively, at least 13371  
fifty per cent of the value of the corporation's outstanding 13372  
stock; 13373

(4) The attribution rules described in section 318 of the 13374  
Internal Revenue Code apply for the purpose of determining whether 13375  
the ownership requirements in divisions (OO)(1) to (3) of this 13376  
section have been met. 13377

(PP)(1) "Assessment" means a written finding by the tax 13378  
administrator that a person has underpaid municipal income tax, or 13379  
owes penalty and interest, or any combination of tax, penalty, or 13380  
interest, to the municipal corporation that commences the person's 13381

time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be

carried forward and utilized to offset income or net profit 13414  
generated in such municipal corporation in future taxable years. 13415

(2) For the purpose of calculating municipal taxable income, 13416  
any pre-2017 net operating loss carryforward may be carried 13417  
forward to any taxable year, including taxable years beginning in 13418  
2017 or thereafter, for the number of taxable years provided in 13419  
the resolution or ordinance or until fully utilized, whichever is 13420  
earlier. 13421

(TT) "Small employer" means any employer that had total 13422  
revenue of less than five hundred thousand dollars during the 13423  
preceding taxable year. For purposes of this division, "total 13424  
revenue" means receipts of any type or kind, including, but not 13425  
limited to, sales receipts; payments; rents; profits; gains, 13426  
dividends, and other investment income; compensation; commissions; 13427  
premiums; money; property; grants; contributions; donations; 13428  
gifts; program service revenue; patient service revenue; premiums; 13429  
fees, including premium fees and service fees; tuition payments; 13430  
unrelated business revenue; reimbursements; any type of payment 13431  
from a governmental unit, including grants and other allocations; 13432  
and any other similar receipts reported for federal income tax 13433  
purposes or under generally accepted accounting principles. "Small 13434  
employer" does not include the federal government; any state 13435  
government, including any state agency or instrumentality; any 13436  
political subdivision; or any entity treated as a government for 13437  
financial accounting and reporting purposes. 13438

(UU) "Audit" means the examination of a person or the 13439  
inspection of the books, records, memoranda, or accounts of a 13440  
person for the purpose of determining liability for a municipal 13441  
income tax. 13442

(VV) "Publicly traded partnership" means any partnership, an 13443  
interest in which is regularly traded on an established securities 13444  
market. A "publicly traded partnership" may have any number of 13445

partners. 13446

(WW) "Tax commissioner" means the tax commissioner appointed 13447  
under section 121.03 of the Revised Code. 13448

(XX) "Out-of-state disaster business," "qualifying 13449  
solicitation," "qualifying employee," "disaster work," "critical 13450  
infrastructure," and "disaster response period" have the same 13451  
meanings as in section 5703.94 of the Revised Code. 13452

(YY) "Pension" means a retirement benefit plan, regardless of 13453  
whether the plan satisfies the qualifications described under 13454  
section 401(a) of the Internal Revenue Code, including amounts 13455  
that are taxable under the "Federal Insurance Contributions Act," 13456  
Chapter 21 of the Internal Revenue Code, excluding employee 13457  
contributions and elective deferrals, and regardless of whether 13458  
such amounts are paid in the same taxable year in which the 13459  
amounts are included in the employee's wages, as defined by 13460  
section 3121(a) of the Internal Revenue Code. 13461

(ZZ) "Retirement benefit plan" means an arrangement whereby 13462  
an entity provides benefits to individuals either on or after 13463  
their termination of service because of retirement or disability. 13464  
"Retirement benefit plan" does not include wage continuation 13465  
payments, severance payments, or payments made for accrued 13466  
personal or vacation time. 13467

**Sec. 718.131. (A) Division (B) of this section applies to any 13468  
of the following individuals: 13469**

(1) An employee in the service of a municipal corporation or 13470  
regional council of government; 13471

(2) A prospective employee for a position in the service of a 13472  
municipal corporation or regional council of government; 13473

(3) A contractor of a municipal corporation or regional 13474  
council of government. 13475

(B) If an individual described in division (A) of this section has or, in the case of a prospective employee, will have access to or the use of federal tax information, the tax administrator shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check based on the individual's fingerprints in accordance with section 109.572 of the Revised Code. The tax administrator shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. 13476  
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The individual and the tax administrator shall also comply with any separate request by the federal bureau of investigation to conduct a national criminal records check. 13486  
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(C) A tax administrator may adopt any rules or policies necessary to implement this section. 13489  
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**Sec. 718.80.** (A) A taxpayer may elect to be subject to sections 718.80 to 718.95 of the Revised Code in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply: 13491  
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(1) The tax commissioner shall serve as the sole administrator of each municipal income tax for which the taxpayer is liable for the term of the election; 13496  
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(2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code and any applicable provision of Chapter 5703. of the Revised Code. 13499  
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(B)(1) A taxpayer shall make the initial election on or before the ~~first~~ fifteenth day of the ~~third~~ fourth month after the beginning of the taxpayer's taxable year by ~~notifying~~ providing to the tax commissioner ~~and each~~ a list of all municipal ~~corporation~~ 13502  
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corporations in which the taxpayer conducted business during the 13506  
previous taxable year, on a form prescribed by the tax 13507  
commissioner. 13508

(2) Within five business days after a taxpayer makes its 13509  
initial election under division (B)(1) of this section, the tax 13510  
commissioner shall notify each municipal corporation that the 13511  
taxpayer listed in its election that the taxpayer has made the 13512  
election. 13513

(3)(a) The election, once made by the taxpayer, applies to 13514  
the taxable year in which the election is made ~~and~~. A taxpayer may 13515  
terminate the initial election within twenty-four months after the 13516  
election is made by providing written notice to the tax 13517  
commissioner. Such notice shall be provided at least sixty days 13518  
before the effective date of the termination. Effective on the 13519  
termination date, the taxpayer shall make all payments and 13520  
remittances, and file all returns, due on or after the termination 13521  
date to the appropriate municipal tax administrator. If not 13522  
terminated, the election shall continue to apply to each 13523  
subsequent taxable year until the taxpayer notifies the tax 13524  
commissioner ~~and each municipal corporation in which the taxpayer~~ 13525  
~~conducted business during the previous taxable year~~ of its 13526  
termination of the election. 13527

(b) ~~A~~ After the end of the twenty-four-month period in which 13528  
a taxpayer may terminate an initial election, a notification of 13529  
termination shall be made, ~~on a form prescribed by~~ in writing, to 13530  
the tax commissioner, on or before the ~~first~~ fifteenth day of the 13531  
~~third~~ fourth month of any taxable year. 13532

(c) Within five business days of receiving a notice of 13533  
termination under division (B)(3)(a) or (b) of this section, the 13534  
tax commissioner shall notify each municipal corporation that 13535  
received notice of the taxpayer's initial election that the 13536  
taxpayer has terminated the election. The notice shall include the 13537

name, address, and federal identification number of the taxpayer, 13538  
as well as the effective date of the termination, and shall be 13539  
made via the portal created under section 718.841 of the Revised 13540  
Code. 13541

(d) Upon a timely and valid termination of the election, the 13542  
taxpayer is no longer subject to sections 718.80 to 718.95 of the 13543  
Revised Code, and is instead subject to the provisions set forth 13544  
in the remainder of this chapter. 13545

(4) The tax commissioner shall provide to all municipal 13546  
corporations imposing a tax on income on or after January 1, 2018, 13547  
a list of taxpayers that are subject to sections 718.80 to 718.95 13548  
of the Revised Code, including the taxpayers' names, addresses, 13549  
and federal employee identification numbers. The list shall be 13550  
made available via the portal created under section 718.841 of the 13551  
Revised Code. 13552

(C)(1)(a) On or before the thirty-first day of January each 13553  
year, each municipal corporation imposing a tax on income shall 13554  
certify to the tax commissioner the rate of the tax in effect on 13555  
the first day of January of that year. 13556

(b) If, after the thirty-first day of January of any year, 13557  
the electors of a municipal corporation approve an increase in the 13558  
rate of the municipal corporation's tax on income that takes 13559  
effect within that year, the municipal corporation shall certify 13560  
to the tax commissioner the new rate of tax not less than sixty 13561  
days before the effective date of the increase, after which 13562  
effective date the commissioner shall apply the increased rate. 13563

(2) A municipal corporation, ~~within ninety days of receiving~~ 13564  
~~that receives~~ a taxpayer's notification of election under division 13565  
(B)(2) of this section, shall submit to the tax commissioner, on a 13566  
form prescribed by the tax commissioner and within the time 13567  
prescribed by division (C)(3) of this section, the following 13568

information regarding the taxpayer and any member of an affiliated 13569  
group of corporations included on the taxpayer's consolidated tax 13570  
return, when applicable: 13571

(a) The amount of any net operating loss that the taxpayer is 13572  
entitled to carry forward to a future tax year; 13573

(b) The amount of any net operating loss carryforward 13574  
utilized by the taxpayer in prior years; 13575

(c) Any credits granted by the municipal corporation to which 13576  
the taxpayer is entitled, the amount of such credits, whether the 13577  
credits may be carried forward to future tax years, and, if the 13578  
credits may be carried forward, the duration of any such 13579  
carryforward; 13580

(d) Any overpayments of tax that the taxpayer has elected to 13581  
carry forward to a subsequent tax year; 13582

(e) Any other information the municipal corporation deems 13583  
relevant in order to effectuate the tax commissioner's efficient 13584  
administration of the tax on the municipal corporation's behalf. 13585

(3) A municipal corporation shall submit the information 13586  
required under division (C)(2) of this section to the tax 13587  
commissioner within forty-five days after the taxpayer files its 13588  
final return, but not later than the first day of the last month 13589  
of the taxable year for which the taxpayer made the initial 13590  
election under division (B)(1) of this section. For the purposes 13591  
of this section, "final return" means the return filed with the 13592  
municipal corporation for the taxable year immediately preceding 13593  
the taxable year for which the taxpayer made the election under 13594  
division (B)(1) of this section. 13595

(4) If any municipal corporation fails to timely comply with 13596  
~~divisions~~ division (C)(1) and, (2), or (3) of this section, the 13597  
tax commissioner ~~shall~~ may notify the director of budget and 13598  
management, who, upon receiving such notification, shall withhold 13599

from each payment made to the municipal corporation under section 13600  
718.83 of the Revised Code fifty per cent of the amount of the 13601  
payment otherwise due to the municipal corporation under that 13602  
section. The director shall compute the withholding on the basis 13603  
of the tax rate most recently certified to the tax commissioner 13604  
until the municipal corporation complies with divisions (C)(1) 13605  
~~and~~, (2), and (3) of this section. 13606

(D) The tax commissioner shall enforce and administer 13607  
sections 718.80 to 718.95 of the Revised Code. In addition to any 13608  
other powers conferred upon the tax commissioner by law, the tax 13609  
commissioner may: 13610

(1) Prescribe all forms necessary to administer those 13611  
sections; 13612

(2) Adopt such rules as the tax commissioner finds necessary 13613  
to carry out those sections; 13614

(3) Appoint and employ such personnel as are necessary to 13615  
carry out the duties imposed upon the tax commissioner by those 13616  
sections. 13617

(E) No tax administrator shall utilize sections 718.81 to 13618  
718.95 of the Revised Code in the administrator's administration 13619  
of a municipal income tax, and those sections shall not be applied 13620  
to any taxpayer that has not made the election under this section. 13621

(F) Nothing in this chapter shall be construed to make any 13622  
section of this chapter, other than sections 718.01 and 718.80 to 13623  
718.95 of the Revised Code, applicable to the tax commissioner's 13624  
administration of a municipal income tax or to any taxpayer that 13625  
has made the election under this section. 13626

(G) The tax commissioner shall not be considered a tax 13627  
administrator, as that term is defined in section 718.01 of the 13628  
Revised Code. 13629

**Sec. 718.81.** If a term used in sections 718.80 to 718.95 of the Revised Code that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Revised Code, unless the term is defined in Chapter 5703. of the Revised Code, in which case the definition in that chapter shall control. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and section 718.01 of the Revised Code, the definition in this section shall control for all uses of that term in sections 718.80 through 718.95 of the Revised Code.

As used in sections 718.80 to 718.95 of the Revised Code only:

(A) "Municipal taxable income" means income apportioned or situated to the municipal corporation under section 718.82 of the Revised Code, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.

(B) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of section 718.01 of the Revised Code, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless

of whether the intangible income relates to assets used in a trade 13661  
or business or assets held for the production of income. 13662

(2) Add an amount equal to five per cent of intangible income 13663  
deducted under division (B)(1) of this section, but excluding that 13664  
portion of intangible income directly related to the sale, 13665  
exchange, or other disposition of property described in section 13666  
1221 of the Internal Revenue Code. 13667

(3) Add any losses allowed as a deduction in the computation 13668  
of federal taxable income if the losses directly relate to the 13669  
sale, exchange, or other disposition of an asset described in 13670  
section 1221 or 1231 of the Internal Revenue Code. 13671

(4)(a) Except as provided in division (B)(4)(b) of this 13672  
section, deduct income and gain included in federal taxable income 13673  
to the extent the income and gain directly relate to the sale, 13674  
exchange, or other disposition of an asset described in section 13675  
1221 or 1231 of the Internal Revenue Code. 13676

(b) Division (B)(4)(a) of this section does not apply to the 13677  
extent the income or gain is income or gain described in section 13678  
1245 or 1250 of the Internal Revenue Code. 13679

(5) Add taxes on or measured by net income allowed as a 13680  
deduction in the computation of federal taxable income. 13681

(6) In the case of a real estate investment trust or 13682  
regulated investment company, add all amounts with respect to 13683  
dividends to, distributions to, or amounts set aside for or 13684  
credited to the benefit of investors and allowed as a deduction in 13685  
the computation of federal taxable income. 13686

(7) Deduct, to the extent not otherwise deducted or excluded 13687  
in computing federal taxable income, any income derived from a 13688  
transfer agreement or from the enterprise transferred under that 13689  
agreement under section 4313.02 of the Revised Code. 13690

(8) Deduct exempt income to the extent not otherwise deducted	13691
or excluded in computing adjusted federal taxable income.	13692
(9) Deduct any net profit of a pass-through entity owned	13693
directly or indirectly by the taxpayer and included in the	13694
taxpayer's federal taxable income unless an affiliated group of	13695
corporations includes that net profit in the group's federal	13696
taxable income in accordance with division (E)(3)(b) of section	13697
718.86 of the Revised Code.	13698
(10) Add any loss incurred by a pass-through entity owned	13699
directly or indirectly by the taxpayer and included in the	13700
taxpayer's federal taxable income unless an affiliated group of	13701
corporations includes that loss in the group's federal taxable	13702
income in accordance with division (E)(3)(b) of section 718.86 of	13703
the Revised Code.	13704
If the taxpayer is not a C corporation, is not a disregarded	13705
entity that has made the election described in division (L)(2) of	13706
section 718.01 of the Revised Code, and is not a publicly traded	13707
partnership that has made the election described in division	13708
(D)(5) of section 718.01 of the Revised Code, the taxpayer shall	13709
compute adjusted federal taxable income under this section as if	13710
the taxpayer were a C corporation, except guaranteed payments and	13711
other similar amounts paid or accrued to a partner, former	13712
partner, shareholder, former shareholder, member, or former member	13713
shall not be allowed as a deductible expense unless such payments	13714
are in consideration for the use of capital and treated as payment	13715
of interest under section 469 of the Internal Revenue Code or	13716
United States treasury regulations. Amounts paid or accrued to a	13717
qualified self-employed retirement plan with respect to a partner,	13718
former partner, shareholder, former shareholder, member, or former	13719
member of the taxpayer, amounts paid or accrued to or for health	13720
insurance for a partner, former partner, shareholder, former	13721
shareholder, member, or former member, and amounts paid or accrued	13722

to or for life insurance for a partner, former partner, 13723  
shareholder, former shareholder, member, or former member shall 13724  
not be allowed as a deduction. 13725

Nothing in division (B) of this section shall be construed as 13726  
allowing the taxpayer to add or deduct any amount more than once 13727  
or shall be construed as allowing any taxpayer to deduct any 13728  
amount paid to or accrued for purposes of federal self-employment 13729  
tax. 13730

(C) "Taxpayer" has the same meaning as in section 718.01 of 13731  
the Revised Code, except that "taxpayer" does not include natural 13732  
persons or entities subject to the tax imposed under Chapter 5745. 13733  
of the Revised Code. "Taxpayer" may include receivers, assignees, 13734  
or trustees in bankruptcy when such persons are required to assume 13735  
the role of a taxpayer. 13736

(D) "Tax return" or "return" means the notifications and 13737  
reports required to be filed pursuant to sections 718.80 to 718.95 13738  
of the Revised Code for the purpose of reporting municipal income 13739  
taxes, and includes declarations of estimated tax. 13740

~~(E) "Taxable year" means the calendar year or the taxpayer's 13741  
fiscal year beginning during the calendar year, or fractional part 13742  
thereof, upon which the calculation of the taxpayer's adjusted 13743  
federal taxable income is based pursuant to this chapter. If a 13744  
taxpayer's taxable year is changed for federal income tax 13745  
purposes, the taxable year for purposes of sections 718.80 to 13746  
718.95 of the Revised Code is changed accordingly but may consist 13747  
of an aggregation of more than one taxable year for federal income 13748  
tax purposes. The tax commissioner may prescribe by rule an 13749  
appropriate period as the taxable year for a taxpayer that has had 13750  
a change of its taxable year for federal income tax purposes, for 13751  
a taxpayer that has two or more short taxable years for federal 13752  
income tax purposes as the result of a change of ownership, or for 13753  
a new taxpayer that would otherwise have no taxable year. 13754~~

(F) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 718.90 of the Revised Code. 13755  
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**Sec. 718.83.** (A) On or before the last day of each month, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, based on amounts reported on annual returns and declarations of estimated tax under sections 718.85 and 718.88 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made or refunds granted by the commissioner, for the ~~calendar~~ calendar month preceding the month in which the certification is made. Not later than the fifth day of each month, the director shall provide for payment of the amount certified to each municipal corporation from the municipal ~~income~~ net profit tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section, and minus any reduction required by the commissioner under division (D) of this section. Each municipal corporation's share of such earnings shall equal the proportion that the municipal corporation's certified tax payment is of the total taxes certified to all municipal corporations in that quarter. All investment earnings on money in the municipal ~~income~~ net profit tax fund shall be credited to that fund. 13757  
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(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under sections 718.80 to 718.95 of the Revised Code after accounting for amounts remitted with the annual return and as estimated taxes, the commissioner shall proceed according to divisions (A) and (B) of section 5703.77 of the Revised Code. 13777  
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(C) If the amount of a municipal corporation's net 13785

distribution computed by the commissioner under division (A) of 13786  
this section is less than zero, the commissioner may notify the 13787  
municipal corporation of the deficiency. Within thirty days after 13788  
receiving such a notice, the municipal corporation shall pay an 13789  
amount equal to the deficiency to the treasurer of state. The 13790  
treasurer of state shall credit any payment received under this 13791  
division to the municipal net profit tax fund. 13792

(D) If a municipal corporation fails to make a timely payment 13793  
required under division (C) of this section, the commissioner may 13794  
recover the deficiency using any or all of the following options: 13795

(1) Deduct the amount of the deficiency from the next 13796  
distribution to that municipal corporation under division (A) of 13797  
this section or, if the amount of the deficiency exceeds the 13798  
amount of such distribution, withhold such distributions entirely 13799  
until the withheld amount equals the amount of the municipal 13800  
corporation's deficiency; 13801

(2) Deduct the amount of the deficiency from the next payment 13802  
to that municipal corporation under division (A) of section 13803  
5745.05 of the Revised Code or, if the amount of the deficiency 13804  
exceeds the amount of such distribution, withhold such 13805  
distributions entirely until the withheld amount equals the amount 13806  
of the municipal corporation's deficiency; 13807

(3) Deduct the amount of the deficiency from the municipal 13808  
corporation's share of the next payment made by the commissioner 13809  
under division (F) of section 321.24 of the Revised Code or, if 13810  
the amount of the deficiency exceeds the amount of the municipal 13811  
corporation's share of such payment, withhold the municipal 13812  
corporation's share of the payments entirely until the withheld 13813  
amount equals the amount of the municipal corporation's 13814  
deficiency. 13815

(E) The total amount of payments and distributions withheld 13816

from a municipal corporation under division (D) of this section 13817  
shall not exceed the unpaid portion of the municipal corporation's 13818  
net distribution deficiency. All amounts withheld under division 13819  
(D) of this section shall be credited to the municipal net profit 13820  
tax fund. 13821

(F) The commissioner may adopt rules necessary to administer 13822  
this section. 13823

**Sec. 718.84.** (A) Any information gained as a result of 13824  
returns, investigations, hearings, or verifications required or 13825  
authorized by sections 718.80 to 718.95 of the Revised Code is 13826  
confidential, and no person shall disclose such information, 13827  
except for official purposes, in accordance with a proper judicial 13828  
order, or as provided in section 4123.271 or 5703.21 of the 13829  
Revised Code. The tax commissioner may furnish the internal 13830  
revenue service with copies of returns filed. This section does 13831  
not prohibit the publication of statistics in a form which does 13832  
not disclose information with respect to particular taxpayers. 13833

(B) In May and November of each year, the tax commissioner 13834  
shall provide each tax administrator with the following 13835  
information for every taxpayer that filed tax returns with the 13836  
commissioner under sections 718.80 to 718.95 of the Revised Code 13837  
and that had municipal taxable income apportionable to the 13838  
municipal corporation under this chapter for any prior year: 13839

(1) The taxpayer's name, address, and federal employer 13840  
identification number; 13841

(2) The taxpayer's apportionment ratio for, and amount of 13842  
municipal taxable income apportionable to, the municipal 13843  
corporation pursuant to section 718.82 of the Revised Code; 13844

(3) The amount of any pre-2017 net operating loss 13845  
carryforward utilized by the taxpayer; 13846

(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;	13847 13848
(5) The amount of any credit claimed under section 718.94 of the Revised Code.	13849 13850
(C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment.	13851 13852 13853 13854 13855 13856 13857
(D) Not later than the thirty-first day of January of each year, every municipal corporation having taxpayers that have made the election allowed under section 718.80 of the Revised Code shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in divisions (B) and (C) of this section. The commissioner shall not provide such information to any person other than a person who is designated to receive the information under this section and who is employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law.	13858 13859 13860 13861 13862 13863 13864 13865 13866 13867 13868 13869 13870 13871
(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned	13872 13873 13874 13875 13876 13877 13878

under section 718.82 of the Revised Code. 13879

(2) As used in this division, "properly authorized officer,  
employee, or agent" means an officer, employee, or agent of a  
municipal corporation who is authorized by charter or ordinance of  
the municipal corporation to view or possess information referred  
to in section 718.13 of the Revised Code. 13880  
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(F)(1) If, upon receiving the information described in 13885  
division (B) of section 718.91 of the Revised Code or division (B)  
or (C) of this section, a municipal corporation discovers that it 13886  
has additional information in its possession that could result in 13887  
a change to a taxpayer's tax liability, the municipal corporation 13888  
may refer the taxpayer to the tax commissioner for an audit. Such 13889  
referral shall be made ~~on a form prescribed by~~ in writing to the 13890  
commissioner and shall include any information that forms the 13891  
basis for the referral, including any available documentation. 13892  
Such documentation may include, but is not limited to, the 13893  
following: 13894  
13895

(a) Evidence that the taxpayer withheld taxes from employees' 13896  
compensation for work performed in the municipal corporation; 13897

(b) Evidence that the taxpayer issued an internal revenue 13898  
service form 1099-miscellaneous to one or more individuals for 13899  
work performed in the municipal corporation; 13900

(c) Evidence of work performed by the taxpayer in the 13901  
municipal corporation; 13902

(d) Evidence that the taxpayer was required to file a tax 13903  
return with the municipal corporation for a taxable year but 13904  
failed to do so. 13905

(2) Upon receipt of a referral under division (F)(1) of this 13906  
section, the commissioner shall review the referral and ~~may~~ shall 13907  
conduct an audit of the taxpayer that is the subject of the 13908  
referral based on the information in the referral and any other 13909

relevant information available to the commissioner. 13910

The commissioner shall commence the audit within thirty days 13911  
of receiving the referral and, every thirty days thereafter, shall 13912  
provide updates, in writing, on the status of the audit to the tax 13913  
administrator that submitted the referral. Upon completion of the 13914  
audit, the commissioner shall notify the tax administrator of the 13915  
conclusion of the audit and provide copies of any written 13916  
documentation related to the audit, including any documentation 13917  
provided by the taxpayer. 13918

(3) Nothing in division (F) of this section shall be 13919  
construed as forming the sole basis upon which the commissioner 13920  
may conduct an audit of a taxpayer. 13921

(4) Nothing in this chapter shall prohibit a municipal 13922  
corporation from filing a writ of mandamus if the municipal 13923  
corporation believes that the commissioner has violated the 13924  
commissioner's fiduciary duty as the administrator of the tax 13925  
levied by the municipal corporation. 13926

(5) Nothing in this section precludes a tax administrator 13927  
from appealing a final determination or audit decision by the 13928  
commissioner to the board of tax appeals. 13929

**Sec. 718.841.** (A) The department of taxation shall create and 13930  
maintain a world wide web portal capable of securely exchanging 13931  
information between the department and municipal corporations. 13932

(B) The web portal created pursuant to division (A) of this 13933  
section shall be used by both the department and municipal 13934  
corporations to securely exchange information as required under 13935  
sections 718.80 to 718.95 of the Revised Code. The tax 13936  
commissioner shall establish the procedures by which municipal 13937  
corporations may access the web portal and the format in which 13938  
information must be submitted. 13939

(C) If the web portal is unavailable for any reason, the tax commissioner and municipal corporations shall provide the information as required under sections 718.80 to 718.95 of the Revised Code through another secure format. If the commissioner determines it reasonably necessary, the commissioner may extend the time within which information must be provided by not more than forty-five days. If the commissioner extends the time within which information must be provided, any event attaching a penalty for failure to provide such information shall be extended accordingly.

(D) The tax commissioner may modify the web portal created pursuant to division (A) of this section to enable the exchange of information between the commissioner and municipal corporations under Chapter 5745. and division (D) of section 5747.50 of the Revised Code and as otherwise required or permitted by law.

(E) The tax commissioner may adopt rules governing the use of the web portal created pursuant to division (A) of this section.

**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 718.88 of the Revised Code, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.

~~(2) If a taxpayer has multiple taxable years beginning within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 718.81, 718.82, and, if applicable, 718.86 of the Revised Code onto its annual return.~~

~~(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the~~

amount payable with the tax return is ten dollars or less, no 13971  
remittance is required. 13972

(B) The tax commissioner shall immediately forward to the 13973  
treasurer of state all amounts the commissioner receives pursuant 13974  
to sections 718.80 to 718.95 of the Revised Code. The treasurer 13975  
shall credit ninety-nine and one-half per cent of such amounts to 13976  
the municipal ~~income~~ net profit tax fund which is hereby created 13977  
in the state treasury, and the remainder to the municipal income 13978  
tax administrative fund established under section 5745.03 of the 13979  
Revised Code. 13980

(C)(1) Each return required to be filed under this section 13981  
shall contain the signature of the taxpayer or the taxpayer's duly 13982  
authorized agent and of the person who prepared the return for the 13983  
taxpayer, and shall include the taxpayer's identification number. 13984  
Each return shall be verified by a declaration under penalty of 13985  
perjury. 13986

(2)(a) The tax commissioner may require a taxpayer to 13987  
include, with each annual tax return, amended return, or request 13988  
for refund filed with the commissioner under sections 718.80 to 13989  
718.95 of the Revised Code, copies of any relevant documents or 13990  
other information. 13991

(b) A taxpayer that files an annual tax return electronically 13992  
through the Ohio business gateway or in another manner as 13993  
prescribed by the tax commissioner shall either submit the 13994  
documents required under this division electronically as 13995  
prescribed at the time of filing or, if electronic submission is 13996  
not available, mail the documents to the tax commissioner. The 13997  
department of taxation shall publish a method of electronically 13998  
submitting the documents required under this division on or before 13999  
January 1, 2019. 14000

(3) After a taxpayer files a tax return, the tax commissioner 14001

may request, and the taxpayer shall provide, any information, 14002  
statements, or documents required to determine and verify the 14003  
taxpayer's municipal income tax. 14004

(D)(1)(a) Any taxpayer that has duly requested an automatic 14005  
extension for filing the taxpayer's federal income tax return 14006  
shall automatically receive an extension for the filing of a tax 14007  
return with the commissioner under this section. The extended due 14008  
date of the return shall be the fifteenth day of the tenth month 14009  
after the last day of the taxable year to which the return 14010  
relates. 14011

(b) A taxpayer that has not requested or received a six-month 14012  
extension for filing the taxpayer's federal income tax return may 14013  
request that the commissioner grant the taxpayer a six-month 14014  
extension of the date for filing the taxpayer's municipal income 14015  
tax return. If the commissioner receives the request on or before 14016  
the date the municipal income tax return is due, the commissioner 14017  
shall grant the taxpayer's extension request. 14018

(c) An extension of time to file under division (D)(1) of 14019  
this section is not an extension of the time to pay any tax due 14020  
unless the tax commissioner grants an extension of that date. 14021

(2) If the commissioner considers it necessary in order to 14022  
ensure payment of a tax imposed in accordance with section 718.04 14023  
of the Revised Code, the commissioner may require taxpayers to 14024  
file returns and make payments otherwise than as provided in this 14025  
section, including taxpayers not otherwise required to file annual 14026  
returns. 14027

(E) Each return required to be filed in accordance with this 14028  
section shall include a box that the taxpayer may check to 14029  
authorize another person, including a tax return preparer who 14030  
prepared the return, to communicate with the tax commissioner 14031  
about matters pertaining to the return. The return or instructions 14032

accompanying the return shall indicate that by checking the box 14033  
the taxpayer authorizes the commissioner to contact the preparer 14034  
or other person concerning questions that arise during the 14035  
examination or other review of the return and authorizes the 14036  
preparer or other person only to provide the commissioner with 14037  
information that is missing from the return, to contact the 14038  
commissioner for information about the examination or other review 14039  
of the return or the status of the taxpayer's refund or payments, 14040  
and to respond to notices about mathematical errors, offsets, or 14041  
return preparation that the taxpayer has received from the 14042  
commissioner and has shown to the preparer or other person. 14043

(F) When income tax returns or other documents require the 14044  
signature of a tax return preparer, the tax commissioner shall 14045  
accept a facsimile or electronic version of such a signature in 14046  
lieu of a manual signature. 14047

**Sec. 718.90.** (A) If any taxpayer required to file a return 14048  
under section 718.80 to 718.95 of the Revised Code fails to file 14049  
the return within the time prescribed, files an incorrect return, 14050  
or fails to remit the full amount of the tax due for the period 14051  
covered by the return, the tax commissioner may make an assessment 14052  
against the taxpayer for any deficiency for the period for which 14053  
the return or tax is due, based upon any information in the 14054  
commissioner's possession. 14055

The tax commissioner shall not make or issue an assessment 14056  
against a taxpayer more than three years after the later of the 14057  
date the return subject to assessment was required to be filed or 14058  
the date the return was filed. Such time limit may be extended if 14059  
both the taxpayer and the commissioner consent in writing to the 14060  
extension. Any such extension shall extend the three-year time 14061  
limit in section 718.91 of the Revised Code for the same period of 14062  
time. There shall be no bar or limit to an assessment against a 14063

taxpayer that fails to file a return subject to assessment as 14064  
required by sections 718.80 to 718.95 of the Revised Code, or that 14065  
files a fraudulent return. The commissioner shall give the 14066  
taxpayer assessed written notice of the assessment as provided in 14067  
section 5703.37 of the Revised Code. With the notice, the 14068  
commissioner shall provide instructions on how to petition for 14069  
reassessment and request a hearing on the petition. 14070

(B) Unless the taxpayer assessed files with the tax 14071  
commissioner within sixty days after service of the notice of 14072  
assessment, either personally or by certified mail, a written 14073  
petition for reassessment signed by the authorized agent of the 14074  
taxpayer assessed having knowledge of the facts, the assessment 14075  
becomes final, and the amount of the assessment is due and payable 14076  
from the taxpayer to the treasurer of state. The petition shall 14077  
indicate the taxpayer's objections, but additional objections may 14078  
be raised in writing if received by the commissioner prior to the 14079  
date shown on the final determination. If the petition has been 14080  
properly filed, the commissioner shall proceed under section 14081  
5703.60 of the Revised Code. 14082

(C) After an assessment becomes final, if any portion of the 14083  
assessment remains unpaid, including accrued interest, a certified 14084  
copy of the tax commissioner's entry making the assessment final 14085  
may be filed in the office of the clerk of the court of common 14086  
pleas in the county in which the taxpayer has an office or place 14087  
of business in this state, the county in which the taxpayer's 14088  
statutory agent is located, or Franklin county. 14089

Immediately upon the filing of the entry, the clerk shall 14090  
enter a judgment against the taxpayer assessed in the amount shown 14091  
on the entry. The judgment may be filed by the clerk in a 14092  
loose-leaf book entitled "special judgments for municipal income 14093  
taxes," and shall have the same effect as other judgments. 14094  
Execution shall issue upon the judgment upon the request of the 14095

tax commissioner, and all laws applicable to sales on execution 14096  
shall apply to sales made under the judgment. 14097

If the assessment is not paid in its entirety within sixty 14098  
days after the day the assessment was issued, the portion of the 14099  
assessment consisting of tax due shall bear interest at the rate 14100  
per annum prescribed by section 5703.47 of the Revised Code from 14101  
the day the commissioner issues the assessment until the 14102  
assessment is paid or until it is certified to the attorney 14103  
general for collection under section 131.02 of the Revised Code, 14104  
whichever comes first. If the unpaid portion of the assessment is 14105  
certified to the attorney general for collection, the entire 14106  
unpaid portion of the assessment shall bear interest at the rate 14107  
per annum prescribed by section 5703.47 of the Revised Code from 14108  
the date of certification until the date it is paid in its 14109  
entirety. Interest shall be paid in the same manner as the tax and 14110  
may be collected by issuing an assessment under this section. 14111

(D) All money collected under this section shall be credited 14112  
to the municipal ~~income~~ net profit tax fund and distributed to the 14113  
municipal corporation to which the money is owed based on the 14114  
assessment issued under this section. 14115

(E) If the tax commissioner believes that collection of the 14116  
tax will be jeopardized unless proceedings to collect or secure 14117  
collection of the tax are instituted without delay, the 14118  
commissioner may issue a jeopardy assessment against the taxpayer 14119  
liable for the tax. Immediately upon the issuance of the jeopardy 14120  
assessment, the commissioner shall file an entry with the clerk of 14121  
the court of common pleas in the manner prescribed by division (C) 14122  
of this section. Notice of the jeopardy assessment shall be served 14123  
on the taxpayer assessed or the taxpayer's legal representative in 14124  
the manner provided in section 5703.37 of the Revised Code within 14125  
five days of the filing of the entry with the clerk. The total 14126  
amount assessed is immediately due and payable, unless the 14127

taxpayer assessed files a petition for reassessment in accordance 14128  
with division (B) of this section and provides security in a form 14129  
satisfactory to the commissioner and in an amount sufficient to 14130  
satisfy the unpaid balance of the assessment. Full or partial 14131  
payment of the assessment does not prejudice the commissioner's 14132  
consideration of the petition for reassessment. 14133

(F) Notwithstanding the fact that a petition for reassessment 14134  
is pending, the taxpayer may pay all or a portion of the 14135  
assessment that is the subject of the petition. The acceptance of 14136  
a payment by the treasurer of state does not prejudice any claim 14137  
for refund upon final determination of the petition. 14138

If upon final determination of the petition an error in the 14139  
assessment is corrected by the tax commissioner, upon petition so 14140  
filed or pursuant to a decision of the board of tax appeals or any 14141  
court to which the determination or decision has been appealed, so 14142  
that the amount due from the taxpayer under the corrected 14143  
assessment is less than the portion paid, there shall be issued to 14144  
the taxpayer, its assigns, or legal representative a refund in the 14145  
amount of the overpayment as provided by section 718.91 of the 14146  
Revised Code, with interest on that amount as provided by that 14147  
section. 14148

**Sec. 718.93.** (A) The tax commissioner, a tax administrator, 14149  
or any authorized agent or employee ~~thereof~~ of either, may examine 14150  
the books, papers, records, and federal and state income tax 14151  
returns of any taxpayer or other person that is subject to 14152  
sections 718.80 to 718.95 of the Revised Code for the purpose of 14153  
verifying the accuracy of any return made or, if no return was 14154  
filed, to ascertain the tax due as required under those sections. 14155  
Upon written request by the commissioner, a tax administrator, or 14156  
a duly authorized agent or employee ~~thereof~~ of either, every 14157  
taxpayer or other person subject to this section is required to 14158

furnish the opportunity for the commissioner, tax administrator, 14159  
authorized agent, or employee to investigate and examine such 14160  
books, papers, records, and federal and state income tax returns 14161  
at a reasonable time and place designated in the request. 14162

(B) The records and other documents of any taxpayer or other 14163  
person that is subject to sections 718.80 to 718.95 of the Revised 14164  
Code shall be open to ~~the tax commissioner's~~ inspection by the tax 14165  
commissioner or a tax administrator during business hours and 14166  
shall be preserved for a period of six years following the end of 14167  
the taxable year to which the records or documents relate, unless 14168  
the commissioner, in writing, consents to their destruction within 14169  
that period, or by order requires that they be kept longer. The 14170  
commissioner may require any person, by notice served on that 14171  
person, to keep such records as the commissioner determines 14172  
necessary to show whether or not that person is liable, and the 14173  
extent of such liability, for the income tax levied by a municipal 14174  
corporation. 14175

(C) The tax commissioner may examine under oath any person 14176  
that the commissioner reasonably believes has knowledge concerning 14177  
any income that was or would have been returned for taxation or 14178  
any transaction tending to affect such income. The commissioner 14179  
may, for this purpose, compel any such person to attend a hearing 14180  
or examination and to produce any books, papers, records, and 14181  
federal income tax returns in such person's possession or control. 14182  
The person may be assisted or represented by an attorney, 14183  
accountant, bookkeeper, or other tax practitioner at any such 14184  
hearing or examination. ~~This~~ 14185

The tax commissioner shall send notice of such a hearing or 14186  
examination, by certified mail, to the tax administrator of each 14187  
municipal corporation affected by the hearing or examination. Any 14188  
information or documentation obtained as a result of the hearing 14189

or examination shall be made available to the tax administrator 14190  
for inspection or, upon request, provided to the tax administrator 14191  
in writing. 14192

This division does not authorize the practice of law by a 14193  
person who is not an attorney. 14194

(D) No person issued written notice by the tax commissioner 14195  
compelling attendance at a hearing or examination or the 14196  
production of books, papers, records, or federal income tax 14197  
returns under this section shall fail to comply. 14198

**Sec. 753.21.** (A) As used in this section, "building or 14199  
structure" includes, but is not limited to, a modular unit, 14200  
building, or structure and a movable unit, building, or structure. 14201

(B)(1) The legislative authority of a municipal corporation, 14202  
by ordinance, may dedicate and permit the use, as a minimum 14203  
security jail, of any vacant or abandoned public building or 14204  
structure owned by the municipal corporation that has not been 14205  
dedicated to or is not then in use for any municipal or other 14206  
public purpose, or any building or structure rented or leased by 14207  
the municipal corporation. The legislative authority of a 14208  
municipal corporation, by ordinance, also may dedicate and permit 14209  
the use, as a minimum security jail, of any building or structure 14210  
purchased by or constructed by or for the municipal corporation. 14211  
Subject to divisions (B)(3) and (C) of this section, upon the 14212  
effective date of such an ordinance, the specified building or 14213  
structure shall be used, in accordance with this section, for the 14214  
confinement of persons who meet one of the following conditions: 14215

(a) The person is sentenced to a term of imprisonment for a 14216  
traffic violation, a misdemeanor, or a violation of a municipal 14217  
ordinance and is under the jurisdiction of the municipal 14218  
corporation or is sentenced to a residential sanction in the jail 14219  
for a felony of the fourth or fifth degree pursuant to sections 14220

2929.11 to 2929.19 of the Revised Code, and the jail administrator 14221  
or the jail administrator's designee has classified the person as 14222  
a minimal security risk. In determining the person's 14223  
classification under this division, the administrator or designee 14224  
shall consider all relevant factors, including, but not limited 14225  
to, the person's escape risk and propensity for assaultive or 14226  
violent behavior, based upon the person's prior and current 14227  
behavior. 14228

(b) The person is an inmate transferred by order of a judge 14229  
of the sentencing court upon the request of the sheriff, 14230  
administrator, jailer, or other person responsible for operating 14231  
the jail other than a contractor as defined in section 9.06 of the 14232  
Revised Code, who is named in the request as being suitable for 14233  
confinement in a minimum security facility. 14234

(2) The legislative authority of a municipal corporation, by 14235  
ordinance, may affiliate with the county in which it is located, 14236  
with one or more counties adjacent to the county in which it is 14237  
located, or with one or more municipal corporations located within 14238  
the county in which it is located or within an adjacent county, 14239  
and dedicate and permit the use, as a minimum security jail, of 14240  
any vacant or abandoned public building or structure owned by any 14241  
of the affiliating counties or municipal corporations that has not 14242  
been dedicated to or is not then in use for any public purpose, or 14243  
any building or structure rented or leased by any of the 14244  
affiliating counties or municipal corporations. The legislative 14245  
authority of a municipal corporation, by ordinance, also may 14246  
affiliate with one or more counties adjacent to the county in 14247  
which it is located or with one or more municipal corporations 14248  
located within the county in which it is located or within an 14249  
adjacent county and dedicate and permit the use, as a minimum 14250  
security jail, of any building or structure purchased by or 14251  
constructed by or for any of the affiliating counties or municipal 14252

corporations. Any counties and municipal corporations that 14253  
affiliate for purposes of this division shall enter into an 14254  
agreement that establishes the responsibilities for the operation 14255  
and for the cost of operation of the minimum security jail. 14256  
Subject to divisions (B)(3) and (C) of this section, upon the 14257  
effective date of an ordinance adopted under this division, the 14258  
specified building or structure shall be used, in accordance with 14259  
this section, for the confinement of persons who meet one of the 14260  
following conditions: 14261

(a) The person is sentenced to a term of imprisonment for a 14262  
traffic violation, a misdemeanor, or a violation of an ordinance 14263  
of a municipal corporation and is under the jurisdiction of any of 14264  
the affiliating counties or municipal corporations or is sentenced 14265  
to a residential sanction in the jail for a felony of the fourth 14266  
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 14267  
Revised Code, and the jail administrator or the jail 14268  
administrator's designee has classified the person as a minimal 14269  
security risk. In determining the person's classification under 14270  
this division, the administrator or designee shall consider all 14271  
relevant factors, including, but not limited to, the person's 14272  
escape risk and propensity for assaultive or violent behavior, 14273  
based upon the person's prior and current behavior. 14274

(b) The person is an inmate transferred by order of a judge 14275  
of the sentencing court upon the request of the sheriff, 14276  
administrator, jailer, or other person responsible for operating 14277  
the jail other than a contractor as defined in section 9.06 of the 14278  
Revised Code, who is named in the request as being suitable for 14279  
confinement in a minimum security facility. 14280

(3) No person shall be confined in a building or structure 14281  
dedicated as a minimum security jail under division (B)(1) or (2) 14282  
of this section unless the judge who sentenced the person to the 14283  
term of imprisonment for the traffic violation or the misdemeanor 14284

specifies that the term of imprisonment is to be served in that jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail or unless the judge who sentenced the person to the residential sanction for the felony specifies that the residential sanction is to be served in a jail, and division (B)(1) or (2) of this section permits the confinement of the person in that jail. If a rented or leased building or structure is so dedicated, the building or structure may be used as a minimum security jail only during the period that it is rented or leased by the municipal corporation or by an affiliated county or municipal corporation. If a person convicted of a misdemeanor is confined to a building or structure dedicated as a minimum security jail under division (B)(1) or (2) of this section and the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in division (H) of section 9.06 of the Revised Code determines that it would be more appropriate for the person so confined to be confined in another jail or workhouse facility, the sheriff, administrator, jailer, or other person may transfer the person so confined to a more appropriate jail or workhouse facility.

(C) All of the following apply in relation to a building or structure that is dedicated pursuant to division (B)(1) or (2) of this section for use as a minimum security jail:

(1) To the extent that the use of the building or structure as a minimum security jail requires a variance from any municipal corporation, county, or township zoning ordinances or regulations, the variance shall be granted.

(2) Except as provided in this section, the building or structure shall not be used to confine any person unless it is in substantial compliance with any applicable housing, fire prevention, sanitation, health, and safety codes, regulations, or

standards. 14317

(3) Unless such satisfaction or compliance is required under 14318  
the standards described in division (C)(4) of this section, and 14319  
notwithstanding any other provision of state or local law to the 14320  
contrary, the building or structure need not satisfy or comply 14321  
with any state or local building standard or code in order to be 14322  
used to confine a person for the purposes specified in division 14323  
(B) of this section. 14324

(4) The building or structure shall not be used to confine 14325  
any person unless it is in compliance with all minimum standards 14326  
and minimum renovation, modification, and construction criteria 14327  
for ~~minimum security~~ jails that have been proposed by the 14328  
department of rehabilitation and correction, through its bureau of 14329  
adult detention, under section 5120.10 of the Revised Code. 14330

(5) The building or structure need not be renovated or 14331  
modified into a secure detention facility in order to be used 14332  
solely to confine a person for the purposes specified in divisions 14333  
(B)(1)(a) and (B)(2)(a) of this section. 14334

(6) The building or structure shall be used, equipped, 14335  
furnished, and staffed to provide adequate and suitable living, 14336  
sleeping, food service or preparation, drinking, bathing and 14337  
toilet, sanitation, and other necessary facilities, furnishings, 14338  
and equipment. 14339

(D) Except as provided in this section, a minimum security 14340  
jail dedicated and used under this section shall be considered to 14341  
be part of the jail, workhouse, or other correctional facilities 14342  
of the municipal corporation or the affiliated counties and 14343  
municipal corporations for all purposes under the law. All persons 14344  
confined in such a minimum security jail shall be and shall 14345  
remain, in all respects, under the control of the authority of the 14346  
municipal corporation that has responsibility for the management 14347

and operation of the jail, workhouse, or other correctional 14348  
facilities of the municipal corporation or, if it is operated by 14349  
any affiliation of counties or municipal corporations, under the 14350  
control of the specified county or municipal corporation with that 14351  
authority, provided that, if the person was convicted of a felony 14352  
and is serving a residential sanction in the facility, all 14353  
provisions of law that pertain to persons convicted of a felony 14354  
that would not by their nature clearly be inapplicable apply 14355  
regarding the person. A minimum security jail dedicated and used 14356  
under this section shall be managed and maintained in accordance 14357  
with policies and procedures adopted by the legislative authority 14358  
of the municipal corporation or the affiliated counties and 14359  
municipal corporations governing the safe and healthful operation 14360  
of the jail, the confinement and supervision of the persons 14361  
sentenced to it, and their participation in work release or 14362  
similar rehabilitation programs. In addition to other rules of 14363  
conduct and discipline, the rights of ingress and egress of 14364  
persons confined in a minimum security jail dedicated and used 14365  
under this section shall be subject to reasonable restrictions. 14366  
Every person confined in a minimum security jail dedicated and 14367  
used under this section shall be given verbal and written 14368  
notification, at the time of the person's admission to the jail, 14369  
that purposely leaving, or purposely failing to return to, the 14370  
jail without proper authority or permission constitutes the felony 14371  
offense of escape. 14372

(E) If a person who has been convicted of or pleaded guilty 14373  
to an offense is sentenced to a term of imprisonment or a 14374  
residential sanction in a minimum security jail as described in 14375  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 14376  
an inmate transferred to a minimum security jail by order of a 14377  
judge of the sentencing court as described in division (B)(1)(b) 14378  
or (2)(b) of this section, at the time of reception and at other 14379  
times the person in charge of the operation of the jail determines 14380

to be appropriate, the person in charge of the operation of the 14381  
jail may cause the convicted offender to be examined and tested 14382  
for tuberculosis, HIV infection, hepatitis, including but not 14383  
limited to hepatitis A, B, and C, and other contagious diseases. 14384  
The person in charge of the operation of the jail may cause a 14385  
convicted offender in the jail who refuses to be tested or treated 14386  
for tuberculosis, HIV infection, hepatitis, including but not 14387  
limited to hepatitis A, B, and C, or another contagious disease to 14388  
be tested and treated involuntarily. 14389

**Sec. 755.16.** (A) Any contracting subdivision, jointly with 14390  
one or more other contracting subdivisions, in any combination, 14391  
may acquire property for, construct, operate, and maintain any 14392  
parks, playgrounds, playfields, gymnasiums, public baths, swimming 14393  
pools, indoor recreation centers, educational facilities, or 14394  
community centers. Any school district, educational service 14395  
center, or state institution of higher education may provide by 14396  
the erection of any school, educational service center, or state 14397  
institution of higher education building or premises, or by the 14398  
enlargement of, addition to, or reconstruction or improvement of 14399  
any school, educational service center, or state institution of 14400  
higher education building or premises, for the inclusion of any 14401  
such parks, recreational facilities, educational facilities, and 14402  
community centers to be jointly acquired, constructed, operated, 14403  
and maintained. Any contracting subdivision, jointly with one or 14404  
more other contracting subdivisions, in any combination, may 14405  
equip, operate, and maintain those parks, recreational facilities, 14406  
educational facilities, and community centers and may appropriate 14407  
money for those purposes. 14408

Any contracting subdivision agreeing to jointly acquire, 14409  
construct, operate, or maintain parks, recreational facilities, 14410  
educational facilities, and community centers pursuant to this 14411  
section may contribute lands, money, other personal property, or 14412

services to the joint venture, as may be agreed upon. Any 14413  
agreement shall specify the rights of the parties in any lands or 14414  
personal property contributed. 14415

Any lands acquired by a township park district pursuant to 14416  
Chapter 511. of the Revised Code and established as a public park 14417  
or parks may be contributed to a joint venture authorized by this 14418  
section. Fees may be charged in connection with the use of any 14419  
recreational facilities, educational facilities, and community 14420  
centers that may be constructed on those lands. 14421

(B) Any township may, jointly with a private land owner, 14422  
construct, operate, equip, and maintain free public playgrounds 14423  
and playfields. Any equipment provided by a township pursuant to 14424  
this division shall remain township property and shall be used 14425  
subject to a right of removal by the township. 14426

(C) As used in this section and in sections 755.17 and 755.18 14427  
of the Revised Code: 14428

(1) "Community centers" means facilities characterized by all 14429  
of the following: 14430

(a) They are acquired, constructed, operated, or maintained 14431  
by contracting subdivisions pursuant to division (A) of this 14432  
section. 14433

(b) They may be used for governmental, civic, or educational 14434  
operations or purposes, or recreational activities. 14435

(c) They may be used only by the contracting subdivisions 14436  
that acquire, construct, operate, or maintain them or by any other 14437  
person upon terms and conditions determined by those contracting 14438  
subdivisions. 14439

(2) "Educational service center" has the same meaning as in 14440  
division (A) of section 3311.05 of the Revised Code. 14441

(3) "Contracting subdivision" means a municipal corporation, 14442

township, joint recreation district, township park district, a 14443  
park district created under Chapter 1545. of the Revised Code, 14444  
county, school district, educational service center, or state 14445  
institution of higher education. 14446

(4) "School district" means any of the school districts or 14447  
joint vocational school districts referred to in section 3311.01 14448  
of the Revised Code. 14449

(5) "State institution of higher education" has the same 14450  
meaning as in section 3345.011 of the Revised Code. 14451

**Sec. 901.172.** (A) As used in this section, "beer," "cider," 14452  
and "spirituous liquor" have the same meanings as in section 14453  
4301.01 of the Revised Code. 14454

(B) The department of agriculture may promote the use of 14455  
Ohio-produced agricultural goods grown for inclusion in both of 14456  
the following: 14457

(1) Beer or cider through the issuance of logotypes to 14458  
qualified producers and processors under a voluntary promotional 14459  
certification program to be developed and administered by the 14460  
division of markets. The voluntary program shall be entitled "Ohio 14461  
Proud Craft Beer." 14462

(2) Spirituous liquor through the issuance of logotypes to 14463  
qualified producers and processors under a voluntary promotional 14464  
certification program to be developed and administered by the 14465  
division. The voluntary program shall be entitled "Ohio Proud 14466  
Craft Spirits." 14467

(C) Pursuant to rules adopted under Chapter 119. of the 14468  
Revised Code, the department may establish reasonable fees and 14469  
criteria for participation in the voluntary programs. All such 14470  
fees shall be credited to the general revenue fund and used to 14471  
finance the voluntary programs. 14472



(b) For basic slag and unacidulated phosphatic materials,	14503
available and total phosphorus (P) or phosphate (P <sub>2</sub> O <sub>5</sub> ) and the	14504
degree of fineness;	14505
(c) Additional plant nutrients guaranteed expressed as	14506
percentage of elements in the order and form as prescribed by	14507
rules adopted by the director of agriculture.	14508
(G) "Label" means any written or printed matter on the	14509
package or tag attached to it or on the pertinent delivery and	14510
billing invoice.	14511
(H) "Manufacture" means to process, granulate, blend, mix, or	14512
alter the composition of fertilizers for distribution.	14513
(I) "Mixed fertilizer" means any combination or mixture of	14514
fertilizer designed for use, or claimed to have value, in	14515
promoting plant growth, including fertilizer pesticide mixtures.	14516
(J) "Net weight" means the weight of a commodity excluding	14517
any packaging in pounds or metric equivalent, as determined by a	14518
sealed weighing device or other means prescribed by rules adopted	14519
by the director.	14520
(K) "Packaged fertilizer" means any type of fertilizer in	14521
closed containers of not over one hundred pounds or metric	14522
equivalent.	14523
(L) "Per cent" or "percentage" means the percentage of	14524
weight.	14525
(M) "Person" includes any partnership, association, firm,	14526
corporation, company, society, individual or combination of	14527
individuals, institution, park, or public agency administered by	14528
the state or any subdivision of the state.	14529
(N) "Product name" means a coined or specific designation	14530
applied to an individual fertilizer material or mixture of a fixed	14531
composition and derivation.	14532

(O) "Sale" means exchange of ownership or transfer of custody.	14533 14534
(P) "Official sample" means the sample of fertilizer taken and designated as official by the director.	14535 14536
(Q) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of commercial crops.	14537 14538 14539
(R) "Ton" means a net weight of two thousand pounds.	14540
(S) "Fertilizer material" includes any of the following:	14541
(1) A material containing not more than one of the following primary plant nutrients:	14542 14543
(a) Nitrogen (N);	14544
(b) Phosphorus (P);	14545
(c) Potassium (K).	14546
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound;	14547 14548
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	14549 14550 14551 14552
(T) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	14553 14554 14555
(U) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	14556 14557
(V) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	14558 14559
(W) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	14560 14561

(X) "Anhydrous ammonia equipment" means, with regard to the 14562  
handling or storage of anhydrous ammonia, a container or 14563  
containers with a maximum capacity of not more than four thousand 14564  
nine hundred ninety-nine gallons or any appurtenances, pumps, 14565  
compressors, or interconnecting pipes associated with such a 14566  
container or containers. "Anhydrous ammonia equipment" does not 14567  
include equipment for the manufacture of anhydrous ammonia or the 14568  
storage of anhydrous ammonia either underground or in refrigerated 14569  
structures. 14570

(Y) "Anhydrous ammonia system" or "system" means, with regard 14571  
to the handling or storage of anhydrous ammonia, a container or 14572  
containers with a minimum capacity of not less than five thousand 14573  
gallons or any appurtenances, pumps, compressors, or 14574  
interconnecting pipes associated with such a container or 14575  
containers. "Anhydrous ammonia system" does not include equipment 14576  
for the manufacture of anhydrous ammonia or the storage of 14577  
anhydrous ammonia either underground or in refrigerated 14578  
structures. 14579

(Z) "Agricultural production" means the cultivation, 14580  
primarily for sale, of plants or any parts of plants on more than 14581  
fifty acres. "Agricultural production" does not include the use of 14582  
start-up fertilizer applied through a planter. 14583

(AA) "Rule" means a rule adopted under section 905.322, 14584  
905.40, or 905.44 of the Revised Code, as applicable. 14585

(BB) "Certificate holder" means a person who has been 14586  
certified to apply fertilizer under section 905.321 of the Revised 14587  
Code and rules adopted under section 905.322 of the Revised Code. 14588

(CC) "Residual farm products" has the same meaning as in 14589  
section 939.01 of the Revised Code. 14590

(DD) "Voluntary nutrient management plan" means any of the 14591  
following: 14592

(1) A nutrient management plan that is in the form of the Ohio nutrient management workbook made available by the Ohio state university;

(2) A comprehensive nutrient management plan developed by the United States department of agriculture natural resources conservation service, a technical service provider certified by the conservation service, or a person authorized by the conservation service to develop a plan;

(3) A document that is equivalent to a plan specified in division (DD)(1) or (2) of this section, that is in a form approved by the director or the director's designee, and that contains at least all of the following information:

(a) Results of soil tests conducted on land subject to the plan that comply with the field office technical guide established by the conservation service and adopted by the director in rules adopted under division (E) of section 939.02 of the Revised Code and that are not older than ~~three~~ four years;

(b) Documentation of the method and seasonal time of utilization and application of nutrients;

(c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue;

(d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields.

**Sec. 929.04. (A) As used in this section, "agricultural activities" means common agricultural practices, including all of the following:**

(1) The cultivation of crops or changing crop rotation;

(2) Raising of livestock or changing the species of livestock raised;

<u>(3) Entering into and operating under a livestock contract;</u>	14623
<u>(4) The storage and application of commercial fertilizer;</u>	14624
<u>(5) The storage and application of manure;</u>	14625
<u>(6) The storage and application of pesticides and other chemicals commonly used in agriculture;</u>	14626 14627
<u>(7) A change in corporate structure or ownership;</u>	14628
<u>(8) An expansion, contraction, or change in operations;</u>	14629
<u>(9) Any agricultural practice that is acceptable by local custom.</u>	14630 14631
<u>(B) In a civil action for nuisances involving agricultural activities, it is a complete defense if:</u>	14632 14633
<del>(A)</del> <u>(1) The agricultural activities <del>Were</del> <u>were</u> conducted within an agricultural district <u>or on land devoted exclusively to agricultural use in accordance with section 5713.30 of the Revised Code, or were conducted by a person pursuant to a lease agreement, written or otherwise;</u></u>	14634 14635 14636 14637 14638
<del>(B) Agricultural</del> <u>(2) The agricultural activities <del>Were</del> <u>were</u> established <del>within the agricultural district</del> prior to the plaintiff's activities or interest on which the action is based;</u>	14639 14640 14641
<del>(C) the plaintiff was not involved in agricultural production; and</del>	14642 14643
<del>(D)</del> <u>(3) The agricultural activities <del>Were</del> <u>were</u> not in conflict with federal, state, and local laws and rules relating to the alleged nuisance or were conducted in accordance with generally accepted agriculture practices.</u>	14644 14645 14646 14647
<u>The</u>	14648
<u>The plaintiff may offer proof of a violation independently of proof of a violation or conviction by any public official.</u>	14649 14650

Sec. 939.02. The director of agriculture shall do all of the following: 14651  
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(A) Provide administrative leadership to soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and authorities as prescribed in this chapter and Chapter 940. of the Revised Code; 14653  
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(B) Administer this chapter and Chapter 940. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities; 14659  
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(C) Assist in expediting state responsibilities for watershed development and other ~~natural resource~~ soil and water conservation works of improvement, including assisting in watershed planning and management under section 940.36 of the Revised Code; 14663  
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(D) Coordinate or support the development and implementation of cooperative programs and working agreements between soil and water conservation districts and the department of agriculture, department of natural resources, environmental protection agency, or other agencies of local, state, and federal government~~†~~. The cooperative programs and working agreements shall be for the support of farm, rural, suburban, and urban conservation programs. 14667  
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(E) Subject to the approval of the Ohio soil and water conservation commission, adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following: 14674  
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(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind 14678  
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or water erosion of the soil or abate the degradation of the 14681  
waters of the state by residual farm products, manure, or soil 14682  
sediment, including attached substances, and establish criteria 14683  
for determination of the acceptability of such management and 14684  
conservation practices; 14685

(2) Establish procedures for administration of rules for 14686  
agricultural pollution abatement and for enforcement of those 14687  
rules; 14688

(3) Specify the pollution abatement practices eligible for 14689  
state cost sharing and determine the conditions for eligibility, 14690  
the construction standards and specifications, the useful life, 14691  
the maintenance requirements, and the limits of cost sharing for 14692  
those practices. Eligible practices shall be limited to practices 14693  
that address agricultural operations and that require expenditures 14694  
that are likely to exceed the economic returns to the owner or 14695  
operator and that abate soil erosion or degradation of the waters 14696  
of the state by residual farm products, manure, or soil sediment, 14697  
including attached pollutants. 14698

(4) Establish procedures for administering grants to owners 14699  
or operators of agricultural land or animal feeding operations for 14700  
the implementation of operation and management plans; 14701

(5) Do both of the following with regard to composting 14702  
conducted in conjunction with agricultural operations: 14703

(a) Establish methods, techniques, or practices for 14704  
composting dead animals, or particular types of dead animals, that 14705  
are to be used at such operations, as the director considers to be 14706  
necessary or appropriate; 14707

(b) Establish requirements and procedures governing the 14708  
review and approval or disapproval of composting plans by the 14709  
supervisors of soil and water conservation districts under 14710  
division ~~(R)~~(S) of section 940.06 of the Revised Code. 14711

(6) Establish best management practices for inclusion in operation and management plans;	14712 14713
(7) Establish the amount of civil penalties assessed by the director under division (A) of section 939.07 of the Revised Code for violation of rules adopted under division (E) of this section;	14714 14715 14716
(8) Not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted under this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.	14717 14718 14719 14720 14721 14722 14723 14724 14725 14726
(F) Cost share with landowners on practices established pursuant to division (E)(3) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the department.	14727 14728 14729 14730 14731 14732 14733
(G) Employ field assistants and other employees that are necessary for the performance of the work prescribed by Chapter 940. of the Revised Code, for performance of work of the department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with schedules that are provided by law for the compensation of state employees. All such employees of the department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time	14734 14735 14736 14737 14738 14739 14740 14741 14742 14743

of employment. 14744

(H) In connection with new or relocated projects involving 14745  
highways, underground cables, pipelines, railroads, and other 14746  
improvements affecting soil and water resources, including surface 14747  
and subsurface drainage: 14748

(1) Provide engineering ~~service~~ services that ~~is~~ are mutually 14749  
agreeable to the Ohio soil and water conservation commission and 14750  
the director to aid in the design and installation of soil and 14751  
water conservation practices as a necessary component of such 14752  
projects; 14753

(2) Maintain close liaison between the owners of lands on 14754  
which the projects are executed, soil and water conservation 14755  
districts, and authorities responsible for such projects; 14756

(3) Review plans for such projects to ensure their compliance 14757  
with standards developed under division (E) of this section in 14758  
cooperation with the department of transportation or with any 14759  
other interested agency that is engaged in soil or water 14760  
conservation projects in the state in order to minimize adverse 14761  
impacts on soil and water resources adjacent to or otherwise 14762  
affected by these projects; 14763

(4) Recommend measures to retard erosion and protect soil and 14764  
water resources through the installation of water impoundment or 14765  
other soil and water conservation practices; 14766

(5) Cooperate with other agencies and subdivisions of the 14767  
state to protect the agricultural status of rural lands adjacent 14768  
to such projects and control adverse impacts on soil and water 14769  
resources. 14770

(I) Collect, analyze, inventory, and interpret all available 14771  
information pertaining to the origin, distribution, extent, use, 14772  
and conservation of the soil resources of the state; 14773

(J) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;

(K) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be on terms that are mutually agreeable to the districts and the department of agriculture.

(L) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;

(M) When necessary for the purposes of this chapter or Chapter 940. of the Revised Code, develop or approve operation and management plans. The director may designate an employee of the department to develop or approve operation and management plans in lieu of the director.

This section does not restrict the manure of domestic or farm animals defecated on land outside an animal feeding operation or runoff from that land into the waters of the state.

**Sec. 939.04.** (A) A person who owns or operates an agricultural operation, or owns the animals raised by the owner or operator of an agricultural operation, and who wishes to conduct composting of dead animals resulting from the agricultural operation shall do both of the following:

(1) Participate in an educational course concerning composting conducted by OSU extension and obtain a certificate of completion for the course;

(2) Use the appropriate method, technique, or practice of

composting established in rules adopted under division (E)(5) of 14804  
section 939.02 of the Revised Code. 14805

(B) A person who fails to comply with division (A) of this 14806  
section shall prepare and operate under a composting plan required 14807  
by the director of agriculture under division (A)(2) of section 14808  
939.02 of the Revised Code. If the person's proposed composting 14809  
plan is disapproved by the supervisors of the appropriate soil and 14810  
water conservation district under division ~~(R)~~(S)(3) of section 14811  
940.06 of the Revised Code, the person may appeal the plan 14812  
disapproval to the director, who shall afford the person a 14813  
hearing. Following the hearing, the director shall uphold the plan 14814  
disapproval or reverse it. If the director reverses the 14815  
disapproval, the plan shall be deemed approved. 14816

**Sec. 940.01.** As used in this chapter: 14817

(A) "Soil and water conservation district" means a district 14818  
organized in accordance with this chapter. 14819

(B) "Supervisor" means one of the members of the governing 14820  
body of a district. 14821

(C) "Landowner," "owner," or "owner of land" means an owner 14822  
of record as shown by the records in the office of the county 14823  
recorder. With respect to an improvement or a proposed 14824  
improvement, "landowner," "owner," or "owner of land" also 14825  
includes any public corporation and the director of any 14826  
department, office, or institution of the state that is affected 14827  
by the improvement or that would be affected by the proposed 14828  
improvement, but that does not own any right, title, estate, or 14829  
interest in or to any real property. 14830

(D) "Land occupier" or "occupier of land" means any person, 14831  
firm, or corporation that controls the use of land whether as 14832  
landowner, lessee, renter, or tenant. 14833

(E) "Due notice" means notice published at least twice, 14834  
stating time and place, with an interval of at least thirteen days 14835  
between the two publication dates, in a newspaper of general 14836  
circulation within a soil and water conservation district. 14837

(F) "Agricultural pollution" means failure to use management 14838  
or conservation practices in farming or silvicultural operations 14839  
to abate wind or water erosion of the soil or to abate the 14840  
degradation of the waters of the state by residual farm products, 14841  
manure, or soil sediment, including substances attached thereto. 14842

(G) "Urban sediment and storm water runoff pollution" means 14843  
failure to use management or conservation practices to abate wind 14844  
or water erosion of the soil or to abate the degradation of the 14845  
waters of the state by soil sediment or storm water runoff in 14846  
conjunction with land grading, excavating, filling, or other ~~soil~~ 14847  
~~disturbing~~ activities that disturb the soil and increase storm 14848  
water runoff on land used or being developed for nonfarm 14849  
commercial, industrial, residential, or other nonfarm purposes, 14850  
except lands being used in a strip mine operation as defined in 14851  
section 1513.01 of the Revised Code and except lands being used in 14852  
a surface mining operation as defined in section 1514.01 of the 14853  
Revised Code. 14854

(H) "Uniform assessment" means an assessment that is both of 14855  
the following: 14856

(1) Based upon a complete appraisal of each parcel of land, 14857  
together with all improvements thereon, within a project area and 14858  
of the benefits or damages brought about as a result of the 14859  
project that is determined by criteria applied equally to all 14860  
parcels within the project area; 14861

(2) Levied upon the parcels at a uniform rate on the basis of 14862  
the appraisal. 14863

(I) "Varied assessment" means any assessment that does not 14864

meet the criteria established in division (H) of this section. 14865

(J) "Project area" means an area determined and certified by 14866  
the supervisors of a soil and water conservation district under 14867  
section 940.25 of the Revised Code. 14868

(K) "Benefit" or "benefits" means advantages to land and 14869  
owners, to public corporations, and to the state resulting from 14870  
drainage, conservation, control, and management of water and from 14871  
environmental, wildlife, and recreational improvements. "Benefit" 14872  
or "benefits" includes, but is not limited to, any of the 14873  
following factors: 14874

(1) Elimination or reduction of damage from flooding; 14875

(2) Removal of water conditions that jeopardize public 14876  
health, safety, or welfare; 14877

(3) Increased value of land resulting from an improvement; 14878

(4) Use of water for irrigation, storage, regulation of 14879  
stream flow, soil conservation, water supply, or any other 14880  
incidental purpose; 14881

(5) Providing an outlet for the accelerated runoff from 14882  
artificial drainage if a stream, watercourse, channel, or ditch 14883  
that is under improvement is called upon to discharge functions 14884  
for which it was not designed. Uplands that have been removed from 14885  
their natural state by deforestation, cultivation, artificial 14886  
drainage, urban development, or other human methods shall be 14887  
considered to be benefited by an improvement that is required to 14888  
dispose of the accelerated flow of water from the uplands. 14889

(L) "Improvement" or "conservation works of improvement" 14890  
means an improvement that is made under the authority established 14891  
in division (C) of section 940.06 of the Revised Code. 14892

(M) "Land" has the same meaning as in section 6131.01 of the 14893  
Revised Code. 14894

(N) "Manure," "operation and management plan," and "residual farm products" have the same meanings as in section 939.01 of the Revised Code.

(O) "Voluntary nutrient management plan" has the same meaning as in section 905.31 of the Revised Code.

**Sec. 940.02.** There is hereby established in the department of agriculture the Ohio soil and water conservation commission. The commission shall consist of seven members of equal status and authority, six of whom shall be appointed by the governor with the advice and consent of the senate, and one of whom shall be designated by resolution of the board of directors of the Ohio federation of soil and water conservation districts. The directors of agriculture, environmental protection, and natural resources, the vice-president for agricultural administration of the Ohio state university, and an officer of the Ohio federation of soil and water conservation districts, or their designees, may serve as ex officio members of the commission, but without the power to vote. A vacancy in the office of an appointed member shall be filled by the governor, with the advice and consent of the senate. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Of the appointed members, four shall be persons who have a knowledge of or interest in agricultural production and the natural resources of the state. One member shall represent rural interests and one member shall represent urban interests. Not more than three of the appointed members shall be members of the same political party.

Terms of office of the member designated by the board of directors of the federation and the members appointed by the governor shall be for four years, commencing on the first day of July and ending on the thirtieth day of June.

Each appointed member shall hold office from the date of 14926  
appointment until the end of the term for which the member was 14927  
appointed. Any appointed member shall continue in office 14928  
subsequent to the expiration date of the member's term until the 14929  
member's successor takes office, or until a period of sixty days 14930  
has elapsed, whichever occurs first. 14931

The commission shall organize by selecting from its members a 14932  
chairperson and a vice-chairperson. The commission shall hold at 14933  
least one regular meeting in each quarter of each calendar year 14934  
and shall keep a record of its proceedings, which shall be open to 14935  
the public for inspection. Special meetings may be called by the 14936  
chairperson and shall be called by the chairperson upon receipt of 14937  
a written request signed by two or more members of the commission. 14938  
Written notice of the time and place of each meeting shall be sent 14939  
to each member of the commission. A majority of the commission 14940  
shall constitute a quorum. 14941

The commission may adopt rules as necessary to carry out the 14942  
purposes of this chapter, subject to Chapter 119. of the Revised 14943  
Code. 14944

The governor may remove any appointed member of the 14945  
commission at any time for inefficiency, neglect of duty, or 14946  
malfeasance in office, after giving to the member a copy of the 14947  
charges against the member and an opportunity to be heard publicly 14948  
in person or by counsel in the member's defense. Any such act of 14949  
removal by the governor is final. A statement of the findings of 14950  
the governor, the reason for the governor's action, and the 14951  
answer, if any, of the member shall be filed by the governor with 14952  
the secretary of state and shall be open to public inspection. 14953

All members of the commission shall be reimbursed for the 14954  
necessary expenses incurred by them in the performance of their 14955  
duties as members. 14956

Upon recommendation by the commission, the director of 14957  
agriculture shall designate an executive secretary and provide 14958  
staff necessary to carry out the powers and duties of the 14959  
commission. 14960

The commission shall do all of the following: 14961

(A) Determine distribution of funds under section 940.15 of 14962  
the Revised Code, recommend to the director and other agencies the 14963  
levels of appropriations to special funds established to assist 14964  
soil and water conservation districts, and recommend the amount of 14965  
federal funds to be requested and policies for the use of such 14966  
funds in support of soil and water conservation district programs; 14967

(B) Assist in keeping the supervisors of soil and water 14968  
conservation districts informed of their powers and duties, 14969  
program opportunities, and the activities and experience of all 14970  
other districts, and facilitate the interchange of advice, 14971  
experience, and cooperation between the districts; 14972

(C) Seek the cooperation and assistance of the federal 14973  
government or any of its agencies, and of agencies of this state, 14974  
in the work of the districts; 14975

(D) Adopt appropriate rules governing the conduct of 14976  
elections provided for in this chapter, subject to Chapter 119. of 14977  
the Revised Code, provided that only owners and occupiers of lands 14978  
situated within the boundaries of the districts or proposed 14979  
districts to which the elections apply shall be eligible to vote 14980  
in the elections; 14981

(E) Recommend to the director priorities for planning and 14982  
construction of small watershed projects, and make recommendations 14983  
to the director concerning coordination of programs as proposed 14984  
and implemented in agreements with soil and water conservation 14985  
districts; 14986

(F) Recommend to the ~~director~~ directors of agriculture, 14987

environmental protection, and natural resources, the governor, and 14988  
the general assembly programs and legislation with respect to the 14989  
operations of soil and water conservation districts that will 14990  
encourage proper soil, water, and other natural resource 14991  
management for farm, rural, suburban, and urban land and promote 14992  
the economic and social development of the state; 14993

(G) Recommend to the director of agriculture a procedure for 14994  
coordination of a program of agricultural pollution abatement. 14995  
Implementation of such a program shall be based on water quality 14996  
standards adopted pursuant to section 6111.041 of the Revised 14997  
Code. The director of environmental protection may coordinate with 14998  
the division of soil and water conservation in the department of 14999  
agriculture and soil and water conservation districts for the 15000  
abatement of agricultural pollution. 15001

**Sec. 940.06.** The supervisors of a soil and water conservation 15002  
district have the following powers in addition to their other 15003  
powers: 15004

(A) To conduct surveys, investigations, and research relating 15005  
to the character of soil erosion, floodwater and sediment damages, 15006  
and the preventive and control measures and works of improvement 15007  
for flood prevention and the conservation, development, 15008  
utilization, and disposal of water needed within the district, and 15009  
to publish the results of those surveys, investigations, or 15010  
research, provided that no district shall initiate any research 15011  
program except in cooperation or after consultation with the Ohio 15012  
agricultural research and development center; 15013

(B) To develop plans for the conservation of soil resources, 15014  
for the control and prevention of soil erosion, and for works of 15015  
improvement for flood prevention and the conservation, 15016  
development, utilization, and disposal of water within the 15017  
district, and to publish those plans and information; 15018

(C) To implement, construct, repair, maintain, and operate 15019  
preventive and control measures and other works of improvement for 15020  
natural resource conservation and development and flood 15021  
prevention, and the conservation, development, utilization, and 15022  
disposal of water within the district on lands owned or controlled 15023  
by this state or any of its agencies and on any other lands within 15024  
the district, which works may include any facilities authorized 15025  
under state or federal programs, and to acquire, by purchase or 15026  
gift, to hold, encumber, or dispose of, and to lease real and 15027  
personal property or interests in such property for those 15028  
purposes; 15029

(D) To cooperate or enter into agreements with any occupier 15030  
of lands within the district in the carrying on of natural 15031  
resource conservation operations and works of improvement for 15032  
flood prevention and the conservation, development, utilization, 15033  
and management of natural resources within the district, subject 15034  
to such conditions as the supervisors consider necessary; 15035

(E) To accept donations, gifts, grants, and contributions in 15036  
money, service, materials, or otherwise, and to use or expend them 15037  
according to their terms; 15038

(F) To adopt, amend, and rescind rules to carry into effect 15039  
the purposes and powers of the district; 15040

(G) To sue and plead in the name of the district, and be sued 15041  
and impleaded in the name of the district, with respect to its 15042  
contracts and, as indicated in section 940.07 of the Revised Code, 15043  
certain torts of its officers, employees, or agents acting within 15044  
the scope of their employment or official responsibilities, or 15045  
with respect to the enforcement of its obligations and covenants 15046  
made under this chapter; 15047

(H) To make and enter into all contracts, leases, and 15048  
agreements and execute all instruments necessary or incidental to 15049

the performance of the duties and the execution of the powers of 15050  
the district under this chapter, provided that all of the 15051  
following apply: 15052

(1) Except as provided in section 307.86 of the Revised Code 15053  
regarding expenditures by boards of county commissioners, when the 15054  
cost under any such contract, lease, or agreement, other than 15055  
compensation for personal services or rental of office space, 15056  
involves an expenditure of more than the amount established in 15057  
that section regarding expenditures by boards of county 15058  
commissioners, the supervisors shall make a written contract with 15059  
the lowest and best bidder after advertisement, for not less than 15060  
two nor more than four consecutive weeks preceding the day of the 15061  
opening of bids, in a newspaper of general circulation within the 15062  
district or as provided in section 7.16 of the Revised Code and in 15063  
such other publications as the supervisors determine. The notice 15064  
shall state the general character of the work and materials to be 15065  
furnished, the place where plans and specifications may be 15066  
examined, and the time and place of receiving bids. 15067

(2) Each bid for a contract shall contain the full name of 15068  
every person interested in it. 15069

(3) Each bid for a contract for the construction, demolition, 15070  
alteration, repair, or reconstruction of an improvement shall meet 15071  
the requirements of section 153.54 of the Revised Code. 15072

(4) Each bid for a contract, other than a contract for the 15073  
construction, demolition, alteration, repair, or reconstruction of 15074  
an improvement, at the discretion of the supervisors, may be 15075  
accompanied by a bond or certified check on a solvent bank in an 15076  
amount not to exceed five per cent of the bid, conditioned that, 15077  
if the bid is accepted, a contract shall be entered into. 15078

(5) The supervisors may reject any and all bids. 15079

(I) To charge, alter, and collect rentals and other charges 15080

for the use or services of any works of the district; 15081

(J) To enter, either in person or by designated 15082  
representatives, upon lands, private or public, in the necessary 15083  
discharge of their duties; 15084

(K) To enter into agreements or contracts with the department 15085  
of agriculture for the determination, implementation, inspection, 15086  
and funding of agricultural pollution abatement measures whereby 15087  
landowners, operators, managers, and developers may meet adopted 15088  
state standards for a quality environment, except that failure of 15089  
a district board of supervisors to negotiate an agreement or 15090  
contract with the department authorizes the department to 15091  
implement the required program; 15092

(L) To conduct demonstrations and provide information to the 15093  
public regarding practices and methods for natural resource 15094  
conservation, development, and utilization; 15095

(M) To enter into contracts or agreements with, and seek 15096  
technical guidance and program support from, the director of 15097  
environmental protection in furtherance of actions to abate urban 15098  
sediment and storm water runoff pollution; 15099

(N) To enter into contracts or agreements with the director 15100  
of natural resources for partnership on state programs to assist 15101  
with local needs relating to the management of wildlife, forestry, 15102  
waterways, and other natural resources programs; 15103

(O) To develop operation and management plans as necessary; 15104

~~(O)~~(P) To determine whether operation and management plans 15105  
developed under division (A) of section 939.03 of the Revised Code 15106  
comply with the standards established under division (E)(1) of 15107  
section 939.02 of the Revised Code and to approve or disapprove 15108  
the plans, based on such compliance. If an operation and 15109  
management plan is disapproved, the board shall provide a written 15110  
explanation to the person who submitted the plan. The person may 15111

appeal the plan disapproval to the director of agriculture or the 15112  
director's designee, who shall afford the person a hearing. 15113  
Following the hearing, the director or the director's designee 15114  
shall uphold the plan disapproval or reverse it. If the director 15115  
or the director's designee reverses the plan disapproval, the plan 15116  
shall be deemed approved under this division. In the event that 15117  
any person operating or owning agricultural land or an animal 15118  
feeding operation in accordance with an approved operation and 15119  
management plan who, in good faith, is following that plan, causes 15120  
agricultural pollution, the plan shall be revised in a fashion 15121  
necessary to mitigate the agricultural pollution, as determined 15122  
and approved by the board of supervisors of the soil and water 15123  
conservation district. 15124

~~(P)~~(Q) To develop timber harvest plans; 15125

~~(Q)~~(R) To determine whether timber harvest plans developed 15126  
under division (A) of section 1503.52 of the Revised Code comply 15127  
with the standards established under division (A)(1) of section 15128  
1503.51 of the Revised Code and to approve or disapprove the plans 15129  
based on such compliance. If a timber harvest plan is disapproved, 15130  
the board shall provide a written explanation to the person who 15131  
submitted the plan. The person may appeal the plan disapproval to 15132  
the chief of the division of forestry or the chief's designee, who 15133  
shall afford the person a hearing. Following the hearing, the 15134  
chief or the chief's designee shall uphold the plan disapproval or 15135  
reverse it. If the chief or the chief's designee reverses the plan 15136  
disapproval, the plan shall be deemed approved under this 15137  
division. 15138

~~(R)~~(S) With regard to composting conducted in conjunction 15139  
with agricultural operations, to do all of the following: 15140

(1) Upon request or upon their own initiative, inspect 15141  
composting at any such operation to determine whether the 15142  
composting is being conducted in accordance with section 939.04 of 15143

the Revised Code; 15144

(2) If the board determines that composting is not being so 15145  
conducted, request the director to take corrective actions under 15146  
section 939.07 of the Revised Code that require the person who is 15147  
conducting the composting to prepare a composting plan in 15148  
accordance with rules adopted under division (E)(5)(a) of section 15149  
939.02 of the Revised Code and to operate in accordance with that 15150  
plan or to operate in accordance with a previously prepared plan, 15151  
as applicable; 15152

(3) In accordance with rules adopted under division (E)(5)(b) 15153  
of section 939.02 of the Revised Code, review and approve or 15154  
disapprove any such composting plan. If a plan is disapproved, the 15155  
board shall provide a written explanation to the person who 15156  
submitted the plan. 15157

As used in division ~~(R)~~(S) of this section, "composting" has 15158  
the same meaning as in section 939.01 of the Revised Code. 15159

~~(S)~~(T) With regard to conservation activities that are 15160  
conducted in conjunction with agricultural operations, to assist 15161  
the county auditor, upon request, in determining whether a 15162  
conservation activity is a conservation practice for purposes of 15163  
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 15164  
Revised Code. 15165

As used in this division, "conservation practice" has the 15166  
same meaning as in section 5713.30 of the Revised Code. 15167

~~(T)~~(U) To consult and work with the watershed planning and 15168  
management coordinator assigned to the watershed region in which 15169  
the soil and water conservation district is located under section 15170  
940.36 of the Revised Code; 15171

(V) To develop and approve or disapprove voluntary nutrient 15172  
management plans in accordance with section 905.323 of the Revised 15173  
Code; 15174

~~(U)~~(W) To do all acts necessary or proper to carry out the powers granted in this chapter. 15175  
15176

The director of agriculture shall make recommendations to reduce the adverse environmental effects of each project that a soil and water conservation district plans to undertake under division (A), (B), (C), or (D) of this section and that will be funded in whole or in part by moneys authorized under section 940.17 of the Revised Code and shall disapprove any such project that the director finds will adversely affect the environment without equal or greater benefit to the public. The director's disapproval or recommendations, upon the request of the district filed in accordance with rules adopted by the Ohio soil and water conservation commission, shall be reviewed by the commission, which may confirm the director's decision, modify it, or add recommendations to or approve a project the director has disapproved. 15177  
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Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code. 15191  
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**Sec. 940.36.** (A) As used in this section: 15195

(1) "Nine-element plan" means a strategic implementation plan that a political subdivision, organization, or individual engaged in water quality improvements may utilize to obtain funding through the federal "Clean Water Act," 33 U.S.C. 1251 et seq., or the great lakes restoration initiative for projects to address nonpoint source pollution. 15196  
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(2) "Organization" means a public or private entity that is engaged in water quality improvement activities. 15202  
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(3) "Political subdivision" means a county, township, 15204

municipal corporation, or any other body corporate and politic 15205  
that is responsible for government activities in a geographic area 15206  
smaller than that of the state. 15207

(B)(1) There is hereby created a statewide watershed planning 15208  
and management program for the improvement and protection of the 15209  
state's watersheds to be administered by the director of 15210  
agriculture. As part of the program, the director, in conjunction 15211  
with soil and water conservation districts, shall collect and 15212  
aggregate information on conservation practices utilized in this 15213  
state that are funded in whole or in part by public money. Such 15214  
information collected and aggregated is not a public record for 15215  
purposes of section 149.43 of the Revised Code. However, the 15216  
director may share such aggregated information with state agencies 15217  
and institutions of higher education as defined in section 3345.12 15218  
of the Revised Code. 15219

(2) Under the program, the director shall appoint at least 15220  
one watershed planning and management coordinator in each 15221  
watershed region categorized under division (D) of this section to 15222  
coordinate watershed planning in the watershed. A coordinator 15223  
shall have experience or education related to water quality 15224  
improvement or watershed planning and management. 15225

(C) A watershed planning and management coordinator shall do 15226  
all of the following in the watershed region in which the 15227  
coordinator is appointed: 15228

(1) Assist each soil and water conservation district to 15229  
identify sources and areas of water quality impairment, including 15230  
total phosphorous, dissolved reactive phosphorous, and nitrogen 15231  
nutrient loading. A coordinator also may assist any political 15232  
subdivision or organization in the watershed region to address 15233  
water quality impairment. 15234

(2) Assist each soil and water conservation district in 15235

collecting data for the purpose of quantifying water quality and 15236  
nutrient best management practices in a statistically valid, 15237  
randomized manner. The director shall use the data to establish a 15238  
baseline of the nutrient best management practices that are being 15239  
utilized in this state. The data and any associated records are 15240  
not a public record subject to disclosure under section 149.43 of 15241  
the Revised Code. 15242

The director shall undertake all actions necessary to ensure 15243  
that assistance and available funding are provided for purposes of 15244  
division (C)(2) of this section. 15245

(3) Engage in watershed planning, restoration, protection, 15246  
and management activities, including assisting a political 15247  
subdivision or organization in the watershed region in developing 15248  
and formulating a nine-element plan or its equivalent; 15249

(4) Collaborate with state agencies engaged in water quality 15250  
activities; 15251

(5) Provide an annual report to the director about water 15252  
quality. 15253

(D) The director shall categorize watersheds in the state, 15254  
identified by the specified United States geological survey 15255  
six-digit hydrologic unit codes, into the following watershed 15256  
regions: 15257

(1) Region One: Western Lake Erie basin watershed, hydrologic 15258  
unit code 041000; 15259

(2) Region Two: Central Lake Erie basin watershed, hydrologic 15260  
unit code 041100, and Conneaut creek watershed, hydrologic unit 15261  
code 041201; 15262

(3) Region Three: Wabash river basin watershed, hydrologic 15263  
unit code 051200; Great Miami river watershed, hydrologic unit 15264  
code 050800; and Little Miami river watershed, hydrologic unit 15265

<u>code 050902;</u>	15266
<u>(4) Region Four: Scioto river watershed, hydrologic unit code</u>	15267
<u>050600;</u>	15268
<u>(5) Region Five: Muskingum river watershed, hydrologic unit</u>	15269
<u>code 050400;</u>	15270
<u>(6) Region Six: Mahoning river watershed, hydrologic unit</u>	15271
<u>code 050301;</u>	15272
<u>(7) Region Seven: Hocking river and Ohio river tributaries</u>	15273
<u>watershed, hydrologic unit code 050302, and raccoon creek</u>	15274
<u>watershed, hydrologic unit code 050901.</u>	15275
<u>(E) Nothing in this section shall be construed to prevent or</u>	15276
<u>limit a watershed planning and management coordinator from</u>	15277
<u>providing assistance for projects or activities that have been</u>	15278
<u>determined to improve water quality impaired from point sources of</u>	15279
<u>phosphorus, dissolved reactive phosphorus, and nitrogen nutrients.</u>	15280
<u><b>Sec. 940.37.</b> It is the intent of the general assembly to</u>	15281
<u>collaborate with organizations representing agriculture,</u>	15282
<u>conservation, and the environment and institutions of higher</u>	15283
<u>education engaged in water quality research to establish a</u>	15284
<u>certification program for farmers that utilize practices designed</u>	15285
<u>to minimize impacts to water quality. The director of agriculture</u>	15286
<u>shall undertake all actions necessary to ensure that assistance</u>	15287
<u>and available funding are provided for farmers who participate in</u>	15288
<u>the certification program.</u>	15289
<u><b>Sec. 956.01.</b> As used in this chapter:</u>	15290
<u>"Accredited veterinarian" means a veterinarian accredited by</u>	15291
<u>the United States department of agriculture.</u>	15292
<u>"Adult dog" means a dog that is twelve months of age or</u>	15293
<u>older.</u>	15294

"Animal rescue for dogs" means an individual or organization 15295  
recognized by the director of agriculture that keeps, houses, and 15296  
maintains dogs and that is dedicated to the welfare, health, 15297  
safety, and protection of dogs, provided that the individual or 15298  
organization does not operate for profit, does not sell dogs for a 15299  
profit, does not breed dogs, does not sell dogs to a dog broker or 15300  
pet store, and does not purchase more than nine dogs in any given 15301  
calendar year unless the dogs are purchased from a dog warden 15302  
appointed under Chapter 955. of the Revised Code, a humane 15303  
society, or another animal rescue for dogs. "Animal rescue for 15304  
dogs" includes an individual or organization that offers spayed or 15305  
neutered dogs for adoption and charges reasonable adoption fees to 15306  
cover the costs of the individual or organization, including, but 15307  
not limited to, costs related to spaying or neutering dogs. 15308

"Animal shelter for dogs" means a facility that keeps, 15309  
houses, and maintains dogs such as a dog pound operated by a 15310  
municipal corporation, or by a county under Chapter 955. of the 15311  
Revised Code, or that is operated by a humane society, animal 15312  
welfare society, society for the prevention of cruelty to animals, 15313  
or other nonprofit organization that is devoted to the welfare, 15314  
protection, and humane treatment of dogs and other animals. 15315

"Boarding kennel" means an establishment operating for profit 15316  
that keeps, houses, and maintains dogs solely for the purpose of 15317  
providing shelter, care, and feeding of the dogs in return for a 15318  
fee or other consideration. 15319

"Breeding dog" means an unspayed adult female dog that is 15320  
primarily used for producing offspring. 15321

"Dog broker" means a person who buys, sells, or offers to 15322  
sell dogs at wholesale for resale to another or who sells or gives 15323  
one or more dogs to a pet store annually. "Dog broker" does not 15324  
include an animal rescue for dogs, an animal shelter for dogs, a 15325  
humane society, a medical kennel for dogs, a research kennel for 15326

dogs, a pet store, or a veterinarian. 15327

"Enrichment" means any modification in the environment of a 15328  
confined dog that seeks to enhance the dog's physical and 15329  
psychological well-being by providing stimuli that meets the dog's 15330  
breed-specific needs. 15331

"Exercise" means activity that allows a dog to extend to full 15332  
stride, play, and engage in other types of mentally stimulating 15333  
and social behaviors. 15334

"High volume breeder" means an establishment that keeps, 15335  
houses, and maintains six or more breeding dogs and does at least 15336  
one of the following: 15337

(1) In return for a fee or other consideration, sells five or 15338  
more adult dogs or puppies in any calendar year to dog brokers or 15339  
pet stores; 15340

(2) In return for a fee or other consideration, sells forty 15341  
or more puppies in any calendar year to the public; or 15342

(3) Keeps, houses, and maintains, at any given time in a 15343  
calendar year, more than forty puppies that are under four months 15344  
of age, that have been bred on the premises of the establishment, 15345  
and that have been primarily kept, housed, and maintained from 15346  
birth on the premises of the establishment. 15347

"Humane society" means an organization that is organized 15348  
under section 1717.05 of the Revised Code. 15349

"Environmental division of the Franklin county municipal 15350  
court" means the environmental division of the Franklin county 15351  
municipal court created in section 1901.011 of the Revised Code. 15352

"Medical kennel for dogs" means a facility that is maintained 15353  
by a veterinarian and operated primarily for the treatment of sick 15354  
or injured dogs. 15355

"Pet store" means an individual retail store to which both of 15356

the following apply: the store sells forty or more puppies or 15357  
adult dogs in any calendar year to the public; and with regard to 15358  
the sale of a dog from the store, the sales person, the buyer of a 15359  
dog, and the dog for sale are physically present during the sales 15360  
transaction so that the buyer may personally observe the dog and 15361  
help ensure its health prior to taking custody. "Pet store" does 15362  
not include an animal rescue for dogs, an animal shelter for dogs, 15363  
a humane society, a medical kennel for dogs, ~~or~~ a research kennel 15364  
for dogs, or a high volume breeder or any other dog breeder that 15365  
maintains and sells dogs from the same premises where the dogs are 15366  
bred and reared. 15367

"Puppy" means a dog that is under twelve months of age. 15368

"Research kennel for dogs" means a facility housing dogs that 15369  
is maintained exclusively for research purposes. 15370

"Thermoneutral zone" means the range of ambient temperature 15371  
in which a dog is able to maintain normal body temperature without 15372  
a change in metabolic rate. 15373

"Veterinarian" means either a veterinarian licensed in this 15374  
state under Chapter 4741. of the Revised Code or a veterinarian 15375  
licensed out of this state by an applicable state entity. 15376

**Sec. 956.031.** In addition to complying with rules adopted 15377  
under section 956.03 of the Revised Code, a high volume breeder 15378  
shall do all of the following with regard to a dog that is kept, 15379  
housed, and maintained by the breeder: 15380

(A) Unless otherwise directed by a veterinarian, provide the 15381  
dog, twice each day, with food that is all of the following: 15382

(1) Sufficient to maintain normal body condition and weight; 15383

(2) Unspoiled and uncontaminated; 15384

(3) Provided in accordance with a nutritional plan 15385  
recommended by a veterinarian; 15386

(4) Served in receptacles that are clean and sanitary.	15387
A high volume breeder may temporarily withhold food when directed by a veterinarian to do so.	15388 15389
(B) Each day provide access to a continuous supply of potable water in clean and sanitary receptacles that is of sufficient quality and quantity to ensure maintenance of normal body condition and growth unless otherwise directed by a veterinarian.	15390 15391 15392 15393
(C) Keep or confine the dog in a primary enclosure that complies with all of the following:	15394 15395
(1) The interior of the enclosure is at least six inches higher than the head of the tallest dog housed in the enclosure when the dog is in a normal standing position.	15396 15397 15398
(2) It allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs.	15399 15400
(3) It is not stacked on top of another primary enclosure.	15401
(4) It is cleaned at least once per day to remove excreta, dirt, grime, and other waste.	15402 15403
(D) On and after December 31, 2021, keep or confine the dog in a primary enclosure that has a minimum floor space in square inches equal to the following: (the length of the dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches) <sup>2</sup> multiplied by two. For each additional dog that is kept or confined in a primary enclosure, the enclosure shall have additional floor space in square inches equal to the following: (length of each additional dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches) <sup>2</sup> .	15404 15405 15406 15407 15408 15409 15410 15411 15412 15413
<u>As used in this division, "dog" means a puppy that is twelve weeks of age or older or an adult dog.</u>	15414 15415
(E) On and after December 31, 2021, ensure that the minimum	15416

floor space provided in accordance with division (D) of this 15417  
section is solid or consists of slats. If the floor space consists 15418  
of slats, the high volume breeder shall ensure that all of the 15419  
following apply: 15420

(1) The spaces between the slats are not more than one-half 15421  
inch in width. 15422

(2) The slats are not less than three and one-half inches in 15423  
width. 15424

(3) All of the slats run in the same direction. 15425

(4) The floor is level. 15426

(F) On and after December 31, 2021, ensure that all flooring 15427  
complies with the following: 15428

(1) It consists of materials that can be cleaned and 15429  
sanitized; are safe for the breed, size, and age of the dog; are 15430  
free from protruding sharp edges; and are designed so that the paw 15431  
of the dog is unable to extend through or become caught in the 15432  
flooring. 15433

(2) If the flooring surface consists of a material that is 15434  
not solid, it has a solid resting area that can accommodate the 15435  
full length of the dog while lying down. 15436

(3) It does not sag, bend, or bounce. 15437

(4) It does not consist of ~~wire made of metal, including~~ 15438  
metal wire that, unless the metal wire is coated with another 15439  
material and the outer diameter of the coated metal measures six 15440  
gauge or thicker. 15441

(G) If the high volume breeder is using an indoor primary 15442  
enclosure to house the dog, ensure that the enclosure is located 15443  
in a facility that permits regulation of temperature, ventilation, 15444  
and lighting, including diurnal lighting. The high volume breeder 15445  
shall ensure that the lighting is sufficient, either through 15446

natural or artificial means, to observe the physical condition of 15447  
the dog and to permit inspection and cleaning of the dog and the 15448  
primary enclosure. 15449

(H) Use an outdoor primary enclosure to house the dog only if 15450  
a veterinarian approves such use; 15451

(I) If the high volume breeder is using an outdoor primary 15452  
enclosure to house the dog as provided in division (H) of this 15453  
section and if climatic or ambient temperatures pose a threat to 15454  
the health and welfare of the dog, take effective measures to 15455  
eliminate the threat. If the high volume breeder has to take such 15456  
measures, the high volume breeder shall consider the dog's age, 15457  
breed, overall health, and acclimation to the environment. The 15458  
high volume breeder shall not use an outdoor primary enclosure to 15459  
house the dog if the dog is unable to tolerate the prevalent 15460  
temperatures within the dog's thermoneutral zone. 15461

(J) House the dog with other dogs, except for reasons of 15462  
health, biosecurity, breeding, and behavioral issues. 15463

(K) If the dog is a puppy that is four months or younger, 15464  
house the dog with an adult dog only if the adult dog is the 15465  
puppy's dam or foster dam; 15466

(L) If the dog is a female, breed the dog only if the dog has 15467  
maintained a normal body condition and has been declared healthy 15468  
by a veterinarian following a physical examination; 15469

(M) If the dog is a female, ensure that the dog does not 15470  
produce more than eight litters in its lifetime; 15471

(N) Provide a clean, dry whelping area for each dam and her 15472  
nursing puppies. The high volume breeder shall ensure that the 15473  
area fully accommodates all puppies, allows the dam to lie fully 15474  
recumbent and stand, and permits the dam to temporarily move away 15475  
from her puppies as she chooses. The high volume breeder shall 15476  
ensure that no other animals inhabit the whelping area other than 15477

the dam and her puppies. 15478

(O) Provide the dog ~~with~~ an opportunity for daily exercise of 15479  
at least thirty minutes. However, this requirement does not apply 15480  
to an expectant female dog beginning fifty-two days after the 15481  
first breeding date until the dog gives birth, postpartum female 15482  
dog, or any other dog as directed by a veterinarian. 15483

(P) Provide the dog an opportunity to safely access the 15484  
outdoors during daylight hours<sup>+</sup>. However, this requirement does 15485  
not apply to an expectant female dog beginning fifty-two days 15486  
after the first breeding date and until the dog gives birth, a 15487  
female dog that is nursing, or a puppy that is younger than twelve 15488  
weeks of age. 15489

(Q) Provide the dog with daily environmental enrichment in 15490  
the dog's primary enclosure; 15491

(R) Provide human interaction with the dog for at least 15492  
fifteen minutes each day in addition to interaction that occurs 15493  
during feeding and cleaning time. The interaction, at a minimum, 15494  
shall include verbal and tactile stimulation in a positive and 15495  
beneficial manner. 15496

(S) Provide the dog appropriate medical care by a 15497  
veterinarian, including prompt treatment for any significant 15498  
disease, illness, or injury; 15499

(T) If the dog is an adult dog, provide the dog with an 15500  
annual physical examination by a veterinarian; 15501

(U) Comply with a vaccination and parasite control program 15502  
that is provided by a veterinarian and that is consistent with 15503  
recommendations of the American veterinarian medical association 15504  
or the American animal hospital association; 15505

(V) If a surgical or euthanasia procedure is required, use a 15506  
veterinarian to perform the procedure. 15507

Sec. 956.051. (A) No dog broker shall negligently sell, 15508  
deliver, barter, auction, broker, give away, or transfer a live 15509  
dog to a pet store in this state unless the dog was obtained from 15510  
one of the following sources: 15511

(1) An animal rescue for dogs; 15512

(2) An animal shelter for dogs; 15513

(3) A humane society; 15514

(4) A qualified breeder as defined in section 956.19 of the 15515  
Revised Code. 15516

(B) No dog broker shall negligently sell, deliver, barter, 15517  
auction, broker, give away, or transfer to a pet store in this 15518  
state any of the following: 15519

(1) A dog that is less than eight weeks old; 15520

(2) A dog without a health certificate signed by an 15521  
accredited veterinarian; 15522

(3) A dog that does not have a permanent implanted 15523  
identification microchip that is approved for use by the director 15524  
of agriculture under rules adopted under section 956.03 of the 15525  
Revised Code; 15526

(4) A dog to a person who is younger than eighteen years of 15527  
age as verified by valid photo identification; 15528

(5) A dog acquired from a qualified breeder as defined in 15529  
section 956.19 of the Revised Code unless the dog broker provides 15530  
to the person acquiring the dog, at a time prior to the 15531  
transaction for the acquisition of the dog, a written 15532  
certification that includes all of the following information: 15533

(a) The name of the breeder that bred the dog; 15534

(b) The address, if available, of the breeder that bred the 15535  
dog; 15536

(c) The United States department of agriculture license 15537  
number of the breeder that bred the dog, if applicable, and a copy 15538  
of the most current United States department of agriculture 15539  
inspection report for the breeder; 15540

(d) The dog's birth date, if known; 15541

(e) The date that the pet store took possession of the dog; 15542

(f) The breed, gender, color, and any identifying marks of 15543  
the dog; 15544

(g) A document signed by an accredited veterinarian that 15545  
describes any known disease, illness, or congenital or hereditary 15546  
condition that adversely affects the health of the dog at the time 15547  
of examination; 15548

(h) A document signed by the dog broker certifying that all 15549  
information required to be provided to the person acquiring the 15550  
dog under this section is accurate. A dog broker shall keep a copy 15551  
of the certification for a period of at least two years from the 15552  
date of the acquisition. The dog broker shall make the copy of the 15553  
certification available for inspection or duplication by the 15554  
department of agriculture. 15555

(C) No dog broker shall recklessly alter or provide false 15556  
information on a certification provided in accordance with 15557  
division (B)(5) of this section. 15558

~~(D) This section does not apply to any dog that is being 15559  
sold, delivered, bartered, auctioned, given away, brokered, or 15560  
transferred from the premises where the dog was bred and reared. 15561~~

**Sec. 956.20.** (A) No owner, manager, or employee of a pet 15562  
store shall negligently display, offer for sale, deliver, barter, 15563  
auction, broker, give away, transfer, or sell any live dog from a 15564  
pet store to a person unless the dog was obtained from one of the 15565  
following sources: 15566

(1) An animal rescue for dogs;	15567
(2) An animal shelter for dogs;	15568
(3) A humane society;	15569
(4) A dog broker, provided that, if the dog broker originally obtained the dog from a breeder, the breeder is a qualified breeder;	15570 15571 15572
(5) A qualified breeder.	15573
(B) No owner, manager, or employee of a pet store shall negligently sell, deliver, barter, auction, broker, give away, or transfer any of the following:	15574 15575 15576
(1) A dog that is less than eight weeks old;	15577
(2) A dog without a health certificate signed by an accredited veterinarian;	15578 15579
(3) A dog that does not have a permanent implanted identification microchip that is approved for use by the director of agriculture under rules adopted under section 956.03 of the Revised Code;	15580 15581 15582 15583
(4) A dog to a person who is younger than eighteen years of age as verified by valid photo identification;	15584 15585
(5) A dog acquired from a qualified breeder or a dog broker unless the owner, manager, or employee provides to the person acquiring the dog, at a time prior to the transaction for the acquisition of the dog, a written certification that includes all of the following information:	15586 15587 15588 15589 15590
(a) The name of the breeder that bred the dog;	15591
(b) The address, if available, of the breeder that bred the dog;	15592 15593
(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable, and a copy	15594 15595

of the most current United States department of agriculture	15596
inspection report for the breeder;	15597
(d) The dog's birth date, if known;	15598
(e) The date that the pet store took possession of the dog;	15599
(f) The breed, gender, color, and any identifying marks of	15600
the dog;	15601
(g) A document signed by an accredited veterinarian that	15602
describes any known disease, illness, or congenital or hereditary	15603
condition that adversely affects the health of the dog at the time	15604
of examination;	15605
(h) A document signed by the owner, manager, or employee of	15606
the pet store certifying that all information required to be	15607
provided to the person acquiring the dog under division (B)(5) of	15608
this section is accurate. A pet store shall keep a copy of the	15609
certification for a period of at least two years from the date of	15610
the acquisition. The owner, manager, or an employee of the pet	15611
store shall make the copy of the certification available for	15612
inspection or duplication by the department of agriculture.	15613
(6) A dog acquired from a qualified breeder or a dog broker	15614
unless all of the following information regarding the dog is	15615
available to the general public at the pet store:	15616
(a) The name of the breeder that bred the dog;	15617
(b) The address, if available, of the breeder that bred the	15618
dog;	15619
(c) The United States department of agriculture license	15620
number of the breeder that bred the dog, if applicable;	15621
(d) The dog's birth date, if known;	15622
(e) The breed of the dog.	15623
(C) No owner, manager, or employee of a pet store shall	15624

recklessly alter or provide false information on a certification 15625  
provided in accordance with division (B)(5) of this section. 15626

~~(D) This section does not apply to any dog that is being 15627  
sold, delivered, bartered, auctioned, given away, brokered, or 15628  
transferred from the premises where the dog was bred and reared. 15629~~

**Sec. 991.02.** (A) There is hereby created the Ohio expositions 15630  
commission, which shall consist of the following ~~fourteen~~ fifteen 15631  
members: nine members appointed by the governor with the advice 15632  
and consent of the senate; the director of development, the 15633  
director of natural resources, and the director of agriculture, or 15634  
their designated representatives, who shall be ex officio members 15635  
with voting rights of the commission; the dean of the college of 15636  
food, agricultural, and environmental sciences of the Ohio state 15637  
university as an ex officio member with voting rights of the 15638  
commission; and the chairperson of the standing committee in the 15639  
house of representatives to which matters dealing with agriculture 15640  
are generally referred and the chairperson of the standing 15641  
committee in the senate to which matters dealing with agriculture 15642  
are generally referred, who shall be nonvoting members. If the 15643  
senate is not in session, recess appointments shall be made by the 15644  
governor. 15645

(B) Of the nine members of the commission appointed by the 15646  
governor, not more than five shall be from one political party, at 15647  
least three members shall receive the major portion of their 15648  
income from farming, and at least one member shall, at the time of 15649  
appointment, be a member of the board of directors of an 15650  
agricultural society that was organized in compliance with section 15651  
1711.01 or 1711.02 of the Revised Code. Terms of office shall be 15652  
for six years, commencing on the second day of December and ending 15653  
on the first day of December. Each member shall hold office from 15654  
the date of appointment until the end of the term for which the 15655

member was appointed. Any member appointed to fill a vacancy 15656  
occurring prior to the expiration of the term for which the 15657  
member's predecessor was appointed shall hold office for the 15658  
remainder of that term. Any member shall continue in office 15659  
subsequent to the expiration date of the member's term until the 15660  
member's successor takes office, or until a period of sixty days 15661  
has elapsed, whichever occurs first. 15662

The term of each nonvoting, legislative member of the 15663  
commission shall be for two years or until the end of the member's 15664  
legislative term, whichever occurs first. 15665

(C) The commission shall annually, during the month of 15666  
December, select from among its members a chairperson, a 15667  
vice-chairperson, who in the absence of the chairperson shall 15668  
carry out the chairperson's duties, and a secretary, who may be a 15669  
member or employee of the commission, to record the minutes of its 15670  
meetings and to carry out such other duties as may be assigned by 15671  
the commission, its chairperson, or its vice-chairperson. 15672

(D) The director of agriculture, the director of natural 15673  
resources, and the director of development, or their designated 15674  
representatives, the dean of the college of food, agricultural, 15675  
and environmental sciences of the Ohio state university, and the 15676  
two legislators appointed to the commission, as members of the 15677  
commission shall serve without compensation. 15678

(E) Each of the members of the commission appointed by the 15679  
governor shall be paid the rate established pursuant to division 15680  
(J) of section 124.15 of the Revised Code. All members of the 15681  
commission are entitled to their actual and necessary expenses 15682  
incurred in the performance of their duties as such members, 15683  
payable from the appropriations for the commission. 15684

(F) The commission shall hold at least one regular meeting in 15685  
each quarter of each calendar year, and shall keep a record of its 15686

proceedings, which shall be open to the public for inspection. 15687  
Special meetings may be called by the chairperson and shall be 15688  
called by the chairperson upon receipt of a written request 15689  
therefor signed by two or more members of the commission. Written 15690  
notice of the time and place of each meeting shall be sent to each 15691  
member of the commission. Six of the voting members of the 15692  
commission shall constitute a quorum. 15693

(G) The commission shall employ and prescribe the powers and 15694  
duties of a general manager who shall serve in the unclassified 15695  
civil service at a salary fixed pursuant to section 124.14 of the 15696  
Revised Code. The general manager may employ such assistant 15697  
managers as the general manager and the commission may approve. At 15698  
no time shall such assistant managers exceed four in number, one 15699  
of whom shall be appointed in the classified civil service. The 15700  
general manager may, subject to the approval of the commission, 15701  
employ a fiscal officer and such other officers, employees, and 15702  
consultants with such powers and duties as are necessary to carry 15703  
out this chapter. With the approval of the commission and in order 15704  
to implement this chapter, the general manager may employ and fix 15705  
the compensation of seasonal employees; these employees shall be 15706  
in the unclassified civil service, and the overtime pay 15707  
requirements of section 124.18 of the Revised Code do not apply to 15708  
them. The general manager shall be considered the appointing 15709  
authority of the commission for purposes of Chapter 124. of the 15710  
Revised Code. 15711

(H) The governor may remove any appointed voting member of 15712  
the commission at any time for inefficiency, neglect of duty, or 15713  
malfeasance in office. 15714

**Sec. 1505.09.** (A) There is hereby created in the state 15715  
treasury the geological mapping fund, to be administered by the 15716  
chief of the division of geological survey. Except as provided in 15717

~~division (B)~~ divisions (C) and (D) of this section, the fund shall 15718  
be used for both of the following purposes ~~of performing~~: 15719

(1) Performing the necessary field, laboratory, and 15720  
administrative tasks to map and make public reports on the 15721  
geology, geologic hazards, and energy and mineral resources of the 15722  
state; 15723

(2) The administration of the oil and gas leasing commission 15724  
created in section 1509.71 of the Revised Code. ~~The source~~ 15725

(B) The sources of money for the fund shall include, ~~but not~~ 15726  
~~be limited to,~~ the all of the following: 15727

(1) The mineral severance tax as specified in section 5749.02 15728  
of the Revised Code ~~transfers~~; 15729

(2) Transfers made to the fund in accordance with section 15730  
6111.046 of the Revised Code, ~~and the~~; 15731

(3) Contributions that a person pays to the bureau of motor 15732  
vehicles to obtain "Ohio geology" license plates under section 15733  
4503.515 of the Revised Code; 15734

(4) The fees collected under rules adopted under section 15735  
1505.05 of the Revised Code. ~~The~~ 15736

The chief may seek federal or other money in addition to the 15737  
mineral severance tax and fees to carry out the purposes of this 15738  
section. If the chief receives federal money for the purposes of 15739  
this section, the chief shall deposit that money into the state 15740  
treasury to the credit of a fund created by the controlling board 15741  
to carry out those purposes. ~~Other~~ 15742

Other money received by the chief for the purposes of this 15743  
section in addition to the mineral severance tax, fees, and 15744  
federal money shall be credited to the geological mapping fund. 15745

~~(B)~~(C) Any money transferred to the geological mapping fund 15746  
in accordance with section 6111.046 of the Revised Code shall be 15747

used by the chiefs of the divisions of mineral resources 15748  
management, oil and gas resources management, geological survey, 15749  
and water resources in the department of natural resources for the 15750  
purpose of executing their duties under sections 6111.043 to 15751  
6111.047 of the Revised Code. 15752

(D) The director of natural resources shall use contributions 15753  
from "Ohio geology" license plates deposited into the fund for 15754  
both of the following purposes in order of preference: 15755

(1) To award grants to geology departments at state colleges 15756  
and universities for graduate level research conducted at 15757  
locations of geological interest in the state; 15758

(2) To provide materials such as rock and mineral kits to 15759  
state elementary and secondary schools to assist students in the 15760  
study of geology. 15761

The director shall award grants at least annually, but at the 15762  
director's discretion, may award grants more frequently. 15763

**Sec. 1509.31.** (A)(1) No person shall operate a well in this 15764  
state unless the person first registers with and obtains an 15765  
identification number from the chief of the division of oil and 15766  
gas resources management. 15767

(2) Whenever the entire interest of an oil and gas lease is 15768  
assigned or otherwise transferred, the assignor or transferor 15769  
shall notify the holders of the royalty interests, and, if a well 15770  
or wells exist on the lease, the division of oil and gas resources 15771  
management, of the name and address of the assignee or transferee 15772  
by certified mail, return receipt requested, not later than thirty 15773  
days after the date of the assignment or transfer. When notice of 15774  
any such assignment or transfer is required to be provided to the 15775  
division, it shall be provided on a form prescribed and provided 15776  
by the division and verified by both the assignor or transferor 15777

and by the assignee or transferee ~~and shall be accompanied by a~~ 15778  
~~nonrefundable fee of one hundred dollars for each well.~~ The notice 15779  
form applicable to assignments or transfers of a well to the owner 15780  
of the surface estate of the tract on which the well is located 15781  
shall contain a statement informing the landowner that the well 15782  
may require periodic servicing to maintain its productivity; that, 15783  
upon assignment or transfer of the well to the landowner, the 15784  
landowner becomes responsible for compliance with the requirements 15785  
of this chapter and rules adopted under it, including, without 15786  
limitation, the proper disposal of brine obtained from the well, 15787  
the plugging of the well when it becomes incapable of producing 15788  
oil or gas, and the restoration of the well site; and that, upon 15789  
assignment or transfer of the well to the landowner, the landowner 15790  
becomes responsible for the costs of compliance with the 15791  
requirements of this chapter and rules adopted under it and the 15792  
costs for operating and servicing the well. 15793

(3) Notwithstanding division (A)(2) of this section, the 15794  
assignee or transferee shall notify the division of oil and gas 15795  
resources management of the assignment or transfer if both of the 15796  
following apply: 15797

(a) The assignor or transferor failed to notify the division 15798  
of the assignment or transfer as required by division (A)(2) of 15799  
this section; 15800

(b) The assignor or transferor is deceased, dissolved, cannot 15801  
be located, or is otherwise incapable of complying with the 15802  
notification requirement. 15803

The assignee or transferee shall notify the division of the 15804  
assignment or transfer on a form prescribed and provided by the 15805  
division. At a minimum, the form shall require the assignee or 15806  
transferee to attest that the assignee or transferee is the owner. 15807  
The division shall not charge a fee for such assignment or 15808  
transfer when notice is provided in accordance with division 15809

(A)(3) of this section. 15810

(B) When the entire interest of a well is proposed to be 15811  
assigned or otherwise transferred to the landowner for use as an 15812  
exempt domestic well, the owner who has been issued a permit under 15813  
this chapter for the well shall submit to the chief of the 15814  
division of oil and gas resources management an application for 15815  
the assignment or transfer that contains all documents that the 15816  
chief requires ~~and a nonrefundable fee of one hundred dollars~~. The 15817  
application for such an assignment or transfer shall be prescribed 15818  
and provided by the chief. The chief may approve the application 15819  
if the application is accompanied by a release of all of the oil 15820  
and gas leases that are included in the applicable formation of 15821  
the drilling unit, the release is in a form such that the well 15822  
ownership merges with the fee simple interest of the surface 15823  
tract, and the release is in a form that may be recorded. However, 15824  
if the owner of the well does not release the oil and gas leases 15825  
associated with the well that is proposed to be assigned or 15826  
otherwise transferred or if the fee simple tract that results from 15827  
the merger of the well ownership with the fee simple interest of 15828  
the surface tract is less than five acres, the proposed exempt 15829  
domestic well owner shall post a five thousand dollar bond with 15830  
the division prior to the assignment or transfer of the well to 15831  
ensure that the well will be properly plugged. The chief, for good 15832  
cause, may modify the requirements of this section governing the 15833  
assignment or transfer of the interests of a well to the 15834  
landowner. Upon the assignment or transfer of the well, the owner 15835  
of an exempt domestic well is not subject to the severance tax 15836  
levied under section 5749.02 of the Revised Code, but is subject 15837  
to all applicable fees established in this chapter. 15838

(C) The owner holding a permit under section 1509.05 of the 15839  
Revised Code is responsible for all obligations and liabilities 15840  
imposed by this chapter and any rules, orders, and terms and 15841

conditions of a permit adopted or issued under it, and no 15842  
assignment or transfer by the owner relieves the owner of the 15843  
obligations and liabilities until and unless the assignee or 15844  
transferee files with the division the information described in 15845  
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 15846  
section 1509.06 of the Revised Code; obtains liability insurance 15847  
coverage required by section 1509.07 of the Revised Code, except 15848  
when none is required by that section; and executes and files a 15849  
surety bond, negotiable certificates of deposit or irrevocable 15850  
letters of credit, or cash, as described in that section. Instead 15851  
of a bond, but only upon acceptance by the chief, the assignee or 15852  
transferee may file proof of financial responsibility, described 15853  
in section 1509.07 of the Revised Code. Section 1509.071 of the 15854  
Revised Code applies to the surety bond, cash, and negotiable 15855  
certificates of deposit and irrevocable letters of credit 15856  
described in this section. Unless the chief approves a 15857  
modification, each assignee or transferee shall operate in 15858  
accordance with the plans and information filed by the permit 15859  
holder pursuant to section 1509.06 of the Revised Code. 15860

(D) If a mortgaged property that is being foreclosed is 15861  
subject to an oil or gas lease, pipeline agreement, or other 15862  
instrument related to the production or sale of oil or natural gas 15863  
and the lease, agreement, or other instrument was recorded 15864  
subsequent to the mortgage, and if the lease, agreement, or other 15865  
instrument is not in default, the oil or gas lease, pipeline 15866  
agreement, or other instrument, as applicable, has priority over 15867  
all other liens, claims, or encumbrances on the property so that 15868  
the oil or gas lease, pipeline agreement, or other instrument is 15869  
not terminated or extinguished upon the foreclosure sale of the 15870  
mortgaged property. If the owner of the mortgaged property was 15871  
entitled to oil and gas royalties before the foreclosure sale, the 15872  
oil or gas royalties shall be paid to the purchaser of the 15873  
foreclosed property. 15874

Sec. 1509.36. Any person adversely affected by an order by 15875  
the chief of the division of oil and gas resources management may 15876  
appeal to the oil and gas commission for an order vacating or 15877  
modifying the order. 15878

The person so appealing to the commission shall be known as 15879  
appellant and the chief shall be known as appellee. Appellant and 15880  
appellee shall be deemed to be parties to the appeal. 15881

The appeal shall be in writing and shall set forth the order 15882  
complained of and the grounds upon which the appeal is based. The 15883  
appeal shall be filed with the commission within thirty days after 15884  
the date upon which the ~~appellant~~ person to whom the order was 15885  
issued received ~~notice by certified mail~~ the order and, for all 15886  
other persons adversely affected by the order, within thirty days 15887  
after the date of the order complained of. Notice of the filing of 15888  
the appeal shall be filed with the chief within three days after 15889  
the appeal is filed with the commission. 15890

Upon the filing of the appeal the commission promptly shall 15891  
fix the time and place at which the hearing on the appeal will be 15892  
held, and shall give the appellant and the chief at least ten 15893  
days' written notice thereof by mail. The commission may postpone 15894  
or continue any hearing upon its own motion or upon application of 15895  
the appellant or of the chief. 15896

The filing of an appeal provided for in this section does not 15897  
automatically suspend or stay execution of the order appealed 15898  
from, but upon application by the appellant the commission may 15899  
suspend or stay the execution pending determination of the appeal 15900  
upon such terms as the commission considers proper. 15901

Either party to the appeal or any interested person who, 15902  
pursuant to commission rules has been granted permission to 15903  
appear, may submit such evidence as the commission considers 15904  
admissible. 15905

For the purpose of conducting a hearing on an appeal, the commission may require the attendance of witnesses and the production of books, records, and papers, and it may, and at the request of any party it shall, issue subpoenas for witnesses or subpoenas duces tecum to compel the production of any books, records, or papers, directed to the sheriffs of the counties where the witnesses are found. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. Such fees and mileage expenses incurred at the request of appellant shall be paid in advance by the appellant, and the remainder of those expenses shall be paid out of funds appropriated for the expenses of the division of oil and gas resources management.

In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission or any member thereof, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and any member of the commission may administer oaths or affirmations to persons who so testify.

At the request of any party to the appeal, a record of the testimony and other evidence submitted shall be taken by an official court reporter at the expense of the party making the request for the record. The record shall include all of the testimony and other evidence and the rulings on the admissibility

thereof presented at the hearing. The commission shall pass upon 15938  
the admissibility of evidence, but any party may at the time 15939  
object to the admission of any evidence and except to the rulings 15940  
of the commission thereon, and if the commission refuses to admit 15941  
evidence the party offering same may make a proffer thereof, and 15942  
such proffer shall be made a part of the record of the hearing. 15943

If upon completion of the hearing the commission finds that 15944  
the order appealed from was lawful and reasonable, it shall make a 15945  
written order affirming the order appealed from; if the commission 15946  
finds that the order was unreasonable or unlawful, it shall make a 15947  
written order vacating the order appealed from and making the 15948  
order that it finds the chief should have made. Every order made 15949  
by the commission shall contain a written finding by the 15950  
commission of the facts upon which the order is based. 15951

Notice of the making of the order shall be given forthwith to 15952  
each party to the appeal by mailing a certified copy thereof to 15953  
each such party by certified mail. 15954

The order of the commission is final unless vacated by the 15955  
court of common pleas of Franklin county in an appeal as provided 15956  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 15957  
1509.37 of the Revised Code, providing for appeals relating to 15958  
orders by the chief or by the commission, or relating to rules 15959  
adopted by the chief, do not constitute the exclusive procedure 15960  
that any person who believes the person's rights to be unlawfully 15961  
affected by those sections or any official action taken thereunder 15962  
must pursue in order to protect and preserve those rights, nor do 15963  
those sections constitute a procedure that that person must pursue 15964  
before that person may lawfully appeal to the courts to protect 15965  
and preserve those rights. 15966

**Sec. 1509.50.** (A) An oil and gas regulatory cost recovery 15967  
assessment is hereby imposed by this section on an owner. An owner 15968

shall pay the assessment in the same manner as a severer who is 15969  
required to file a return under section 5749.06 of the Revised 15970  
Code. However, an owner may designate a severer who shall pay the 15971  
owner's assessment on behalf of the owner on the return that the 15972  
severer is required to file under that section. If a severer so 15973  
pays an owner's assessment, the severer may recoup from the owner 15974  
the amount of the assessment. Except for an exempt domestic well, 15975  
the assessment imposed shall be in addition to the taxes levied on 15976  
the severance of oil and gas under section 5749.02 of the Revised 15977  
Code. 15978

(B)~~(1)~~ Except for an exempt domestic well, the oil and gas 15979  
regulatory cost recovery assessment shall be calculated on a 15980  
quarterly basis ~~and shall be one of the following as follows:~~ 15981

~~(a) If the sum of ten cents per barrel of oil for all of the 15982  
wells of the owner, one half of one cent per one thousand cubic 15983  
feet of natural gas for all of the wells of the owner, and the 15984  
amount of the severance tax levied on each severer for all of the 15985  
wells of the owner under divisions (A)(5) and (6) of section 15986  
5749.02 of the Revised Code, as applicable, is greater than the 15987  
sum of fifteen dollars for each well owned by the owner, the 15988  
amount of the assessment is the sum of ten cents per barrel of oil 15989  
for all of the wells of the owner and one half (1) One-half of one 15990  
cent per one thousand cubic feet of natural gas for all of the 15991  
wells of the owner.~~ 15992

~~(b) If the sum of ten;~~ 15993

(2) Ten cents per barrel of oil for all of the wells of the 15994  
owner, ~~one half of one cent per one thousand cubic feet of natural 15995  
gas for all of the wells of the owner, and the amount of the 15996  
severance tax levied on each severer for all of the wells of the 15997  
owner under divisions (A)(5) and (6) of section 5749.02 of the 15998  
Revised Code, as applicable, is less than the sum of fifteen 15999~~

~~dollars for each well owned by the owner, the amount of the 16000  
assessment is the sum of fifteen dollars for each well owned by 16001  
the owner less the amount of the tax levied on each severer for 16002  
all of the wells of the owner under divisions (A)(5) and (6) of 16003  
section 5749.02 of the Revised Code, as applicable. 16004~~

~~(2) The oil and gas regulatory cost recovery assessment for a 16005  
well that becomes an exempt domestic well on and after June 30, 16006  
2010, shall be sixty dollars to be paid to the division of oil and 16007  
gas resources management on the first day of July of each year. 16008~~

(C) All money collected pursuant to this section shall be 16009  
credited to the severance tax receipts fund. After the director of 16010  
budget and management transfers money from the severance tax 16011  
receipts fund as required in division (H) of section 5749.06 of 16012  
the Revised Code, money in the severance tax receipts fund from 16013  
amounts collected pursuant to this section shall be credited to 16014  
the oil and gas well fund created in section 1509.02 of the 16015  
Revised Code. 16016

(D) Except for purposes of revenue distribution as specified 16017  
in division (B) of section 5749.02 of the Revised Code, the oil 16018  
and gas regulatory cost recovery assessment imposed by this 16019  
section shall be treated the same and equivalent for all purposes 16020  
as the taxes levied on the severance of oil and gas under that 16021  
section. However, the assessment imposed by this section is not a 16022  
tax under Chapter 5749. of the Revised Code. 16023

**Sec. 1533.10.** (A) Except as provided in this section or 16024  
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 16025  
of the Revised Code, no person shall hunt any wild bird or wild 16026  
quadruped without a hunting license. Each day that any person 16027  
hunts within the state without procuring such a license 16028  
constitutes a separate offense. 16029

(B)(1) Except as otherwise provided in this section, division 16030

(A) of section 1533.12 of the Revised Code, or in rules adopted 16031  
under division (B) of that section, each applicant for a hunting 16032  
license shall pay an annual fee for each annual license in 16033  
accordance with the following schedule: 16034

Hunting license - resident	\$18.00	16035
Hunting license - nonresident, <del>and that</del> <u>is</u> not a 16036 resident of a reciprocal state, ages 18 and older	\$174.00	
Hunting license - nonresident, <del>but that</del> <u>is</u> a 16037 resident of a reciprocal state, ages 18 and older	\$18.00	
Apprentice hunting license - resident	\$18.00	16038
Apprentice hunting license - nonresident, <del>and that</del> 16039 <u>is</u> not a resident of a reciprocal state	\$174.00	
Apprentice hunting license - nonresident, <del>but that</del> 16040 <u>is</u> a resident of a reciprocal state	\$18.00	
Youth hunting license - resident and nonresident	\$9.00	16041
Apprentice youth hunting license - resident	\$9.00	16042
Senior hunting license - resident	\$9.00	16043
Apprentice senior hunting license - resident	\$9.00	16044

(2) Apprentice resident hunting licenses, apprentice youth 16045  
hunting licenses, apprentice senior hunting licenses, and 16046  
apprentice nonresident hunting licenses are subject to the 16047  
requirements established under section 1533.102 of the Revised 16048  
Code and rules adopted under it. 16049

(3) As used in division (B)(1) of this section: 16050

(a) "Youth" means an applicant who is under the age of 16051  
eighteen years at the time of application for a permit license. 16052

(b) "Senior" means an applicant who is sixty-six years of age 16053  
or older at the time of application for a permit license. 16054

(c) "Reciprocal state" means a state that is a party to an 16055  
agreement under section 1533.91 of the Revised Code. 16056

(C) A resident of this state who owns lands in the state and 16057

the owner's children of any age and grandchildren under eighteen 16058  
years of age may hunt on the lands without a hunting license. A 16059  
resident of any other state who owns real property in this state, 16060  
and the spouse and children living with the property owner, may 16061  
hunt on that property without a license, provided that the state 16062  
of residence of the real property owner allows residents of this 16063  
state owning real property in that state, and the spouse and 16064  
children living with the property owner, to hunt without a 16065  
license. If the owner of land in this state is a limited liability 16066  
company or a limited liability partnership that consists of three 16067  
or fewer individual members or partners, as applicable, an 16068  
individual member or partner who is a resident of this state and 16069  
the member's or partner's children of any age and grandchildren 16070  
under eighteen years of age may hunt on the land owned by the 16071  
limited liability company or limited liability partnership without 16072  
a hunting license. In addition, if the owner of land in this state 16073  
is a trust that has a total of three or fewer trustees and 16074  
beneficiaries, an individual who is a trustee or beneficiary and 16075  
who is a resident of this state and the individual's children of 16076  
any age and grandchildren under eighteen years of age may hunt on 16077  
the land owned by the trust without a hunting license. The tenant 16078  
and children of the tenant, residing on lands in the state, may 16079  
hunt on them without a hunting license. 16080

(D) The chief of the division of wildlife may issue a small 16081  
game hunting license expiring three days from the effective date 16082  
of the license to a nonresident of the state, the fee for which 16083  
~~shall be~~ is thirty-nine dollars. No person shall take or possess 16084  
deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or 16085  
any nongame animal while possessing only a small game hunting 16086  
license. A 16087

A small game hunting license or an apprentice nonresident 16088  
hunting license does not authorize the taking or possessing of 16089

ducks, geese, or brant without having obtained, in addition to the 16090  
small game hunting license or the apprentice nonresident hunting 16091  
license, a wetlands habitat stamp as provided in section 1533.112 16092  
of the Revised Code. A small game hunting license or an apprentice 16093  
nonresident hunting license does not authorize the taking or 16094  
possessing of deer, wild turkeys, or fur-bearing animals. A 16095  
nonresident of the state who wishes to take or possess deer, wild 16096  
turkeys, or fur-bearing animals in this state shall procure, 16097  
respectively, a deer or wild turkey permit as provided in section 16098  
1533.11 of the Revised Code or a fur taker permit as provided in 16099  
section 1533.111 of the Revised Code in addition to a nonresident 16100  
hunting license, an apprentice nonresident hunting license, a 16101  
special youth hunting license, or an apprentice youth hunting 16102  
license, as applicable, as provided in this section. 16103

(E) No person shall procure or attempt to procure a hunting 16104  
license by fraud, deceit, misrepresentation, or any false 16105  
statement. 16106

(F)(1) This section does not authorize the taking and 16107  
possessing of deer or wild turkeys without first having obtained, 16108  
in addition to the hunting license required by this section, a 16109  
deer or wild turkey permit as provided in section 1533.11 of the 16110  
Revised Code or the taking and possessing of ducks, geese, or 16111  
brant without first having obtained, in addition to the hunting 16112  
license required by this section, a wetlands habitat stamp as 16113  
provided in section 1533.112 of the Revised Code. 16114

(2) This section does not authorize the hunting or trapping 16115  
of fur-bearing animals without first having obtained, in addition 16116  
to a hunting license required by this section, a fur taker permit 16117  
as provided in section 1533.111 of the Revised Code. 16118

(G)(1) No hunting license shall be issued unless it is 16119  
accompanied by a written explanation of the law in section 1533.17 16120  
of the Revised Code and the penalty for its violation, including a 16121

description of terms of imprisonment and fines that may be 16122  
imposed. 16123

(2) No hunting license, other than an apprentice hunting 16124  
license, shall be issued unless the applicant presents to the 16125  
agent authorized to issue the license a previously held hunting 16126  
license or evidence of having held such a license in content and 16127  
manner approved by the chief, a certificate of completion issued 16128  
upon completion of a hunter education and conservation course 16129  
approved by the chief, or evidence of equivalent training in 16130  
content and manner approved by the chief. A previously held 16131  
apprentice hunting license does not satisfy the requirement 16132  
concerning the presentation of a previously held hunting license 16133  
or evidence of it. 16134

(3) No person shall issue a hunting license, except an 16135  
apprentice hunting license, to any person who fails to present the 16136  
evidence required by this section. No person shall purchase or 16137  
obtain a hunting license, other than an apprentice hunting 16138  
license, without presenting to the issuing agent the evidence 16139  
required by this section. Issuance of a hunting license in 16140  
violation of the requirements of this section is an offense by 16141  
both the purchaser of the illegally obtained hunting license and 16142  
the clerk or agent who issued the hunting license. Any hunting 16143  
license issued in violation of this section is void. 16144

(H) The chief, with approval of the wildlife council, shall 16145  
adopt rules prescribing a hunter education and conservation course 16146  
for first-time hunting license buyers, other than buyers of 16147  
apprentice hunting licenses, and for volunteer instructors. The 16148  
course shall consist of subjects including, but not limited to, 16149  
hunter safety and health, use of hunting implements, hunting 16150  
tradition and ethics, the hunter and conservation, the law in 16151  
section 1533.17 of the Revised Code along with the penalty for its 16152  
violation, including a description of terms of imprisonment and 16153

finer that may be imposed, and other law relating to hunting. 16154  
Authorized personnel of the division or volunteer instructors 16155  
approved by the chief shall conduct such courses with such 16156  
frequency and at such locations throughout the state as to 16157  
reasonably meet the needs of license applicants. The chief shall 16158  
issue a certificate of completion to each person who successfully 16159  
completes the course and passes an examination prescribed by the 16160  
chief. 16161

**Sec. 1533.11.** (A)(1) Except as provided in this section or 16162  
section 1533.731 of the Revised Code, no person shall hunt deer on 16163  
lands of another without first obtaining an annual deer permit. 16164  
Except as provided in this section, no person shall hunt wild 16165  
turkeys on lands of another without first obtaining an annual wild 16166  
turkey permit. A deer or wild turkey permit is valid during the 16167  
hunting license year in which the permit is purchased. Except as 16168  
provided in rules adopted under division (B) of that section, each 16169  
applicant for a deer or wild turkey permit shall pay an annual fee 16170  
for each permit in accordance with the following schedule: 16171

Deer permit - resident ~~\$23.00~~ 16172

\$30.00

Deer permit - nonresident, ~~all ages~~ \$74.00 16173

Youth deer permit - resident and nonresident ~~\$11.50~~ 16174

\$15.00

Senior deer permit - resident \$11.50 16175

Wild turkey permit - resident ~~\$23.00~~ 16176

\$30.00

Wild turkey permit - nonresident, ~~all ages~~ ~~\$28.00~~ 16177

\$37.00

Youth wild turkey permit - resident and ~~\$11.50~~ 16178

nonresident \$15.00

Senior wild turkey permit - resident \$11.50 16179

(2) As used in division (A)(1) of this section: 16180

(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.

(b) "Nonresident" means any individual who does not qualify as a resident.

(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.

(d) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.

(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.

(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.

(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable,

an individual member or partner who is a resident of this state 16212  
and the member's or partner's children of any age may hunt deer or 16213  
wild turkey on the land owned by the limited liability company or 16214  
limited liability partnership without a deer or wild turkey 16215  
permit. In addition, if the owner of land in this state is a trust 16216  
that has a total of three or fewer trustees and beneficiaries, an 16217  
individual who is a trustee or beneficiary and who is a resident 16218  
of this state and the individual's children of any age may hunt 16219  
deer or wild turkey on the land owned by the trust without a deer 16220  
or wild turkey permit. The tenant and children of the tenant may 16221  
hunt deer or wild turkey on lands where they reside without a deer 16222  
or wild turkey permit. 16223

(B) A deer or wild turkey permit is not transferable. No 16224  
person shall carry a deer or wild turkey permit issued in the name 16225  
of another person. 16226

(C) The wildlife refunds fund is hereby created in the state 16227  
treasury. The fund shall consist of money received from 16228  
application fees for deer permits that are not issued. Money in 16229  
the fund shall be used to make refunds of such application fees. 16230

(D) If the division establishes a system for the electronic 16231  
submission of information regarding deer or wild turkey that are 16232  
taken, the division shall allow the owner and the children of the 16233  
owner of lands in this state to use the owner's name or address 16234  
for purposes of submitting that information electronically via 16235  
that system. 16236

**Sec. 1533.111.** (A) Except as provided in this section or 16237  
division (A)(2) of section 1533.12 of the Revised Code, no person 16238  
shall hunt or trap fur-bearing animals on land of another without 16239  
first obtaining some type of an annual fur taker permit. ~~Each~~ 16240  
~~applicant for a fur taker permit or an apprentice fur taker permit~~ 16241  
~~shall pay an annual fee of fourteen dollars for the permit, except~~ 16242

~~as otherwise provided in this section or unless the rules adopted 16243  
under division (B) of section 1533.12 of the Revised Code provide 16244  
for issuance of a fur taker permit to the applicant free of 16245  
charge. Except as provided in rules adopted under division (B)(2) 16246  
of that section, each applicant who is a resident of this state 16247  
and who at the time of application is sixty six years of age or 16248  
older shall procure a special senior fur taker permit or an 16249  
apprentice senior fur taker permit, the fee for which shall be 16250  
one half of the regular permit fee. Each applicant under the age 16251  
of eighteen years shall procure a special youth fur taker permit 16252  
or an apprentice youth fur taker permit, the fee for which shall 16253  
be one half of the regular fur taker permit fee. Each 16254~~

(B)(1) Except as otherwise provided in rules adopted under 16255  
division (B) of section 1533.12 of the Revised Code, each 16256  
applicant for a fur taker permit or an apprentice fur taker permit 16257  
shall pay an annual fee for each annual permit in accordance with 16258  
the following schedule: 16259

<u>Fur taker permit</u>	<u>\$14.00</u>	16260
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	16261
<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	16262
<u>Apprentice senior fur taker permit - resident 16263</u>	<u>\$7.00</u>	
<u>only</u>		
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	16264
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	16265

(2) As used in division (B)(1) of this section: 16266

(a) "Youth" means an applicant who is under the age of 16267  
eighteen years at the time of application for a permit. 16268

(b) "Senior" means an applicant who is sixty-six years of age 16269  
or older at the time of application for a permit. 16270

(C) Each type of fur taker permit is valid during the hunting 16271  
license year in which the permit is purchased. The money received 16272

shall be paid into the state treasury to the credit of the fund 16273  
established in section 1533.15 of the Revised Code. Apprentice fur 16274  
taker permits and apprentice youth fur taker permits are subject 16275  
to the requirements established under section 1533.102 of the 16276  
Revised Code and rules adopted pursuant to it. 16277

(D)(1) No person shall issue a fur taker permit ~~shall be~~ 16278  
~~issued to an applicant~~ unless it is accompanied by a written 16279  
explanation of the law in section 1533.17 of the Revised Code and 16280  
the penalty for its violation, including a description of terms of 16281  
imprisonment and fines that may be imposed. 16282

(2) No person shall issue a fur taker permit, other than an 16283  
apprentice fur taker permit or an apprentice youth fur taker 16284  
permit, ~~shall be issued to an applicant~~ unless the applicant 16285  
presents to the agent authorized to issue a fur taker permit a 16286  
previously held hunting license or trapping or fur taker permit or 16287  
evidence of having held such a license or permit in content and 16288  
manner approved by the chief of the division of wildlife, a 16289  
certificate of completion issued upon completion of a trapper 16290  
education course approved by the chief, or evidence of equivalent 16291  
training in content and manner approved by the chief. A previously 16292  
held apprentice hunting license, apprentice fur taker permit, or 16293  
apprentice youth fur taker permit does not satisfy the requirement 16294  
concerning the presentation of a previously held hunting license 16295  
or fur taker permit or evidence of such a license or permit. 16296

(3) No person shall issue a fur taker permit, other than an 16297  
apprentice fur taker permit or an apprentice youth fur taker 16298  
permit, to any person who fails to present the evidence required 16299  
by this section. No person shall purchase or obtain a fur taker 16300  
permit, other than an apprentice fur taker permit or an apprentice 16301  
youth fur taker permit, without presenting to the issuing agent 16302  
the evidence required by this section. Issuance of a fur taker 16303  
permit in violation of the requirements of this section is an 16304

offense by both the purchaser of the illegally obtained permit and 16305  
the clerk or agent who issued the permit. Any fur taker permit 16306  
issued in violation of this section is void. 16307

(E) The chief, with approval of the wildlife council, shall 16308  
adopt rules prescribing a trapper education course for first-time 16309  
fur taker permit buyers, other than buyers of apprentice fur taker 16310  
permits or apprentice youth fur taker permits, and for volunteer 16311  
instructors. The course shall consist of subjects that include, 16312  
but are not limited to, trapping techniques, animal habits and 16313  
identification, trapping tradition and ethics, the trapper and 16314  
conservation, the law in section 1533.17 of the Revised Code along 16315  
with the penalty for its violation, including a description of 16316  
terms of imprisonment and fines that may be imposed, and other law 16317  
relating to trapping. Authorized personnel of the division of 16318  
wildlife or volunteer instructors approved by the chief shall 16319  
conduct the courses with such frequency and at such locations 16320  
throughout the state as to reasonably meet the needs of permit 16321  
applicants. The chief shall issue a certificate of completion to 16322  
each person who successfully completes the course and passes an 16323  
examination prescribed by the chief. 16324

(F) Every person, while hunting or trapping fur-bearing 16325  
animals on lands of another, shall carry the person's fur taker 16326  
permit with the person's signature written on the permit. Failure 16327  
to carry such a signed permit constitutes an offense under this 16328  
section. The chief shall adopt any additional rules the chief 16329  
considers necessary to carry out this section. 16330

(G) An owner who is a resident of this state or an owner who 16331  
is exempt from obtaining a hunting license under section 1533.10 16332  
of the Revised Code and the children of the owner of lands in this 16333  
state may hunt or trap fur-bearing animals thereon without a fur 16334  
taker permit. If the owner of land in this state is a limited 16335  
liability company or a limited liability partnership that consists 16336

of three or fewer individual members or partners, as applicable, 16337  
an individual member or partner who is a resident of this state 16338  
and the member's or partner's children of any age may hunt or trap 16339  
fur-bearing animals on the land owned by the limited liability 16340  
company or limited liability partnership without a fur taker 16341  
permit. In addition, if the owner of land in this state is a trust 16342  
that has a total of three or fewer trustees and beneficiaries, an 16343  
individual who is a trustee or beneficiary and who is a resident 16344  
of this state and the individual's children of any age may hunt or 16345  
trap fur-bearing animals on the land owned by the trust without a 16346  
fur taker permit. The tenant and children of the tenant may hunt 16347  
or trap fur-bearing animals on lands where they reside without a 16348  
fur taker permit. 16349

(H) A fur taker permit is not transferable. No person shall 16350  
carry a fur taker permit issued in the name of another person. 16351

(I) A fur taker permit entitles a nonresident to take from 16352  
this state fur-bearing animals taken and possessed by the 16353  
nonresident as provided by law or division rule. 16354

**Sec. 1533.112.** Except as provided in this section or unless 16355  
otherwise provided by division rule, no person shall hunt ducks, 16356  
geese, or brant on the lands of another without first obtaining an 16357  
annual wetlands habitat stamp. The annual fee for the wetlands 16358  
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 16359  
~~the otherwise provided in~~ rules adopted under division (B) of 16360  
section 1533.12 ~~provide for issuance of a wetlands habitat stamp~~ 16361  
~~to the applicant free of charge~~ of the Revised Code. 16362

Moneys received from the stamp fee shall be paid into the 16363  
state treasury to the credit of the wetlands habitat fund, which 16364  
is hereby established. Moneys shall be paid from the fund on the 16365  
order of the director of natural resources for the following 16366  
purposes: 16367

(A) Sixty per cent for projects that the division approves 16368  
for the acquisition, development, management, or preservation of 16369  
waterfowl areas within the state; 16370

(B) Forty per cent for contribution by the division to an 16371  
appropriate nonprofit organization for the acquisition, 16372  
development, management, or preservation of lands and waters 16373  
within the United States or Canada that provide or will provide 16374  
habitat for waterfowl with migration routes that cross this state. 16375

No moneys derived from the issuance of wetlands habitat 16376  
stamps shall be spent for purposes other than those specified by 16377  
this section. All investment earnings of the fund shall be 16378  
credited to the fund. 16379

Wetlands habitat stamps shall be furnished by and in a form 16380  
prescribed by the chief of the division of wildlife and issued by 16381  
clerks and other agents authorized to issue licenses and permits 16382  
under section 1533.13 of the Revised Code. The record of stamps 16383  
kept by the clerks and other agents shall be uniform throughout 16384  
the state, in such form or manner as the director prescribes, and 16385  
open at all reasonable hours to the inspection of any person. 16386  
Unless otherwise provided by rule, each stamp shall remain in 16387  
force until midnight of the thirty-first day of August next 16388  
ensuing. Wetlands habitat stamps may be issued in any manner to 16389  
any person on any date, whether or not that date is within the 16390  
period in which they are effective. 16391

Every person to whom this section applies, while hunting 16392  
ducks, geese, or brant, shall carry an unexpired wetlands habitat 16393  
stamp that is validated by the person's signature written on the 16394  
stamp in ink and shall exhibit the stamp to any enforcement 16395  
officer so requesting. No person shall fail to carry and exhibit 16396  
the person's stamp. 16397

A wetlands habitat stamp is not transferable. 16398

The chief shall establish a procedure to obtain subject matter to be printed on the wetlands habitat stamp and shall use, dispose of, or distribute the subject matter as the chief considers necessary. The chief also shall adopt rules necessary to administer this section.

This section does not apply to persons under sixteen years of age nor to persons exempted from procuring a hunting license under section 1533.10 or division (A)(2) of section 1533.12 of the Revised Code.

**Sec. 1533.32.** (A) Except as provided in this section or division (A)(2) or (C) of section 1533.12 of the Revised Code or as exempted at the discretion of the chief of the division of wildlife, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

~~(B)(1) The fee for an annual license shall be forty nine dollars for a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. The fee for an annual license shall be eighteen dollars for a resident of a state that is a party to such an agreement. The fee for an annual license for residents of this state shall be eighteen dollars unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident fishing~~

~~license to the applicant free of charge. Except as provided in 16430  
rules adopted under division (B)(2) of that section, each 16431  
applicant who is a resident of this state and who at the time of 16432  
application is sixty six years of age or older shall procure a 16433  
special senior fishing license, the fee for which shall be 16434  
one half of the annual resident fishing license fee. 16435~~

(2) Except as otherwise provided in rules adopted under 16436  
division (B) of section 1533.12 of the Revised Code, each 16437  
applicant for a fishing license shall pay a fee for each license 16438  
in accordance with the following schedule: 16439

<u>Annual fishing license - resident</u>	<u>\$24.00</u>	16440
<u>Annual fishing license - nonresident that is not 16441 a resident of a reciprocal state</u>	<u>\$49.00</u>	
<u>Annual fishing license - nonresident that is a 16442 resident of a reciprocal state</u>	<u>\$24.00</u>	
<u>Annual senior fishing license - resident</u>	<u>\$9.00</u>	16443
<u>Three-day tourist fishing license - nonresident 16444 that is not a resident of a reciprocal state</u>	<u>\$24.00</u>	
<u>One-day fishing license</u>	<u>\$13.00</u>	16445

(2) As used in division (B)(1) of this section: 16446

(a) "Reciprocal state" means a state that is a party to an 16447  
agreement under section 1533.91 of the Revised Code. 16448

(b) "Senior" means an applicant who is sixty-six years of age 16449  
or older at the time of application for a license. 16450

(3) Any person under the age of sixteen years may take or 16451  
catch frogs and turtles and take or catch fish by angling without 16452  
a license. 16453

(C)(1) The chief of the division of wildlife may issue a 16454  
tourist's license expiring three days from the effective date of 16455  
the license to a resident of a state that is not a party to an 16456  
agreement under section 1533.91 of the Revised Code. ~~The fee for a 16457~~

~~tourist's license shall be eighteen dollars.~~ 16458

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. ~~The fee for such a license shall be fifty five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar.~~ A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a year from the date of issuance.

(4) Unless otherwise provided by division rule, each multi-year license issued in accordance with section 1533.321 of the Revised Code shall begin on the date of issuance and expire three years, five years, or ten years from the date of issuance, as applicable.

(5) No person shall alter a fishing license or possess a fishing license that has been altered.

(6) No person shall procure or attempt to procure a fishing license by fraud, deceit, misrepresentation, or any false statement. 16489  
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(7) A resident of this state who owns land over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, together with the members of the immediate families of such owners, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. This exemption extends to tenants actually residing upon such lands and to the members of the immediate families of the tenants. A resident of any other state who owns land in this state over, through, upon, or along which any water flows or stands, except where the land is in or borders on state parks or state-owned lakes, and the spouse and children living with the owner, may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught from that water without obtaining a license under this section, provided that the state of residence of the owner allows residents of this state owning real property in that state, and the spouse and children living with such a property owner, to take frogs and turtles and take or catch fish without a license. If the owner of such land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may take frogs and turtles and may take or catch fish of the kind permitted to be taken or caught therefrom without procuring a license provided for in this section. In addition, if the owner of such land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of 16492  
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any age may take frogs and turtles and may take or catch fish of 16522  
the kind permitted to be taken or caught therefrom without 16523  
procuring a license provided for in this section. Residents of 16524  
state or county institutions, charitable institutions, and 16525  
military homes in this state may take frogs and turtles without 16526  
procuring the required license, provided that a member of the 16527  
institution or home has an identification card, which shall be 16528  
carried on that person when fishing. 16529

(8) Every fisher required to be licensed, while fishing or 16530  
taking or attempting to take frogs or turtles, shall carry the 16531  
license and exhibit it to any person. Failure to so carry and 16532  
exhibit the license constitutes an offense under this section. 16533

**Sec. 1533.321.** (A) The chief of the division of wildlife may 16534  
issue any of the following: 16535

(1) Multi-year hunting or fishing licenses for three-, five-, 16536  
or ten-year terms to a resident of this state; 16537

(2) Lifetime hunting or fishing licenses to a resident of 16538  
this state; 16539

(3) A package consisting of any combination of license, 16540  
stamp, or permit that the chief is authorized to issue under this 16541  
chapter. 16542

(B) The chief may adopt rules in accordance with section 16543  
1531.10 of the Revised Code governing multi-year hunting and 16544  
fishing licenses, lifetime hunting and fishing licenses, and 16545  
combination packages, including rules establishing fees for the 16546  
combination packages. The chief shall ensure that the price for a 16547  
combination package is not discounted by more than five per cent 16548  
of the total fees for the licenses, permits, or stamps that a 16549  
person would otherwise pay for those licenses, permits, or stamps 16550  
if the person purchased them individually. 16551

(C)(1) The multi-year and lifetime license fund is hereby 16552  
created in the state treasury. The fund shall consist of money 16553  
received from application fees for multi-year and lifetime hunting 16554  
and fishing licenses. 16555

(2) Each fiscal year, a prorated amount of the money from 16556  
each multi-year and lifetime license fee shall be transferred from 16557  
the multi-year and lifetime license fund to the fund into which 16558  
the applicable single year license fee would otherwise be 16559  
deposited. The prorated amount shall equal the total amount of the 16560  
fee charged for the license divided by the number of years the 16561  
license is valid. The chief shall adopt rules in accordance with 16562  
section 1531.10 of the Revised Code for the administration of this 16563  
division, including establishing a system that prorates lifetime 16564  
license fees for deposit each year into the wildlife fund created 16565  
in section 1531.17 of the Revised Code. 16566

(3) Each fiscal year, all previous year's investment earnings 16567  
from the multi-year and lifetime license fund shall be transferred 16568  
into the wildlife fund created in section 1531.17 of the Revised 16569  
Code. 16570

(D)(1) Each applicant for a multi-year or lifetime fishing 16571  
license who is a resident of this state shall pay a fee for each 16572  
license in accordance with the following schedule: 16573

Senior 3-year fishing license	\$27.50	16574
Senior 5-year fishing license	\$45.75	16575
Senior lifetime fishing license	\$81.00	16576
3-year fishing license	\$52.00	16577
5-year fishing license	\$86.75	16578
10-year fishing license	\$173.50	16579
Lifetime fishing license	\$450.00	16580
Youth lifetime fishing license	\$414.00	16581

(2) As used in division (D)(1) of this section: 16582

(a) "Youth" means an applicant who is under the age of sixteen years at the time of application for a ~~permit~~ license. 16583  
16584

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license. 16585  
16586

(E)(1) Each applicant for a multi-year or lifetime hunting license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 16587  
16588  
16589

Senior 3-year hunting license	\$27.50	16590
Senior 5-year hunting license	\$45.75	16591
Senior lifetime hunting license	\$81.00	16592
Youth 3-year hunting license	\$27.50	16593
Youth 5-year hunting license	\$45.75	16594
Youth 10-year hunting license	\$91.50	16595
Youth lifetime hunting license	\$414.00	16596
3-year hunting license	\$52.00	16597
5-year hunting license	\$86.75	16598
10-year hunting license	\$173.50	16599
Lifetime hunting license	\$450.00	16600

(2) As used in division (E)(1) of this section: 16601

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a ~~permit~~ license. 16602  
16603

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license. 16604  
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(F) If a person who is issued a multi-year hunting or fishing license or lifetime hunting or fishing license in accordance with division (A) of this section subsequently becomes a nonresident after issuance of the license, the person's license remains valid in this state during its term, regardless of residency status. 16606  
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**Sec. 1561.011.** ~~Except as provided in section 1561.24 of the Revised Code, nothing~~ Nothing in this chapter applies to 16611  
16612

activities that are permitted and regulated under Chapter 1514. of 16613  
the Revised Code. 16614

**Sec. 1711.52.** (A) The advisory council on amusement ride 16615  
safety shall do both of the following: 16616

~~(A)(1)~~ Study any subject pertaining to amusement ride safety, 16617  
including administrative, engineering, and technical subjects, and 16618  
make findings and recommendations to the director of agriculture 16619  
in accordance with division (B) of this section; 16620

~~(B)(2)~~ Prior to the adoption of any rules or amendments to 16621  
those rules under division (B) of section 1711.53 and division (B) 16622  
of section 1711.551 of the Revised Code, study the proposed rules 16623  
to be adopted by the director regarding amusement ride safety, 16624  
advise the director, and make findings and recommendations to the 16625  
director; in accordance with division (B) of this section. 16626

~~(C) Not later than December 31, 2006, prepare and submit a 16627  
report to the governor, the speaker and the minority leader of the 16628  
house of representatives, the president and the minority leader of 16629  
the senate, and the director concerning the advisory council's 16630  
recommendations for alternative funding sources for the amusement 16631  
ride safety program established under this chapter.~~(B) Prior to 16632  
submitting any findings or recommendations, the advisory council 16633  
shall vote on whether to submit such findings or recommendations 16634  
to the director. The advisory council shall submit only those 16635  
findings and recommendations that receive a majority vote of the 16636  
advisory council. 16637

(C) The director shall make available to the advisory council 16638  
any information, reports, and studies requested by the advisory 16639  
council. 16640

**Sec. 1711.53.** (A)(1) No person shall operate an amusement 16641  
ride within the state without a permit issued by the director of 16642

agriculture under division (A)(2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section 1711.551 of the Revised Code, the director shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 1711.54 of the Revised Code is on file with the department.

(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B) The director, in accordance with Chapter 119. of the

Revised Code, shall adopt rules providing for a schedule of fines, 16675  
with no fine exceeding five thousand dollars, for violations of 16676  
sections 1711.50 to 1711.57 of the Revised Code or any rules 16677  
adopted under this division and for the classification of 16678  
amusement rides and rules for the safe operation and inspection of 16679  
all amusement rides as are necessary for amusement ride safety and 16680  
for the protection of the general public. Rules adopted by the 16681  
director for the safe operation and inspection of amusement rides 16682  
shall be reasonable and based upon generally accepted engineering 16683  
standards and practices. In adopting rules under this section, the 16684  
director may adopt by reference, in whole or in part, the national 16685  
fire code or the national electrical code (NEC) prepared by the 16686  
national fire protection association, the standards of the 16687  
American society for testing and materials (ASTM) or the American 16688  
national standards institute (ANSI), or any other principles, 16689  
tests, or standards of nationally recognized technical or 16690  
scientific authorities. Insofar as is practicable and consistent 16691  
with sections 1711.50 to 1711.57 of the Revised Code, rules 16692  
adopted under this division shall be consistent with the rules of 16693  
other states. The department shall cause sections 1711.50 to 16694  
1711.57 of the Revised Code and the rules adopted in accordance 16695  
with this division and division (B) of section 1711.551 of the 16696  
Revised Code to be published in pamphlet form and a copy to be 16697  
furnished without charge to each owner of an amusement ride who 16698  
holds a current permit or is an applicant therefor. 16699

(C) With respect to an application for a permit for an 16700  
amusement ride, an owner may apply to the director for a waiver or 16701  
modification of any rule adopted under division (B) of this 16702  
section if there are practical difficulties or unnecessary 16703  
hardships for the amusement ride to comply with the rules. Any 16704  
application shall set forth the reasons for the request. The 16705  
director, with the approval of the advisory council on amusement 16706  
ride safety, may waive or modify the application of a rule to any 16707

amusement ride if the public safety is secure. Any authorization 16708  
by the director under this division shall be in writing and shall 16709  
set forth the conditions under which the waiver or modification is 16710  
authorized, and the department shall retain separate records of 16711  
all proceedings under this division. 16712

(D)(1) The director shall employ and provide for training of 16713  
a chief inspector and additional inspectors and employees as may 16714  
be necessary to administer and enforce sections 1711.50 to 1711.57 16715  
of the Revised Code. The director may appoint or contract with 16716  
other persons to perform inspections of amusement rides, provided 16717  
that the persons meet the qualifications for inspectors 16718  
established by rules adopted under division (B) of this section 16719  
and are not owners, or employees of owners, of any amusement ride 16720  
subject to inspection under sections 1711.50 to 1711.57 of the 16721  
Revised Code. No person shall inspect an amusement ride who, 16722  
within six months prior to the date of inspection, was an employee 16723  
of the owner of the ride. 16724

(2) Before the director contracts with other persons to 16725  
inspect amusement rides, the director shall seek the advice of the 16726  
advisory council on amusement ride safety on whether to contract 16727  
with those persons. The advice shall not be binding upon the 16728  
director. After having received the advice of the council, the 16729  
director may proceed to contract with inspectors in accordance 16730  
with the procedures specified in division (E)(2) of section 16731  
1711.11 of the Revised Code. 16732

(3) With the advice and consent of the advisory council on 16733  
amusement ride safety, the director may employ a special 16734  
consultant to conduct an independent investigation of an amusement 16735  
ride accident. This consultant need not be in the civil service of 16736  
the state, but shall have qualifications to conduct the 16737  
investigation acceptable to the council. 16738

(E)(1) Except as otherwise provided in division (E)(1) of 16739

this section, the department shall charge the following amusement		16740
ride fees:		16741
Permit	\$ <del>150</del>	16742
	<u>225</u>	
Annual inspection and reinspection per ride:		16743
Kiddie rides	\$ <del>100</del>	16744
	<u>104</u>	
Roller coaster	\$ <del>1,200</del>	16745
	<u>1,248</u>	
Aerial lifts or bungee jumping facilities	\$ <del>450</del>	16746
	<u>468</u>	
Go karts, per kart	\$ 5	16747
		16748
Other rides	\$ <del>160</del>	16749
	<u>166</u>	
Midseason operational inspection per ride	\$ 25	16750
Expedited inspection per ride	\$ 100	16751
Failure to cancel scheduled inspection per ride	\$ 100	16752
Failure to have amusement ride ready for inspection		16753
per ride	\$ 100	16754
The go kart inspection fee is in addition to the inspection		16755
fee for the go kart track.		16756
The director shall adopt rules in accordance with Chapter		16757
119. of the Revised Code establishing an annual fee that is less		16758
than one hundred <del>five</del> <u>nine</u> dollars for an inspection and		16759
reinspection of an inflatable ride. In adopting the rules, the		16760
director shall ensure that the fee reasonably reflects the costs		16761
of inspection and reinspection of an inflatable ride. If the		16762
director issues a permit for an inflatable ride for a time period		16763
of less than one year, the director shall charge a prorated fee		16764
for the permit equal to one-twelfth of the annual permit fee		16765
multiplied by the number of full months for which the permit is		16766

issued. 16767

The fees for an expedited inspection, failure to cancel a 16768  
scheduled inspection, and failure to have an amusement ride ready 16769  
for inspection do not apply to go karts. 16770

As used in division (E)(1) of this section, "expedited 16771  
inspection" means an inspection of an amusement ride by the 16772  
department not later than ten days after the owner of the 16773  
amusement ride files an application for a permit under this 16774  
section. 16775

(2) All fees and fines collected by the department under 16776  
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 16777  
in the state treasury to the credit of the amusement ride 16778  
inspection fund, which is hereby created, and shall be used only 16779  
for the purpose of administering and enforcing sections 1711.11 16780  
and 1711.50 to 1711.57 of the Revised Code. 16781

(3) The owner of an amusement ride shall be required to pay a 16782  
reinspection fee only if the reinspection was conducted at the 16783  
owner's request under division (F) of this section, if the 16784  
reinspection is required by division (F) of this section because 16785  
of an accident, or if the reinspection is required by division (F) 16786  
of section 1711.55 of the Revised Code. If a reinspection is 16787  
conducted at the request of the chief officer of a fair, festival, 16788  
or event where the ride is operating, the reinspection fee shall 16789  
be charged to the fair, festival, or event. 16790

(4) The rules adopted under division (B) of this section 16791  
shall define "roller coaster," "aerial lifts," "go karts," and 16792  
"other rides" for purposes of determining the fees under division 16793  
(E) of this section. The rules shall define "other rides" to 16794  
include go kart tracks. 16795

(F) A reinspection of an amusement ride shall take place if 16796  
an accident occurs, if the owner of the ride or the chief officer 16797

of the fair, festival, or event where the ride is operating 16798  
requests a reinspection, or if the reinspection is required by 16799  
division (F) of section 1711.55 of the Revised Code. 16800

(G) As a supplement to its annual inspection of a temporary 16801  
amusement ride, the department may inspect the ride during each 16802  
scheduled event, as listed in the schedule of events provided to 16803  
the department by the owner pursuant to division (C) of section 16804  
1711.55 of the Revised Code, at which the ride is operated in this 16805  
state. These supplemental inspections are in addition to any other 16806  
inspection or reinspection of the ride as may be required under 16807  
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 16808  
the temporary amusement ride is not required to pay an inspection 16809  
or reinspection fee for this supplemental inspection. Nothing in 16810  
this division shall be construed to prohibit the owner of a 16811  
temporary amusement ride having a valid permit to operate in this 16812  
state from operating the ride at a scheduled event before the 16813  
department conducts a supplemental inspection. 16814

(H) The department may annually conduct a midseason 16815  
operational inspection of every amusement ride upon which it 16816  
conducts an annual inspection pursuant to division (A) of this 16817  
section. The midseason operational inspection is in addition to 16818  
any other inspection or reinspection of the amusement ride as may 16819  
be required pursuant to sections 1711.50 to 1711.57 of the Revised 16820  
Code. The owner of an amusement ride shall submit to the 16821  
department, at the time determined by the department, the 16822  
midseason operational inspection fee specified in division (E) of 16823  
this section. The director, in accordance with Chapter 119. of the 16824  
Revised Code, shall adopt rules specifying the time period during 16825  
which the department will conduct midseason operational 16826  
inspections. 16827

**Sec. 1711.532.** Not later than November 1, 2019, and annually 16828

thereafter, the director of agriculture shall submit a detailed 16829  
financial report to the speaker of the house of representatives 16830  
and to the president of the senate that includes all of the 16831  
following information: 16832

(A) The revenue from fees collected under section 1711.53 of 16833  
the Revised Code and any other revenue collected for the amusement 16834  
ride safety program during the twelve months immediately preceding 16835  
the report's submission; 16836

(B) Expenses relating to the operation of the department of 16837  
agriculture's amusement ride safety program established under 16838  
sections 1711.50 to 1711.57 of the Revised Code during the twelve 16839  
months immediately preceding the report's submission; 16840

(C) Any proposed changes to the fee schedule established 16841  
under section 1711.53 of the Revised Code that the director 16842  
determines are necessary for purposes of issuing amusement ride 16843  
permits and conducting amusement ride inspections and 16844  
reinspections; 16845

(D) The amount expended from any appropriations made for the 16846  
department of agriculture's amusement ride safety program during 16847  
the twelve months immediately preceding the report's submission; 16848

(E) Any additional revenue that the director determines is 16849  
necessary to meet the expenses of the amusement ride safety 16850  
program during the twelve months immediately following the 16851  
submission of the report; 16852

(F) Any other information that the director determines is 16853  
necessary to include in the report. 16854

**Sec. 1724.05.** Each community improvement corporation shall 16855  
prepare an annual financial report that conforms to rules 16856  
prescribed by the auditor of state pursuant to section 117.20 of 16857  
the Revised Code, that is prepared according to generally accepted 16858

accounting principles, and that is certified by the board of 16859  
directors of the corporation or its treasurer or other chief 16860  
fiscal officer to the best knowledge and belief of those persons 16861  
certifying the report. The financial report shall be filed with 16862  
the auditor of state within one hundred twenty days following the 16863  
last day of the corporation's fiscal year, unless the auditor of 16864  
state extends that deadline. The auditor of state may establish 16865  
terms and conditions for granting any extension of that deadline. 16866  
The financial report shall be published on the corporation's web 16867  
site, or if the corporation does not have a web site, on the web 16868  
site of the county in which the corporation is located. 16869

Each community improvement corporation shall submit to audits 16870  
by the auditor of state, the scope and frequency of which shall be 16871  
in accordance with section 117.11 of the Revised Code as if the 16872  
corporation were a public office subject to that section. However, 16873  
a community improvement corporation may request in accordance with 16874  
section ~~115.56~~ 117.115 of the Revised Code, as if the corporation 16875  
were a public office subject to that section, the performance of 16876  
any of those audits by an independent certified public accountant 16877  
or firm of certified public accountants. 16878

The auditor of state is authorized to receive and file the 16879  
annual financial reports required by this section and the reports 16880  
of all audits performed in accordance with this section. The 16881  
auditor of state shall analyze those annual financial reports and 16882  
the reports of those audits to determine whether the activities of 16883  
a community improvement corporation involved are in accordance 16884  
with this chapter. 16885

**Sec. 1726.11.** Each development corporation incorporated under 16886  
this chapter shall prepare an annual financial report that 16887  
conforms to rules prescribed by the auditor of state pursuant to 16888  
section 117.20 of the Revised Code, that is prepared according to 16889

generally accepted accounting principles, and that is certified by 16890  
the board of trustees of the corporation or its treasurer or other 16891  
chief fiscal officer. The financial report shall be filed with the 16892  
auditor of state within one hundred twenty days following the last 16893  
day of the corporation's fiscal year, unless the auditor of state 16894  
extends that deadline. The auditor of state may establish terms 16895  
and conditions for granting any extension of that deadline. 16896

Each development corporation shall submit to audits by the 16897  
auditor of state, the scope and frequency of which shall be in 16898  
accordance with section 117.11 of the Revised Code as if the 16899  
corporation were a public office subject to that section. However, 16900  
a development corporation may request in accordance with section 16901  
~~115.56~~ 117.115 of the Revised Code, as if the corporation were a 16902  
public office subject to that section, the performance of any of 16903  
those audits by an independent certified public accountant. 16904

The auditor of state is authorized to receive and file the 16905  
annual financial reports required by this section and the reports 16906  
of all audits performed in accordance with this section. The 16907  
auditor of state shall analyze those annual financial reports and 16908  
the reports of those audits to determine whether the activities of 16909  
the development corporation involved are in accordance with this 16910  
chapter. 16911

**Sec. 1739.05.** (A) A multiple employer welfare arrangement 16912  
that is created pursuant to sections 1739.01 to 1739.22 of the 16913  
Revised Code and that operates a group self-insurance program may 16914  
be established only if any of the following applies: 16915

(1) The arrangement has and maintains a minimum enrollment of 16916  
three hundred employees of two or more employers. 16917

(2) The arrangement has and maintains a minimum enrollment of 16918  
three hundred self-employed individuals. 16919

(3) The arrangement has and maintains a minimum enrollment of 16920  
three hundred employees or self-employed individuals in any 16921  
combination of divisions (A)(1) and (2) of this section. 16922

(B) A multiple employer welfare arrangement that is created 16923  
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 16924  
that operates a group self-insurance program shall comply with all 16925  
laws applicable to self-funded programs in this state, including 16926  
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 16927  
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 16928  
3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 16929  
3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 16930  
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 16931  
3924.27 of the Revised Code. 16932

(C) A multiple employer welfare arrangement created pursuant 16933  
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 16934  
enrollments only through agents or solicitors licensed pursuant to 16935  
Chapter 3905. of the Revised Code to sell or solicit sickness and 16936  
accident insurance. 16937

(D) A multiple employer welfare arrangement created pursuant 16938  
to sections 1739.01 to 1739.22 of the Revised Code shall provide 16939  
benefits only to individuals who are members, employees of 16940  
members, or the dependents of members or employees, or are 16941  
eligible for continuation of coverage under section 1751.53 or 16942  
3923.38 of the Revised Code or under Title X of the "Consolidated 16943  
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 16944  
U.S.C.A. 1161, as amended. 16945

(E) A multiple employer welfare arrangement created pursuant 16946  
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 16947  
and shall comply with, sections 3903.81 to 3903.93 of the Revised 16948  
Code in the same manner as other life or health insurers, as 16949  
defined in section 3903.81 of the Revised Code. 16950

Sec. 1751.77. As used in sections 1751.77 to 1751.87 of the Revised Code, unless otherwise specifically provided or as otherwise required pursuant to applicable federal law or regulations:

(A) "Adverse determination" means a determination by a health insuring corporation or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, the health care service does not meet the requirements for benefit payment under the health insuring corporation's policy, contract, or agreement, and coverage is therefore denied, reduced, or terminated.

(B) "Ambulatory review" means utilization review of health care services performed or provided in an outpatient setting.

(C) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of an enrollee with respect to health care decisions.

(D) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted, or other specified health conditions.

(E) "Certification" means a determination by a health insuring corporation or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, the health care service satisfies the requirements for benefit payment under the health insuring corporation's policy, contract, or agreement.

(F) "Clinical peer" means a physician when an evaluation is to be made of the clinical appropriateness of health care services provided by a physician. If an evaluation is to be made of the

clinical appropriateness of health care services provided by a 16981  
provider who is not a physician, "clinical peer" means either a 16982  
physician or a provider holding the same license as the provider 16983  
who provided the health care services. 16984

(G) "Clinical review criteria" means the written screening 16985  
procedures, decision abstracts, clinical protocols, and practice 16986  
guidelines used by a health insuring corporation to determine the 16987  
necessity and appropriateness of health care services. 16988

(H) "Concurrent review" means utilization review conducted 16989  
during a patient's hospital stay or course of treatment. 16990

(I) "Discharge planning" means the formal process for 16991  
determining, prior to a patient's discharge from a health care 16992  
facility, the coordination and management of the care that the 16993  
patient is to receive following discharge from a health care 16994  
facility. 16995

(J) "Participating provider" means a provider or health care 16996  
facility that, under a contract with a health insuring corporation 16997  
or with its contractor or subcontractor, has agreed to provide 16998  
health care services to enrollees with an expectation of receiving 16999  
payment, other than coinsurance, copayments, or deductibles, 17000  
directly or indirectly from the health insuring corporation. 17001

(K) "Physician" means a provider who holds a ~~certificate~~ 17002  
license issued under Chapter 4731. of the Revised Code authorizing 17003  
the practice of medicine and surgery or osteopathic medicine and 17004  
surgery or a comparable license ~~or certificate~~ from another state. 17005

(L) "Prospective review" means utilization review that is 17006  
conducted prior to an admission or a course of treatment. 17007

(M) "Retrospective review" means utilization review of 17008  
medical necessity that is conducted after health care services 17009  
have been provided to a patient. "Retrospective review" does not 17010  
include the review of a claim that is limited to an evaluation of 17011

reimbursement levels, veracity of documentation, accuracy of 17012  
coding, or adjudication of payment. 17013

(N) "Second opinion" means an opportunity or requirement to 17014  
obtain a clinical evaluation by a provider other than the provider 17015  
originally making a recommendation for proposed health care 17016  
services to assess the clinical necessity and appropriateness of 17017  
the proposed health care services. 17018

(O) "Utilization review" means a process used to monitor the 17019  
use of, or evaluate the clinical necessity, appropriateness, 17020  
efficacy, or efficiency of, health care services, procedures, or 17021  
settings. Areas of review may include ambulatory review, 17022  
prospective review, second opinion, certification, concurrent 17023  
review, case management, discharge planning, or retrospective 17024  
review. 17025

(P) "Utilization review organization" means an entity that 17026  
conducts utilization review, other than a health insuring 17027  
corporation performing a review of its own health care plans. 17028

Sec. 1751.92. Each health insuring corporation shall comply 17029  
with the requirements of section 3959.20 of the Revised Code as 17030  
they pertain to health plan issuers. 17031

As used in this section, "health plan issuer" has the same 17032  
meaning as in section 3922.01 of the Revised Code. 17033

**Sec. 1901.123.** (A)(1) Subject to reimbursement under division 17034  
(B) of this section, the treasurer of the county in which a 17035  
county-operated municipal court or other municipal court is 17036  
located shall pay the per diem compensation to which an acting 17037  
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 17038  
of section 1901.121 of the Revised Code is entitled pursuant to 17039  
division (A)(1) of section 1901.122 of the Revised Code. 17040

(2) Subject to reimbursement under division ~~(B)~~(C) of this 17041

section, the ~~treasurer of the county in which a county operated~~ 17042  
~~municipal court or other municipal court is located~~ supreme court 17043  
shall pay the per diem compensation to which an assigned judge 17044  
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 17045  
or (D) of section 1901.121 of the Revised Code is entitled 17046  
pursuant to division (B) of section 1901.122 of the Revised Code. 17047

(B) The treasurer of a county that, pursuant to division 17048  
(A)(1) of this section, is required to pay any compensation to 17049  
which an acting judge ~~or assigned judge~~ is entitled under division 17050  
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 17051  
to the administrative director of the supreme court quarterly 17052  
requests for reimbursements of the per diem amounts so paid. The 17053  
requests shall include verifications of the payment of those 17054  
amounts and an affidavit from the acting judge ~~or assigned judge~~ 17055  
stating the days and hours worked. The administrative director 17056  
shall cause reimbursements of those amounts to be issued to the 17057  
county if the administrative director verifies that those amounts 17058  
were, in fact, so paid. 17059

(C) The supreme court, pursuant to division (A)(2) of this 17060  
section, is required to pay any compensation to which an assigned 17061  
judge is entitled under division (A)(5) or (6) of section 141.04 17062  
of the Revised Code. Annually, on the first day of August, the 17063  
administrative director of the supreme court shall issue a billing 17064  
to the county treasurer of any county to which such a judge was 17065  
assigned to a municipal court for reimbursement of the county or 17066  
local portion of the compensation previously paid by the state for 17067  
the twelve-month period preceding the last day of June. The county 17068  
or local portion of the compensation shall be that part of each 17069  
per diem paid by the state which is proportional to the county or 17070  
local shares of the total compensation of a resident judge of such 17071  
court. The county treasurer shall forward the payment within 17072  
thirty days. After forwarding the payment, the county treasurer 17073

shall seek reimbursement from the applicable local municipalities 17074  
as appropriate. 17075

**Sec. 1901.26.** (A) Subject to division (E) of this section, 17076  
costs in a municipal court shall be fixed and taxed as follows: 17077

(1)(a) The municipal court shall require an advance deposit 17078  
for the filing of any new civil action or proceeding when required 17079  
by division (C) of this section, subject to its waiver pursuant to 17080  
that division, and in all other cases, by rule, shall establish a 17081  
schedule of fees and costs to be taxed in any civil or criminal 17082  
action or proceeding. 17083

(b)(i) The legislative authority of a municipal corporation 17084  
may by ordinance establish a schedule of fees to be taxed as costs 17085  
in any civil, criminal, or traffic action or proceeding in a 17086  
municipal court for the performance by officers or other employees 17087  
of the municipal corporation's police department or marshal's 17088  
office of any of the services specified in sections 311.17 and 17089  
509.15 of the Revised Code. No fee in the schedule shall be higher 17090  
than the fee specified in section 311.17 of the Revised Code for 17091  
the performance of the same service by the sheriff. If a fee 17092  
established in the schedule conflicts with a fee for the same 17093  
service established in another section of the Revised Code or a 17094  
rule of court, the fee established in the other section of the 17095  
Revised Code or the rule of court shall apply. 17096

(ii) When an officer or employee of a municipal police 17097  
department or marshal's office performs in a civil, criminal, or 17098  
traffic action or proceeding in a municipal court a service 17099  
specified in section 311.17 or 509.15 of the Revised Code for 17100  
which a taxable fee has been established under this or any other 17101  
section of the Revised Code, the applicable legal fees and any 17102  
other extraordinary expenses, including overtime, provided for the 17103  
service shall be taxed as costs in the case. The clerk of the 17104

court shall pay those legal fees and other expenses, when 17105  
collected, into the general fund of the municipal corporation that 17106  
employs the officer or employee. 17107

(iii) If a bailiff of a municipal court performs in a civil, 17108  
criminal, or traffic action or proceeding in that court a service 17109  
specified in section 311.17 or 509.15 of the Revised Code for 17110  
which a taxable fee has been established under this section or any 17111  
other section of the Revised Code, the fee for the service is the 17112  
same and is taxable to the same extent as if the service had been 17113  
performed by an officer or employee of the police department or 17114  
marshal's office of the municipal corporation in which the court 17115  
is located. The clerk of that court shall pay the fee, when 17116  
collected, into the general fund of the entity or entities that 17117  
fund the bailiff's salary, in the same prorated amount as the 17118  
salary is funded. 17119

(iv) Division (A)(1)(b) of this section does not authorize or 17120  
require any officer or employee of a police department or 17121  
marshal's office of a municipal corporation or any bailiff of a 17122  
municipal court to perform any service not otherwise authorized by 17123  
law. 17124

(2) The municipal court, by rule, may require an advance 17125  
deposit for the filing of any civil action or proceeding and 17126  
publication fees as provided in section 2701.09 of the Revised 17127  
Code. The court shall waive the requirement for advance deposit 17128  
for a party that the court determines qualifies as an indigent 17129  
litigant as set forth in section 2323.311 of the Revised Code. 17130

(3) When a jury trial is demanded in any civil action or 17131  
proceeding, the party making the demand may be required to make an 17132  
advance deposit as fixed by rule of court, unless the court 17133  
determines that the party qualifies as an indigent litigant as set 17134  
forth in section 2323.311 of the Revised Code. If a jury is 17135  
called, the fees of a jury shall be taxed as costs. 17136

(4) In any civil or criminal action or proceeding, each witness shall receive twelve dollars for each full day's attendance and six dollars for each half day's attendance. Each witness in a municipal court that is not a county-operated municipal court also shall receive fifty and one-half cents for each mile necessarily traveled to and from the witness's place of residence to the action or proceeding.

(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court.

(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) Charges for the publication of legal notices required by statute or order of court may be taxed as part of the costs, as provided by section 7.13 of the Revised Code.

(B)(1)(a) The municipal court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of

equipment, the hiring and training of staff, community service 17168  
programs, mediation or dispute resolution services, the employment 17169  
of magistrates, the training and education of judges, acting 17170  
judges, and magistrates, and other related services. Upon that 17171  
determination, the court by rule may charge a fee, in addition to 17172  
all other court costs, on the filing of each criminal cause, civil 17173  
action or proceeding, or judgment by confession. 17174

(b) If the municipal court offers a special program or 17175  
service in cases of a specific type, the municipal court by rule 17176  
may assess an additional charge in a case of that type, over and 17177  
above court costs, to cover the special program or service. The 17178  
municipal court shall adjust the special assessment periodically, 17179  
but not retroactively, so that the amount assessed in those cases 17180  
does not exceed the actual cost of providing the service or 17181  
program. 17182

(c) Any fee or charge assessed under division (B)(1)(a) or 17183  
(b) of this section on the filing of a civil action or proceeding 17184  
shall be waived if the court determines that the person on whom 17185  
the fee or charge is assessed qualifies as an indigent litigant as 17186  
set forth in section 2323.311 of the Revised Code. 17187

(d) All moneys collected under division (B) of this section 17188  
shall be paid to the county treasurer if the court is a 17189  
county-operated municipal court or to the city treasurer if the 17190  
court is not a county-operated municipal court for deposit into 17191  
either a general special projects fund or a fund established for a 17192  
specific special project. Moneys from a fund of that nature shall 17193  
be disbursed upon an order of the court in an amount no greater 17194  
than the actual cost to the court of a project. If a specific fund 17195  
is terminated because of the discontinuance of a program or 17196  
service established under division (B) of this section, the 17197  
municipal court may order that moneys remaining in the fund be 17198  
transferred to an account established under this division for a 17199

similar purpose. 17200

(2) As used in division (B) of this section: 17201

(a) "Criminal cause" means a charge alleging the violation of 17202  
a statute or ordinance, or subsection of a statute or ordinance, 17203  
that requires a separate finding of fact or a separate plea before 17204  
disposition and of which the defendant may be found guilty, 17205  
whether filed as part of a multiple charge on a single summons, 17206  
citation, or complaint or as a separate charge on a single 17207  
summons, citation, or complaint. "Criminal cause" does not include 17208  
separate violations of the same statute or ordinance, or 17209  
subsection of the same statute or ordinance, unless each charge is 17210  
filed on a separate summons, citation, or complaint. 17211

(b) "Civil action or proceeding" means any civil litigation 17212  
that must be determined by judgment entry. 17213

(C) The municipal court shall collect in all its divisions 17214  
except the small claims division the sum of twenty-six dollars as 17215  
additional filing fees in each new civil action or proceeding for 17216  
the charitable public purpose of providing financial assistance to 17217  
legal aid societies that operate within the state and to support 17218  
the office of the state public defender. The municipal court shall 17219  
collect in its small claims division the sum of eleven dollars as 17220  
additional filing fees in each new civil action or proceeding for 17221  
the charitable public purpose of providing financial assistance to 17222  
legal aid societies that operate within the state and to support 17223  
the office of the state public defender. This division does not 17224  
apply to any execution on a judgment, proceeding in aid of 17225  
execution, or other post-judgment proceeding arising out of a 17226  
civil action. The filing fees required to be collected under this 17227  
division shall be in addition to any other court costs imposed in 17228  
the action or proceeding and shall be collected at the time of the 17229  
filing of the action or proceeding. The court shall not waive the 17230  
payment of the additional filing fees in a new civil action or 17231

proceeding unless the court waives the advanced payment of all 17232  
filing fees in the action or proceeding for the party that the 17233  
court determines is qualified as an indigent litigant as set forth 17234  
in section 2323.311 of the Revised Code. All such moneys collected 17235  
during a month except for an amount equal to up to one per cent of 17236  
those moneys retained to cover administrative costs shall be 17237  
transmitted on or before the twentieth day of the following month 17238  
by the clerk of the court to the treasurer of state in a manner 17239  
prescribed by the treasurer of state or by the Ohio ~~legal~~ 17240  
~~assistance~~ access to justice foundation. The treasurer of state 17241  
shall deposit four per cent of the funds collected under this 17242  
division to the credit of the civil case filing fee fund 17243  
established under section 120.07 of the Revised Code and 17244  
ninety-six per cent of the funds collected under this division to 17245  
the credit of the legal aid fund established under section 120.52 17246  
of the Revised Code. 17247

The court may retain up to one per cent of the moneys it 17248  
collects under this division to cover administrative costs, 17249  
including the hiring of any additional personnel necessary to 17250  
implement this division. If the court fails to transmit to the 17251  
treasurer of state the moneys the court collects under this 17252  
division in a manner prescribed by the treasurer of state or by 17253  
the Ohio ~~legal assistance~~ access to justice foundation, the court 17254  
shall forfeit the moneys the court retains under this division to 17255  
cover administrative costs, including the hiring of any additional 17256  
personnel necessary to implement this division, and shall transmit 17257  
to the treasurer of state all moneys collected under this 17258  
division, including the forfeited amount retained for 17259  
administrative costs, for deposit in the legal aid fund. 17260

(D) In the Cleveland municipal court, reasonable charges for 17261  
investigating titles of real estate to be sold or disposed of 17262  
under any writ or process of the court may be taxed as part of the 17263

costs. 17264

(E) Under the circumstances described in sections 2969.21 to 17265  
2969.27 of the Revised Code, the clerk of the municipal court 17266  
shall charge the fees and perform the other duties specified in 17267  
those sections. 17268

(F) As used in this section: 17269

(1) "Full day's attendance" means a day on which a witness is 17270  
required or requested to be present at an action or proceeding 17271  
before and after twelve noon, regardless of whether the witness 17272  
actually testifies. 17273

(2) "Half day's attendance" means a day on which a witness is 17274  
required or requested to be present at an action or proceeding 17275  
either before or after twelve noon, but not both, regardless of 17276  
whether the witness actually testifies. 17277

**Sec. 1907.143.** (A)(1) Subject to reimbursement under division 17278  
(B) of this section, the treasurer of the county in which a county 17279  
court is located shall pay the per diem compensation to which an 17280  
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 17281  
(C)(1) of section 1907.141 of the Revised Code is entitled 17282  
pursuant to division (A) of section 1907.142 of the Revised Code. 17283  
17284

(2) Subject to reimbursement under division ~~(B)~~(C) of this 17285  
section, the ~~treasurer of the county in which a county court is~~ 17286  
~~located~~ supreme court shall pay the per diem compensation to which 17287  
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 17288  
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 17289  
entitled pursuant to division (B) of section 1907.142 of the 17290  
Revised Code. 17291

(B) The treasurer of a county that, pursuant to division 17292  
(A)(1) of this section, is required to pay any compensation to 17293

which an acting judge ~~or assigned judge~~ is entitled under division 17294  
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 17295  
to the administrative director of the supreme court quarterly 17296  
requests for reimbursements of the per diem amounts so paid. The 17297  
requests shall include verifications of the payment of those 17298  
amounts and an affidavit from the acting judge ~~or assigned judge~~ 17299  
stating the days and hours worked. The administrative director 17300  
shall cause reimbursements of those amounts to be issued to the 17301  
county if the administrative director verifies that those amounts 17302  
were, in fact, so paid. 17303

(C) The supreme court, pursuant to division (A)(2) of this 17304  
section, is required to pay any compensation to which an assigned 17305  
judge is entitled under division (A)(5) or (6) of section 141.04 17306  
of the Revised Code. Annually, on the first day of August, the 17307  
administrative director of the supreme court shall issue a billing 17308  
to the county treasurer of any county to which such a judge was 17309  
assigned to a county court for reimbursement of the county portion 17310  
of the compensation previously paid by the state for the 17311  
twelve-month period preceding the last day of June. The county 17312  
portion of the compensation shall be that part of each per diem 17313  
paid by the state which is proportional to the county shares of 17314  
the total compensation of a resident judge of such court. The 17315  
county treasurer shall forward the payment within thirty days. 17316  
After forwarding the payment, the county treasurer shall seek 17317  
reimbursement from the applicable local municipalities as 17318  
appropriate. 17319

**Sec. 1907.24.** (A) Subject to division (C) of this section, a 17320  
county court shall fix and tax fees and costs as follows: 17321

(1) The county court shall require an advance deposit for the 17322  
filing of any new civil action or proceeding when required by 17323  
division (C) of this section, subject to its waiver pursuant to 17324

that division, and, in all other cases, shall establish a schedule 17325  
of fees and costs to be taxed in any civil or criminal action or 17326  
proceeding. 17327

(2) The county court by rule may require an advance deposit 17328  
for the filing of a civil action or proceeding and publication 17329  
fees as provided in section 2701.09 of the Revised Code. The court 17330  
shall waive an advance deposit requirement for a party that the 17331  
court determines qualifies as an indigent litigant as set forth in 17332  
section 2323.311 of the Revised Code. 17333

(3) When a party demands a jury trial in a civil action or 17334  
proceeding, the county court may require the party to make an 17335  
advance deposit as fixed by rule of court, unless the court 17336  
determines that the party qualifies as an indigent litigant as set 17337  
forth in section 2323.311 of the Revised Code. If a jury is 17338  
called, the county court shall tax the fees of a jury as costs. 17339

(4) In a civil or criminal action or proceeding, the county 17340  
court shall fix the fees of witnesses in accordance with sections 17341  
2335.06 and 2335.08 of the Revised Code. 17342

(5) A county court may tax as part of the costs in a trial of 17343  
the cause, in an amount fixed by rule of court, a reasonable 17344  
charge for driving, towing, carting, storing, keeping, and 17345  
preserving motor vehicles and other personal property recovered or 17346  
seized in a proceeding. 17347

(6) The court shall preserve chattel property seized under a 17348  
writ or process issued by the court pending final disposition for 17349  
the benefit of all interested persons. The court may place the 17350  
chattel property in storage when necessary or proper for its 17351  
preservation. The custodian of chattel property so stored shall 17352  
not be required to part with the possession of the property until 17353  
a reasonable charge, to be fixed by the court, is paid. 17354

(7) The county court, as it determines, may refund all 17355

deposits and advance payments of fees and costs, including those 17356  
for jurors and summoning jurors, when they have been paid by the 17357  
losing party. 17358

(8) The court may tax as part of costs charges for the 17359  
publication of legal notices required by statute or order of 17360  
court, as provided by section 7.13 of the Revised Code. 17361

(B)(1)(a) The county court may determine that, for the 17362  
efficient operation of the court, additional funds are necessary 17363  
to acquire and pay for special projects of the court including, 17364  
but not limited to, the acquisition of additional facilities or 17365  
the rehabilitation of existing facilities, the acquisition of 17366  
equipment, the hiring and training of staff, community service 17367  
programs, mediation or dispute resolution services, the employment 17368  
of magistrates, the training and education of judges, acting 17369  
judges, and magistrates, and other related services. Upon that 17370  
determination, the court by rule may charge a fee, in addition to 17371  
all other court costs, on the filing of each criminal cause, civil 17372  
action or proceeding, or judgment by confession. 17373

(b) If the county court offers a special program or service 17374  
in cases of a specific type, the county court by rule may assess 17375  
an additional charge in a case of that type, over and above court 17376  
costs, to cover the special program or service. The county court 17377  
shall adjust the special assessment periodically, but not 17378  
retroactively, so that the amount assessed in those cases does not 17379  
exceed the actual cost of providing the service or program. 17380

(c) Any fee or charge assessed under division (B)(1)(a) or 17381  
(b) of this section on the filing of a civil action or proceeding 17382  
shall be waived if the court determines that the person on whom 17383  
the fee or charge is assessed qualifies as an indigent litigant as 17384  
set forth in section 2323.311 of the Revised Code. 17385

(d) All moneys collected under division (B) of this section 17386

shall be paid to the county treasurer for deposit into either a 17387  
general special projects fund or a fund established for a specific 17388  
special project. Moneys from a fund of that nature shall be 17389  
disbursed upon an order of the court in an amount no greater than 17390  
the actual cost to the court of a project. If a specific fund is 17391  
terminated because of the discontinuance of a program or service 17392  
established under division (B) of this section, the county court 17393  
may order that moneys remaining in the fund be transferred to an 17394  
account established under this division for a similar purpose. 17395

(2) As used in division (B) of this section: 17396

(a) "Criminal cause" means a charge alleging the violation of 17397  
a statute or ordinance, or subsection of a statute or ordinance, 17398  
that requires a separate finding of fact or a separate plea before 17399  
disposition and of which the defendant may be found guilty, 17400  
whether filed as part of a multiple charge on a single summons, 17401  
citation, or complaint or as a separate charge on a single 17402  
summons, citation, or complaint. "Criminal cause" does not include 17403  
separate violations of the same statute or ordinance, or 17404  
subsection of the same statute or ordinance, unless each charge is 17405  
filed on a separate summons, citation, or complaint. 17406

(b) "Civil action or proceeding" means any civil litigation 17407  
that must be determined by judgment entry. 17408

(C) Subject to division (E) of this section, the county court 17409  
shall collect in all its divisions except the small claims 17410  
division the sum of twenty-six dollars as additional filing fees 17411  
in each new civil action or proceeding for the charitable public 17412  
purpose of providing financial assistance to legal aid societies 17413  
that operate within the state and to support the office of the 17414  
state public defender. Subject to division (E) of this section, 17415  
the county court shall collect in its small claims division the 17416  
sum of eleven dollars as additional filing fees in each new civil 17417  
action or proceeding for the charitable public purpose of 17418

providing financial assistance to legal aid societies that operate 17419  
within the state and to support the office of the state public 17420  
defender. This division does not apply to any execution on a 17421  
judgment, proceeding in aid of execution, or other post-judgment 17422  
proceeding arising out of a civil action. The filing fees required 17423  
to be collected under this division shall be in addition to any 17424  
other court costs imposed in the action or proceeding and shall be 17425  
collected at the time of the filing of the action or proceeding. 17426  
The court shall not waive the payment of the additional filing 17427  
fees in a new civil action or proceeding unless the court waives 17428  
the advanced payment of all filing fees in the action or 17429  
proceeding for the party that the court determines is qualified as 17430  
an indigent litigant as set forth in section 2323.311 of the 17431  
Revised Code. All such moneys collected during a month except for 17432  
an amount equal to up to one per cent of those moneys retained to 17433  
cover administrative costs shall be transmitted on or before the 17434  
twentieth day of the following month by the clerk of the court to 17435  
the treasurer of state in a manner prescribed by the treasurer of 17436  
state or by the Ohio ~~legal assistance~~ access to justice 17437  
foundation. The treasurer of state shall deposit four per cent of 17438  
the funds collected under this division to the credit of the civil 17439  
case filing fee fund established under section 120.07 of the 17440  
Revised Code and ninety-six per cent of the funds collected under 17441  
this division to the credit of the legal aid fund established 17442  
under section 120.52 of the Revised Code. 17443

The court may retain up to one per cent of the moneys it 17444  
collects under this division to cover administrative costs, 17445  
including the hiring of any additional personnel necessary to 17446  
implement this division. If the court fails to transmit to the 17447  
treasurer of state the moneys the court collects under this 17448  
division in a manner prescribed by the treasurer of state or by 17449  
the Ohio ~~legal assistance~~ access to justice foundation, the court 17450  
shall forfeit the moneys the court retains under this division to 17451

cover administrative costs, including the hiring of any additional 17452  
personnel necessary to implement this division, and shall transmit 17453  
to the treasurer of state all moneys collected under this 17454  
division, including the forfeited amount retained for 17455  
administrative costs, for deposit in the legal aid fund. 17456

(D) The county court shall establish by rule a schedule of 17457  
fees for miscellaneous services performed by the county court or 17458  
any of its judges in accordance with law. If judges of the court 17459  
of common pleas perform similar services, the fees prescribed in 17460  
the schedule shall not exceed the fees for those services 17461  
prescribed by the court of common pleas. 17462

(E) Under the circumstances described in sections 2969.21 to 17463  
2969.27 of the Revised Code, the clerk of the county court shall 17464  
charge the fees and perform the other duties specified in those 17465  
sections. 17466

**Sec. 2151.23.** (A) The juvenile court has exclusive original 17467  
jurisdiction under the Revised Code as follows: 17468

(1) Concerning any child who on or about the date specified 17469  
in the complaint, indictment, or information is alleged to have 17470  
violated section 2151.87 of the Revised Code or an order issued 17471  
under that section or to be a juvenile traffic offender or a 17472  
delinquent, unruly, abused, neglected, or dependent child and, 17473  
based on and in relation to the allegation pertaining to the 17474  
child, concerning the parent, guardian, or other person having 17475  
care of a child who is alleged to be an unruly child for being an 17476  
habitual truant or who is alleged to be a delinquent child for 17477  
violating a court order regarding the child's prior adjudication 17478  
as an unruly child for being an habitual truant; 17479

(2) Subject to divisions (G), (I), (K), and (V) of section 17480  
2301.03 of the Revised Code, to determine the custody of any child 17481  
not a ward of another court of this state; 17482

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	17483 17484
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;	17485 17486 17487 17488 17489 17490
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	17491 17492
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	17493 17494 17495 17496 17497 17498 17499 17500 17501 17502
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	17503 17504
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	17505 17506 17507 17508
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	17509 17510 17511 17512
(10) To hear and determine applications for consent to marry	17513

pursuant to section 3101.04 of the Revised Code; 17514

(11) Subject to divisions (G), (I), (K), and (V) of section 17515  
2301.03 of the Revised Code, to hear and determine a request for 17516  
an order for the support of any child if the request is not 17517  
ancillary to an action for divorce, dissolution of marriage, 17518  
annulment, or legal separation, a criminal or civil action 17519  
involving an allegation of domestic violence, or an action for 17520  
support brought under Chapter 3115. of the Revised Code; 17521

(12) Concerning an action commenced under section 121.38 of 17522  
the Revised Code; 17523

(13) To hear and determine violations of section 3321.38 of 17524  
the Revised Code; 17525

(14) To exercise jurisdiction and authority over the parent, 17526  
guardian, or other person having care of a child alleged to be a 17527  
delinquent child, unruly child, or juvenile traffic offender, 17528  
based on and in relation to the allegation pertaining to the 17529  
child; 17530

(15) To conduct the hearings, and to make the determinations, 17531  
adjudications, and orders authorized or required under sections 17532  
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding 17533  
a child who has been adjudicated a delinquent child and to refer 17534  
the duties conferred upon the juvenile court judge under sections 17535  
2152.82 to 2152.86 and Chapter 2950. of the Revised Code to 17536  
magistrates appointed by the juvenile court judge in accordance 17537  
with Juvenile Rule 40; 17538

(16) To hear and determine a petition for a protection order 17539  
against a child under section 2151.34 or 3113.31 of the Revised 17540  
Code and to enforce a protection order issued or a consent 17541  
agreement approved under either section against a child until a 17542  
date certain but not later than the date the child attains 17543  
nineteen years of age; 17544

<u>(17) Concerning emancipated young adults under sections</u>	17545
<u>2151.45 to 2151.455 of the Revised Code.</u>	17546
(B) Except as provided in divisions (G) and (I) of section	17547
2301.03 of the Revised Code, the juvenile court has original	17548
jurisdiction under the Revised Code:	17549
(1) To hear and determine all cases of misdemeanors charging	17550
adults with any act or omission with respect to any child, which	17551
act or omission is a violation of any state law or any municipal	17552
ordinance;	17553
(2) To determine the paternity of any child alleged to have	17554
been born out of wedlock pursuant to sections 3111.01 to 3111.18	17555
of the Revised Code;	17556
(3) Under the uniform interstate family support act in	17557
Chapter 3115. of the Revised Code;	17558
(4) To hear and determine an application for an order for the	17559
support of any child, if the child is not a ward of another court	17560
of this state;	17561
(5) To hear and determine an action commenced under section	17562
3111.28 of the Revised Code;	17563
(6) To hear and determine a motion filed under section	17564
3119.961 of the Revised Code;	17565
(7) To receive filings under section 3109.74 of the Revised	17566
Code, and to hear and determine actions arising under sections	17567
3109.51 to 3109.80 of the Revised Code.	17568
(8) To enforce an order for the return of a child made under	17569
the Hague Convention on the Civil Aspects of International Child	17570
Abduction pursuant to section 3127.32 of the Revised Code;	17571
(9) To grant any relief normally available under the laws of	17572
this state to enforce a child custody determination made by a	17573
court of another state and registered in accordance with section	17574

3127.35 of the Revised Code. 17575

(C) The juvenile court, except as to juvenile courts that are 17576  
a separate division of the court of common pleas or a separate and 17577  
independent juvenile court, has jurisdiction to hear, determine, 17578  
and make a record of any action for divorce or legal separation 17579  
that involves the custody or care of children and that is filed in 17580  
the court of common pleas and certified by the court of common 17581  
pleas with all the papers filed in the action to the juvenile 17582  
court for trial, provided that no certification of that nature 17583  
shall be made to any juvenile court unless the consent of the 17584  
juvenile judge first is obtained. After a certification of that 17585  
nature is made and consent is obtained, the juvenile court shall 17586  
proceed as if the action originally had been begun in that court, 17587  
except as to awards for spousal support or support due and unpaid 17588  
at the time of certification, over which the juvenile court has no 17589  
jurisdiction. 17590

(D) The juvenile court, except as provided in ~~divisions (G)~~ 17591  
~~and division~~ (I) of section 2301.03 of the Revised Code, has 17592  
jurisdiction to hear and determine all matters as to custody and 17593  
support of children duly certified by the court of common pleas to 17594  
the juvenile court after a divorce decree has been granted, 17595  
including jurisdiction to modify the judgment and decree of the 17596  
court of common pleas as the same relate to the custody and 17597  
support of children. 17598

(E) The juvenile court, except as provided in ~~divisions (G)~~ 17599  
~~and division~~ (I) of section 2301.03 of the Revised Code, has 17600  
jurisdiction to hear and determine the case of any child certified 17601  
to the court by any court of competent jurisdiction if the child 17602  
comes within the jurisdiction of the juvenile court as defined by 17603  
this section. 17604

(F)(1) The juvenile court shall exercise its jurisdiction in 17605  
child custody matters in accordance with sections 3109.04 and 17606

3127.01 to 3127.53 of the Revised Code and, as applicable, 17607  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 17608  
Code. 17609

(2) The juvenile court shall exercise its jurisdiction in 17610  
child support matters in accordance with section 3109.05 of the 17611  
Revised Code. 17612

(G) Any juvenile court that makes or modifies an order for 17613  
child support shall comply with Chapters 3119., 3121., 3123., and 17614  
3125. of the Revised Code. If any person required to pay child 17615  
support under an order made by a juvenile court on or after April 17616  
15, 1985, or modified on or after December 1, 1986, is found in 17617  
contempt of court for failure to make support payments under the 17618  
order, the court that makes the finding, in addition to any other 17619  
penalty or remedy imposed, shall assess all court costs arising 17620  
out of the contempt proceeding against the person and require the 17621  
person to pay any reasonable attorney's fees of any adverse party, 17622  
as determined by the court, that arose in relation to the act of 17623  
contempt. 17624

(H) If a child who is charged with an act that would be an 17625  
offense if committed by an adult was fourteen years of age or 17626  
older and under eighteen years of age at the time of the alleged 17627  
act and if the case is transferred for criminal prosecution 17628  
pursuant to section 2152.12 of the Revised Code, except as 17629  
provided in section 2152.121 of the Revised Code, the juvenile 17630  
court does not have jurisdiction to hear or determine the case 17631  
subsequent to the transfer. The court to which the case is 17632  
transferred for criminal prosecution pursuant to that section has 17633  
jurisdiction subsequent to the transfer to hear and determine the 17634  
case in the same manner as if the case originally had been 17635  
commenced in that court, subject to section 2152.121 of the 17636  
Revised Code, including, but not limited to, jurisdiction to 17637  
accept a plea of guilty or another plea authorized by Criminal 17638

Rule 11 or another section of the Revised Code and jurisdiction to 17639  
accept a verdict and to enter a judgment of conviction pursuant to 17640  
the Rules of Criminal Procedure against the child for the 17641  
commission of the offense that was the basis of the transfer of 17642  
the case for criminal prosecution, whether the conviction is for 17643  
the same degree or a lesser degree of the offense charged, for the 17644  
commission of a lesser-included offense, or for the commission of 17645  
another offense that is different from the offense charged. 17646

(I) If a person under eighteen years of age allegedly commits 17647  
an act that would be a felony if committed by an adult and if the 17648  
person is not taken into custody or apprehended for that act until 17649  
after the person attains twenty-one years of age, the juvenile 17650  
court does not have jurisdiction to hear or determine any portion 17651  
of the case charging the person with committing that act. In those 17652  
circumstances, divisions (A) and (B) of section 2152.12 of the 17653  
Revised Code do not apply regarding the act, and the case charging 17654  
the person with committing the act shall be a criminal prosecution 17655  
commenced and heard in the appropriate court having jurisdiction 17656  
of the offense as if the person had been eighteen years of age or 17657  
older when the person committed the act. All proceedings 17658  
pertaining to the act shall be within the jurisdiction of the 17659  
court having jurisdiction of the offense, and that court has all 17660  
the authority and duties in the case that it has in other criminal 17661  
cases in that court. 17662

(J) In exercising its exclusive original jurisdiction under 17663  
division (A)(16) of this section with respect to any proceedings 17664  
brought under section 2151.34 or 3113.31 of the Revised Code in 17665  
which the respondent is a child, the juvenile court retains all 17666  
dispositionary powers consistent with existing rules of juvenile 17667  
procedure and may also exercise its discretion to adjudicate 17668  
proceedings as provided in sections 2151.34 and 3113.31 of the 17669  
Revised Code, including the issuance of protection orders or the 17670

approval of consent agreements under those sections. 17671

**Sec. 2151.233.** The (A) Except as provided in division (B) of 17672  
this section, the juvenile court shall not exercise jurisdiction 17673  
under division (A)(2), (A)(11), or (B)(4) of section 2151.23 of 17674  
the Revised Code or section 2151.231 of the Revised Code and the 17675  
domestic relations court shall have jurisdiction to determine 17676  
custody or support regarding a child if any of the following 17677  
apply: 17678

~~(A)(1)~~ The child's parents are married to each other. 17679

~~(B)(2)~~ The child's parents ~~are not married~~ were married to 17680  
each other but no longer are married to each other and there is an 17681  
existing order for custody or support regarding the child or ~~the~~ 17682  
~~child's sibling~~ another child of the same parents over which the 17683  
juvenile court does not have jurisdiction. 17684

~~(C)(3)~~ The determination is ancillary to the parents' pending 17685  
or prior action for divorce, dissolution of marriage, annulment, 17686  
or legal separation. 17687

(B) Division (A) of this section does not apply to any case 17688  
or proceeding brought under Chapter 3115. of the Revised Code, or 17689  
to any case or proceeding initiated or originating outside of this 17690  
state. 17691

(C) This section shall apply to all cases and proceedings 17692  
initiated on or after March 22, 2019. 17693

(D) As used in this section and sections 2151.234 to 2151.236 17694  
of the Revised Code, "domestic relations court" means the division 17695  
of a court of common pleas that has domestic relations 17696  
jurisdiction. 17697

**Sec. 2151.234.** Section 2151.233 of the Revised Code shall not 17698  
affect the authority of the juvenile court to issue a custody or 17699

support order under division (A)(1) of section 2151.23 of the 17700  
Revised Code or when granting custody of the child to a relative 17701  
or placing a child under a kinship care agreement. 17702

**Sec. 2151.235.** (A) A Upon its own motion, the motion of a 17703  
court with domestic relations jurisdiction, or the motion of any 17704  
interested party, a juvenile court may transfer jurisdiction over 17705  
an action or an order it has issued for child support or custody 17706  
as follows: 17707

(1) To the appropriate common pleas court with domestic 17708  
relations jurisdiction, if the parents of the child subject to the 17709  
action or order are married to each other and are not parties to a 17710  
proceeding described in division ~~(A)(3)(C)~~ of this section; 17711

(2) To the appropriate common pleas court with domestic 17712  
relations jurisdiction, if the parents of ~~the~~ that child ~~are not~~  
~~married~~ were married to each other but no longer are married to 17713  
each other and there is an existing order for custody or support 17714  
regarding the child or ~~the child's sibling~~ another child of the 17715  
same parents over which the juvenile court does not have 17716  
jurisdiction; 17717  
17718

~~(3) To the common pleas court exercising jurisdiction over a~~ 17719  
~~pending divorce, dissolution of marriage, legal separation, or~~ 17720  
~~annulment proceeding to which the parents of the child subject to~~ 17721  
~~the action or order are parties;~~ 17722

~~(4)~~ To the common pleas court exercising jurisdiction over a 17723  
protection order issued under section 3113.31 of the Revised Code 17724  
if ~~the~~ that child or both parents of ~~the~~ that child are subject to 17725  
both a child support order and the protection order. 17726

(B) ~~Jurisdiction of the action or order described in division~~ 17727  
~~(A) of this section shall be transferred and the receiving court~~ 17728  
~~shall have exclusive jurisdiction over the action or order if the~~ 17729

<del>following requirements are met:</del>	17730
<del>(1) The common pleas court with domestic relations jurisdiction, juvenile court, or an interested party makes a motion to transfer jurisdiction;</del>	17731
<del>(2) The court receiving jurisdiction consents to the transfer;</del>	17732
<del>(3) The juvenile court certifies all or <u>Any transfer made pursuant to division (A) of this section shall require the consent of the appropriate court of common pleas with domestic relations jurisdiction.</u></del>	17733
<u>(C) Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court shall transfer, and the domestic relations court shall accept, jurisdiction over an action or an order it has issued for child support or custody to the appropriate common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents of the child subject to the action or order are parties.</u>	17734
<u>(D) In all cases transferred under division (A) or (C) of this section, all of the following apply:</u>	17735
<u>(1) The juvenile court shall do all of the following:</u>	17736
<u>(a) Issue an order granting the request to transfer;</u>	17737
<u>(b) Certify the relevant part of the record in the action or related to the order to the court receiving jurisdiction, unless the authorizing statute for the domestic and juvenile courts has combined them into a domestic relations division of the same court or designated them as a family court and the transfer would be within the court of the same county.</u>	17738
<u>(c) Notify and serve the county child support enforcement</u>	17739

agency administering the case of all transfers in writing. 17760

(2) The domestic relations court receiving jurisdiction shall 17761  
do both of the following: 17762

(a) Issue an order accepting or denying the transfer; 17763

(b) Notify and serve the county child support enforcement 17764  
agency that is receiving the case or that would have received the 17765  
case, in writing, of the order accepting or denying the transfer. 17766

(3) When a child support enforcement agency is notified of a 17767  
transfer under division (D)(1) or (2) of this section, the agency 17768  
shall take any appropriate action regarding the matter. 17769

(E) When the juvenile court action or order being transferred 17770  
is due to a pending divorce, dissolution, legal separation, or 17771  
annulment proceeding in a common pleas court with domestic 17772  
relations jurisdiction: 17773

(1) The juvenile court and domestic relations court shall 17774  
retain concurrent jurisdiction during the pendency of the action 17775  
or order. 17776

(2) The transfer shall be completed and included in final 17777  
orders that are issued regarding child support or custody in the 17778  
domestic relations action. 17779

(3) If the domestic relations action is dismissed without 17780  
final orders being issued regarding child support or custody, the 17781  
transfer is not completed and the juvenile court action or order 17782  
remains within the jurisdiction of the juvenile court. The 17783  
domestic relations court shall notify the juvenile court, the 17784  
child support enforcement agency in the county of the juvenile 17785  
court, and the parties of the dismissed action. 17786

~~(C)~~(F) This section applies to all orders in effect prior to 17787  
March 22, 2019, and all actions or proceedings ~~pending or~~ 17788  
~~initiated,~~ on or after ~~the effective date of H.B. 595 of the 132nd~~ 17789

~~general assembly~~ March 22, 2019. 17790

**Sec. 2151.236.** If a child is subject to a support order 17791  
issued by a common pleas court with domestic relations 17792  
jurisdiction and if a juvenile court adjudicates the child to be 17793  
delinquent, unruly, abused, neglected, or dependent and grants 17794  
custody of the child to an individual or entity other than as set 17795  
forth in the order issued by the common pleas court with domestic 17796  
relations jurisdiction, the juvenile court shall notify the common 17797  
pleas court with domestic relations jurisdiction and the child 17798  
support enforcement agency serving the county of that court. The 17799  
child support enforcement agency shall review the child support 17800  
order ~~pursuant to sections 3119.60 and 3119.63 to 3119.76 of the~~ 17801  
Revised Code and take appropriate action. Any objection to an 17802  
administrative order issued as an appropriate action taken under 17803  
this section shall be filed in the domestic relations court. 17804

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 17805  
neglected, or dependent child, the court may make any of the 17806  
following orders of disposition: 17807

(1) Place the child in protective supervision; 17808

(2) Commit the child to the temporary custody of any of the 17809  
following: 17810

(a) A public children services agency; 17811

(b) A private child placing agency; 17812

(c) Either parent; 17813

(d) A relative residing within or outside the state; 17814

(e) A probation officer for placement in a certified foster 17815  
home; 17816

(f) Any other person approved by the court. 17817

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious

affiliation, and the responsibility for support; 17850

(d) That the person understands that the person must be 17851  
present in court for the dispositional hearing in order to affirm 17852  
the person's intention to become legal custodian, to affirm that 17853  
the person understands the effect of the custodianship before the 17854  
court, and to answer any questions that the court or any parties 17855  
to the case may have. 17856

(4) Commit the child to the permanent custody of a public 17857  
children services agency or private child placing agency, if the 17858  
court determines in accordance with division (E) of section 17859  
2151.414 of the Revised Code that the child cannot be placed with 17860  
one of the child's parents within a reasonable time or should not 17861  
be placed with either parent and determines in accordance with 17862  
division (D)(1) of section 2151.414 of the Revised Code that the 17863  
permanent commitment is in the best interest of the child. If the 17864  
court grants permanent custody under this division, the court, 17865  
upon the request of any party, shall file a written opinion 17866  
setting forth its findings of fact and conclusions of law in 17867  
relation to the proceeding. 17868

(5) Place the child in a planned permanent living arrangement 17869  
with a public children services agency or private child placing 17870  
agency, if a public children services agency or private child 17871  
placing agency requests the court to place the child in a planned 17872  
permanent living arrangement and if the court finds, by clear and 17873  
convincing evidence, that a planned permanent living arrangement 17874  
is in the best interest of the child, that the child is sixteen 17875  
years of age or older, and that one of the following exists: 17876

(a) The child, because of physical, mental, or psychological 17877  
problems or needs, is unable to function in a family-like setting 17878  
and must remain in residential or institutional care now and for 17879  
the foreseeable future beyond the date of the dispositional 17880  
hearing held pursuant to section 2151.35 of the Revised Code. 17881

(b) The parents of the child have significant physical, 17882  
mental, or psychological problems and are unable to care for the 17883  
child because of those problems, adoption is not in the best 17884  
interest of the child, as determined in accordance with division 17885  
(D)(1) of section 2151.414 of the Revised Code, and the child 17886  
retains a significant and positive relationship with a parent or 17887  
relative. 17888

(c) The child has been counseled on the permanent placement 17889  
options available to the child, and is unwilling to accept or 17890  
unable to adapt to a permanent placement. 17891

(6) Order the removal from the child's home until further 17892  
order of the court of the person who committed abuse as described 17893  
in section 2151.031 of the Revised Code against the child, who 17894  
caused or allowed the child to suffer neglect as described in 17895  
section 2151.03 of the Revised Code, or who is the parent, 17896  
guardian, or custodian of a child who is adjudicated a dependent 17897  
child and order any person not to have contact with the child or 17898  
the child's siblings. 17899

(B)(1) When making a determination on whether to place a 17900  
child in a planned permanent living arrangement pursuant to 17901  
division (A)(5)(b) or (c) of this section, the court shall 17902  
consider all relevant information that has been presented to the 17903  
court, including information gathered from the child, the child's 17904  
guardian ad litem, and the public children services agency or 17905  
private child placing agency. 17906

(2) A child who is placed in a planned permanent living 17907  
arrangement pursuant to division (A)(5)(b) or (c) of this section 17908  
shall be placed in an independent living setting or in a family 17909  
setting in which the caregiver has been provided by the agency 17910  
that has custody of the child with a notice that addresses the 17911  
following: 17912

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in

the removal of the child from their legal custody if any of the 17945  
conditions listed in divisions (A)(5)(a) to (c) of this section 17946  
are found to exist, and the summons served on the parents contains 17947  
a full explanation of their right to be represented by counsel and 17948  
to have counsel appointed pursuant to Chapter 120. of the Revised 17949  
Code if they are indigent. 17950

If after making disposition as authorized by division (A)(2) 17951  
of this section, a motion is filed that requests permanent custody 17952  
of the child, the court may grant permanent custody of the child 17953  
to the movant in accordance with section 2151.414 of the Revised 17954  
Code. 17955

(D) If the court issues an order for protective supervision 17956  
pursuant to division (A)(1) of this section, the court may place 17957  
any reasonable restrictions upon the child, the child's parents, 17958  
guardian, or custodian, or any other person, including, but not 17959  
limited to, any of the following: 17960

(1) Order a party, within forty-eight hours after the 17961  
issuance of the order, to vacate the child's home indefinitely or 17962  
for a specified period of time; 17963

(2) Order a party, a parent of the child, or a physical 17964  
custodian of the child to prevent any particular person from 17965  
having contact with the child; 17966

(3) Issue an order restraining or otherwise controlling the 17967  
conduct of any person which conduct would not be in the best 17968  
interest of the child. 17969

(E) As part of its dispositional order, the court shall 17970  
journalize a case plan for the child. The journalized case plan 17971  
shall not be changed except as provided in section 2151.412 of the 17972  
Revised Code. 17973

(F)(1) The court shall retain jurisdiction over any child for 17974  
whom the court issues an order of disposition pursuant to division 17975

(A) of this section or pursuant to section 2151.414 or 2151.415 of 17976  
the Revised Code until the child attains the age of eighteen years 17977  
if the child is not mentally retarded, developmentally disabled, 17978  
or physically impaired, the child attains the age of twenty-one 17979  
years if the child is mentally retarded, developmentally disabled, 17980  
or physically impaired, or the child is adopted and a final decree 17981  
of adoption is issued, except that the court may retain 17982  
jurisdiction over the child and continue any order of disposition 17983  
under division (A) of this section or under section 2151.414 or 17984  
2151.415 of the Revised Code for a specified period of time to 17985  
enable the child to graduate from high school or vocational 17986  
school. ~~The court shall retain jurisdiction over a person who~~ 17987  
~~meets the requirements described in division (A)(1) of section~~ 17988  
~~5101.1411 of the Revised Code and who is subject to a voluntary~~ 17989  
~~participation agreement that is in effect.~~ The court shall make an 17990  
entry continuing its jurisdiction under this division in the 17991  
journal. 17992

(2) Any public children services agency, any private child 17993  
placing agency, the department of job and family services, or any 17994  
party, other than any parent whose parental rights with respect to 17995  
the child have been terminated pursuant to an order issued under 17996  
division (A)(4) of this section, by filing a motion with the 17997  
court, may at any time request the court to modify or terminate 17998  
any order of disposition issued pursuant to division (A) of this 17999  
section or section 2151.414 or 2151.415 of the Revised Code. The 18000  
court shall hold a hearing upon the motion as if the hearing were 18001  
the original dispositional hearing and shall give all parties to 18002  
the action and the guardian ad litem notice of the hearing 18003  
pursuant to the Juvenile Rules. If applicable, the court shall 18004  
comply with section 2151.42 of the Revised Code. 18005

(G) Any temporary custody order issued pursuant to division 18006  
(A) of this section shall terminate one year after the earlier of 18007

the date on which the complaint in the case was filed or the child 18008  
was first placed into shelter care, except that, upon the filing 18009  
of a motion pursuant to section 2151.415 of the Revised Code, the 18010  
temporary custody order shall continue and not terminate until the 18011  
court issues a dispositional order under that section. In 18012  
resolving the motion, the court shall not order an existing 18013  
temporary custody order to continue beyond two years after the 18014  
date on which the complaint was filed or the child was first 18015  
placed into shelter care, whichever date is earlier, regardless of 18016  
whether any extensions have been previously ordered pursuant to 18017  
division (D) of section 2151.415 of the Revised Code. 18018

(H)(1) No later than one year after the earlier of the date 18019  
the complaint in the case was filed or the child was first placed 18020  
in shelter care, a party may ask the court to extend an order for 18021  
protective supervision for six months or to terminate the order. A 18022  
party requesting extension or termination of the order shall file 18023  
a written request for the extension or termination with the court 18024  
and give notice of the proposed extension or termination in 18025  
writing before the end of the day after the day of filing it to 18026  
all parties and the child's guardian ad litem. If a public 18027  
children services agency or private child placing agency requests 18028  
termination of the order, the agency shall file a written status 18029  
report setting out the facts supporting termination of the order 18030  
at the time it files the request with the court. If no party 18031  
requests extension or termination of the order, the court shall 18032  
notify the parties that the court will extend the order for six 18033  
months or terminate it and that it may do so without a hearing 18034  
unless one of the parties requests a hearing. All parties and the 18035  
guardian ad litem shall have seven days from the date a notice is 18036  
sent pursuant to this division to object to and request a hearing 18037  
on the proposed extension or termination. 18038

(a) If it receives a timely request for a hearing, the court 18039

shall schedule a hearing to be held no later than thirty days 18040  
after the request is received by the court. The court shall give 18041  
notice of the date, time, and location of the hearing to all 18042  
parties and the guardian ad litem. At the hearing, the court shall 18043  
determine whether extension or termination of the order is in the 18044  
child's best interest. If termination is in the child's best 18045  
interest, the court shall terminate the order. If extension is in 18046  
the child's best interest, the court shall extend the order for 18047  
six months. 18048

(b) If it does not receive a timely request for a hearing, 18049  
the court may extend the order for six months or terminate it 18050  
without a hearing and shall journalize the order of extension or 18051  
termination not later than fourteen days after receiving the 18052  
request for extension or termination or after the date the court 18053  
notifies the parties that it will extend or terminate the order. 18054  
If the court does not extend or terminate the order, it shall 18055  
schedule a hearing to be held no later than thirty days after the 18056  
expiration of the applicable fourteen-day time period and give 18057  
notice of the date, time, and location of the hearing to all 18058  
parties and the child's guardian ad litem. At the hearing, the 18059  
court shall determine whether extension or termination of the 18060  
order is in the child's best interest. If termination is in the 18061  
child's best interest, the court shall terminate the order. If 18062  
extension is in the child's best interest, the court shall issue 18063  
an order extending the order for protective supervision six 18064  
months. 18065

(2) If the court grants an extension of the order for 18066  
protective supervision pursuant to division (H)(1) of this 18067  
section, a party may, prior to termination of the extension, file 18068  
with the court a request for an additional extension of six months 18069  
or for termination of the order. The court and the parties shall 18070  
comply with division (H)(1) of this section with respect to 18071

extending or terminating the order.	18072
(3) If a court grants an extension pursuant to division	18073
(H)(2) of this section, the court shall terminate the order for	18074
protective supervision at the end of the extension.	18075
(I) The court shall not issue a dispositional order pursuant	18076
to division (A) of this section that removes a child from the	18077
child's home unless the court complies with section 2151.419 of	18078
the Revised Code and includes in the dispositional order the	18079
findings of fact required by that section.	18080
(J) If a motion or application for an order described in	18081
division (A)(6) of this section is made, the court shall not issue	18082
the order unless, prior to the issuance of the order, it provides	18083
to the person all of the following:	18084
(1) Notice and a copy of the motion or application;	18085
(2) The grounds for the motion or application;	18086
(3) An opportunity to present evidence and witnesses at a	18087
hearing regarding the motion or application;	18088
(4) An opportunity to be represented by counsel at the	18089
hearing.	18090
(K) The jurisdiction of the court shall terminate one year	18091
after the date of the award or, if the court takes any further	18092
action in the matter subsequent to the award, the date of the	18093
latest further action subsequent to the award, if the court awards	18094
legal custody of a child to either of the following:	18095
(1) A legal custodian who, at the time of the award of legal	18096
custody, resides in a county of this state other than the county	18097
in which the court is located;	18098
(2) A legal custodian who resides in the county in which the	18099
court is located at the time of the award of legal custody, but	18100
moves to a different county of this state prior to one year after	18101

the date of the award or, if the court takes any further action in 18102  
the matter subsequent to the award, one year after the date of the 18103  
latest further action subsequent to the award. 18104

The court in the county in which the legal custodian resides 18105  
then shall have jurisdiction in the matter. 18106

**Sec. 2151.3516.** A parent may voluntarily deliver his or her 18107  
child who is not older than thirty days, without intent to return 18108  
for the child, to a either of the following: 18109

(A) A person specified in section 2151.3517 of the Revised 18110  
Code or a; 18111

(B) A newborn safety incubator provided by an entity 18112  
described in that section that meets the requirements of section 18113  
2151.3532 of the Revised Code. 18114

**Sec. 2151.3532.** ~~Not later than one hundred eighty days after~~ 18115  
~~the effective date of this section, the~~ (A) To take possession of 18116  
a child delivered in accordance with sections 2151.3516 and 18117  
2151.3517 of the Revised Code, a law enforcement agency, hospital, 18118  
or emergency medical service organization may install a newborn 18119  
safety incubator at a facility or location under the agency's, 18120  
hospital's, or organization's control if all of the following are 18121  
the case: 18122

(1) A parent may deliver his or her child to the incubator in 18123  
an anonymous manner and without having to enter the facility or 18124  
location at which the incubator has been installed. 18125

(2) The facility or location posts signs on or near the 18126  
incubator explaining its use and operation. 18127

(3) The incubator locks after a child is placed inside so 18128  
that a person outside the facility or location is unable to access 18129  
the child. 18130

(4) The incubator provides a controlled environment for the care and protection of the child placed inside. 18131  
18132

(5) The incubator notifies a centralized location in the facility or location at which it has been installed within thirty seconds of a child being placed inside the incubator. 18133  
18134  
18135

(6) The incubator triggers a 9-1-1 call if the facility or location does not respond within a reasonable amount of time after a child has been placed inside the incubator. 18136  
18137  
18138

(7) Only a peace officer, hospital employee, or emergency medical service worker supervises the incubator and takes possession of a child placed inside. 18139  
18140  
18141

(B) A law enforcement agency, hospital, or emergency medical service organization that installs a newborn safety incubator is not required to have one or more peace officers, hospital employees, or emergency medical service workers present at all times at the facility or location at which the incubator has been installed if both of the following are the case: 18142  
18143  
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(1) An officer, employee, or worker can arrive at the facility or location within seven minutes of a child being placed inside the incubator. 18148  
18149  
18150

(2) The agency, hospital, or organization submits to the department of health a written statement confirming that an officer, employee, or worker can arrive at the facility or location within the seven-minute period. 18151  
18152  
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The department is prohibited from requiring the agency, hospital, or organization to submit anything other than the written statement described in division (B)(2) of this section as proof that an officer, employee, or worker can arrive at the facility or location within seven minutes of a child being placed inside the incubator. 18155  
18156  
18157  
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~~(C) The director of the department of health shall adopt~~ 18161  
rules in accordance with Chapter 119. of the Revised Code 18162  
~~governing establishing standards and procedures for the use and~~ 18163  
~~operation of newborn safety incubators provided by entities~~ 18164  
~~described in section 2151.3517 of the Revised Code. The rules~~ 18165  
shall ~~provide for~~ address all of the following: 18166

~~(A)(1) Sanitation standards;~~ 18167

~~(B)(2) Procedures to provide for providing emergency care for~~ 18168  
to a child delivered to an incubator; 18169

~~(C)(3) Manufacturing and manufacturer standards;~~ 18170

~~(D) Design and function requirements that include the~~ 18171  
following: 18172

~~(1) Take~~ (4) Procedures for installing an incubator, taking 18173  
into account installation at a law enforcement agency, a hospital, 18174  
or an emergency medical service organization; 18175

~~(2) Allow a child to be placed anonymously from outside the~~ 18176  
facility; 18177

~~(3) Lock the incubator after a child is placed in it so that~~ 18178  
a person outside the facility is unable to access the child; 18179

~~(4) Provide a controlled environment for the care and~~ 18180  
protection of the child; 18181

~~(5) Provide notification to a centralized location in the~~ 18182  
facility within thirty seconds of a child being placed in the 18183  
incubator; 18184

~~(6) Trigger a 9-1-1 call if a facility does not respond~~ 18185  
within a reasonable amount of time after a child is placed in the 18186  
facility's incubator. 18187

~~(E) Operating policies, supervision, and maintenance~~ 18188  
requirements for an incubator, including requirements that only a 18189  
peace officer, emergency medical service worker, or hospital 18190

<del>employee supervise the incubator and take custody of a child</del>	18191
<del>placed in it (5) Policies for operating, supervising, and</del>	18192
<del>maintaining an incubator;</del>	18193
<del>(F)(6) Qualifications for persons to install incubators;</del>	18194
<del>(G)(7) Procedures and forms for the registration of qualified</del>	18195
<del>incubator installers;</del>	18196
<del>(H)(8) Costs for registering and regulating incubators and</del>	18197
<del>fees to cover those costs;</del>	18198
<del>(I) Creating and posting signs to be placed near or on</del>	18199
<del>incubators to provide information about using them;</del>	18200
<del>(J)(9) Enforcement of and remedies for violations for failure</del>	18201
<del>to comply with the requirements governing incubators;</del>	18202
<del>(K)(10) Any other <del>requirement</del> standards and procedures the</del>	18203
<del>department director considers necessary to ensure the safety and</del>	18204
<del>welfare of a child placed in an incubator.</del>	18205
<b>Sec. 2151.421.</b> (A)(1)(a) No person described in division	18206
(A)(1)(b) of this section who is acting in an official or	18207
professional capacity and knows, or has reasonable cause to	18208
suspect based on facts that would cause a reasonable person in a	18209
similar position to suspect, that a child under eighteen years of	18210
age, or a person under twenty-one years of age with a	18211
developmental disability or physical impairment, has suffered or	18212
faces a threat of suffering any physical or mental wound, injury,	18213
disability, or condition of a nature that reasonably indicates	18214
abuse or neglect of the child shall fail to immediately report	18215
that knowledge or reasonable cause to suspect to the entity or	18216
persons specified in this division. Except as otherwise provided	18217
in this division or section 5120.173 of the Revised Code, the	18218
person making the report shall make it to the public children	18219
services agency or a peace officer in the county in which the	18220

child resides or in which the abuse or neglect is occurring or has 18221  
occurred. If the person making the report is a peace officer, the 18222  
officer shall make it to the public children services agency in 18223  
the county in which the child resides or in which the abuse or 18224  
neglect is occurring or has occurred. In the circumstances 18225  
described in section 5120.173 of the Revised Code, the person 18226  
making the report shall make it to the entity specified in that 18227  
section. 18228

(b) Division (A)(1)(a) of this section applies to any person 18229  
who is an attorney; health care professional; practitioner of a 18230  
limited branch of medicine as specified in section 4731.15 of the 18231  
Revised Code; licensed school psychologist; independent marriage 18232  
and family therapist or marriage and family therapist; coroner; 18233  
administrator or employee of a child day-care center; 18234  
administrator or employee of a residential camp, child day camp, 18235  
or private, nonprofit therapeutic wilderness camp; administrator 18236  
or employee of a certified child care agency or other public or 18237  
private children services agency; school teacher; school employee; 18238  
school authority; peace officer; agent of a county humane society; 18239  
person, other than a cleric, rendering spiritual treatment through 18240  
prayer in accordance with the tenets of a well-recognized 18241  
religion; employee of a county department of job and family 18242  
services who is a professional and who works with children and 18243  
families; superintendent or regional administrator employed by the 18244  
department of youth services; superintendent, board member, or 18245  
employee of a county board of developmental disabilities; 18246  
investigative agent contracted with by a county board of 18247  
developmental disabilities; employee of the department of 18248  
developmental disabilities; employee of a facility or home that 18249  
provides respite care in accordance with section 5123.171 of the 18250  
Revised Code; employee of an entity that provides homemaker 18251  
services; employee of a qualified organization as defined in 18252

section 2151.90 of the Revised Code; foster caregiver; a person 18253  
performing the duties of an assessor pursuant to Chapter 3107. or 18254  
5103. of the Revised Code; third party employed by a public 18255  
children services agency to assist in providing child or family 18256  
related services; court appointed special advocate; or guardian ad 18257  
litem. 18258

(c) If two or more health care professionals, after providing 18259  
health care services to a child, determine or suspect that the 18260  
child has been or is being abused or neglected, the health care 18261  
professionals may designate one of the health care professionals 18262  
to report the abuse or neglect. A single report made under this 18263  
division shall meet the reporting requirements of division (A)(1) 18264  
of this section. 18265

(2) Except as provided in division (A)(3) of this section, an 18266  
attorney or a physician is not required to make a report pursuant 18267  
to division (A)(1) of this section concerning any communication 18268  
the attorney or physician receives from a client or patient in an 18269  
attorney-client or physician-patient relationship, if, in 18270  
accordance with division (A) or (B) of section 2317.02 of the 18271  
Revised Code, the attorney or physician could not testify with 18272  
respect to that communication in a civil or criminal proceeding. 18273

(3) The client or patient in an attorney-client or 18274  
physician-patient relationship described in division (A)(2) of 18275  
this section is deemed to have waived any testimonial privilege 18276  
under division (A) or (B) of section 2317.02 of the Revised Code 18277  
with respect to any communication the attorney or physician 18278  
receives from the client or patient in that attorney-client or 18279  
physician-patient relationship, and the attorney or physician 18280  
shall make a report pursuant to division (A)(1) of this section 18281  
with respect to that communication, if all of the following apply: 18282

(a) The client or patient, at the time of the communication, 18283  
is a child under eighteen years of age or is a person under 18284

twenty-one years of age with a developmental disability or 18285  
physical impairment. 18286

(b) The attorney or physician knows, or has reasonable cause 18287  
to suspect based on facts that would cause a reasonable person in 18288  
similar position to suspect that the client or patient has 18289  
suffered or faces a threat of suffering any physical or mental 18290  
wound, injury, disability, or condition of a nature that 18291  
reasonably indicates abuse or neglect of the client or patient. 18292

(c) The abuse or neglect does not arise out of the client's 18293  
or patient's attempt to have an abortion without the notification 18294  
of her parents, guardian, or custodian in accordance with section 18295  
2151.85 of the Revised Code. 18296

(4)(a) No cleric and no person, other than a volunteer, 18297  
designated by any church, religious society, or faith acting as a 18298  
leader, official, or delegate on behalf of the church, religious 18299  
society, or faith who is acting in an official or professional 18300  
capacity, who knows, or has reasonable cause to believe based on 18301  
facts that would cause a reasonable person in a similar position 18302  
to believe, that a child under eighteen years of age, or a person 18303  
under twenty-one years of age with a developmental disability or 18304  
physical impairment, has suffered or faces a threat of suffering 18305  
any physical or mental wound, injury, disability, or condition of 18306  
a nature that reasonably indicates abuse or neglect of the child, 18307  
and who knows, or has reasonable cause to believe based on facts 18308  
that would cause a reasonable person in a similar position to 18309  
believe, that another cleric or another person, other than a 18310  
volunteer, designated by a church, religious society, or faith 18311  
acting as a leader, official, or delegate on behalf of the church, 18312  
religious society, or faith caused, or poses the threat of 18313  
causing, the wound, injury, disability, or condition that 18314  
reasonably indicates abuse or neglect shall fail to immediately 18315  
report that knowledge or reasonable cause to believe to the entity 18316

or persons specified in this division. Except as provided in 18317  
section 5120.173 of the Revised Code, the person making the report 18318  
shall make it to the public children services agency or a peace 18319  
officer in the county in which the child resides or in which the 18320  
abuse or neglect is occurring or has occurred. In the 18321  
circumstances described in section 5120.173 of the Revised Code, 18322  
the person making the report shall make it to the entity specified 18323  
in that section. 18324

(b) Except as provided in division (A)(4)(c) of this section, 18325  
a cleric is not required to make a report pursuant to division 18326  
(A)(4)(a) of this section concerning any communication the cleric 18327  
receives from a penitent in a cleric-penitent relationship, if, in 18328  
accordance with division (C) of section 2317.02 of the Revised 18329  
Code, the cleric could not testify with respect to that 18330  
communication in a civil or criminal proceeding. 18331

(c) The penitent in a cleric-penitent relationship described 18332  
in division (A)(4)(b) of this section is deemed to have waived any 18333  
testimonial privilege under division (C) of section 2317.02 of the 18334  
Revised Code with respect to any communication the cleric receives 18335  
from the penitent in that cleric-penitent relationship, and the 18336  
cleric shall make a report pursuant to division (A)(4)(a) of this 18337  
section with respect to that communication, if all of the 18338  
following apply: 18339

(i) The penitent, at the time of the communication, is a 18340  
child under eighteen years of age or is a person under twenty-one 18341  
years of age with a developmental disability or physical 18342  
impairment. 18343

(ii) The cleric knows, or has reasonable cause to believe 18344  
based on facts that would cause a reasonable person in a similar 18345  
position to believe, as a result of the communication or any 18346  
observations made during that communication, the penitent has 18347  
suffered or faces a threat of suffering any physical or mental 18348

wound, injury, disability, or condition of a nature that 18349  
reasonably indicates abuse or neglect of the penitent. 18350

(iii) The abuse or neglect does not arise out of the 18351  
penitent's attempt to have an abortion performed upon a child 18352  
under eighteen years of age or upon a person under twenty-one 18353  
years of age with a developmental disability or physical 18354  
impairment without the notification of her parents, guardian, or 18355  
custodian in accordance with section 2151.85 of the Revised Code. 18356

(d) Divisions (A)(4)(a) and (c) of this section do not apply 18357  
in a cleric-penitent relationship when the disclosure of any 18358  
communication the cleric receives from the penitent is in 18359  
violation of the sacred trust. 18360

(e) As used in divisions (A)(1) and (4) of this section, 18361  
"cleric" and "sacred trust" have the same meanings as in section 18362  
2317.02 of the Revised Code. 18363

(B) Anyone who knows, or has reasonable cause to suspect 18364  
based on facts that would cause a reasonable person in similar 18365  
circumstances to suspect, that a child under eighteen years of 18366  
age, or a person under twenty-one years of age with a 18367  
developmental disability or physical impairment, has suffered or 18368  
faces a threat of suffering any physical or mental wound, injury, 18369  
disability, or other condition of a nature that reasonably 18370  
indicates abuse or neglect of the child may report or cause 18371  
reports to be made of that knowledge or reasonable cause to 18372  
suspect to the entity or persons specified in this division. 18373  
Except as provided in section 5120.173 of the Revised Code, a 18374  
person making a report or causing a report to be made under this 18375  
division shall make it or cause it to be made to the public 18376  
children services agency or to a peace officer. In the 18377  
circumstances described in section 5120.173 of the Revised Code, a 18378  
person making a report or causing a report to be made under this 18379  
division shall make it or cause it to be made to the entity 18380

specified in that section. 18381

(C) Any report made pursuant to division (A) or (B) of this 18382  
section shall be made forthwith either by telephone or in person 18383  
and shall be followed by a written report, if requested by the 18384  
receiving agency or officer. The written report shall contain: 18385

(1) The names and addresses of the child and the child's 18386  
parents or the person or persons having custody of the child, if 18387  
known; 18388

(2) The child's age and the nature and extent of the child's 18389  
injuries, abuse, or neglect that is known or reasonably suspected 18390  
or believed, as applicable, to have occurred or of the threat of 18391  
injury, abuse, or neglect that is known or reasonably suspected or 18392  
believed, as applicable, to exist, including any evidence of 18393  
previous injuries, abuse, or neglect; 18394

(3) Any other information, including, but not limited to, 18395  
results and reports of any medical examinations, tests, or 18396  
procedures performed under division (D) of this section, that 18397  
might be helpful in establishing the cause of the injury, abuse, 18398  
or neglect that is known or reasonably suspected or believed, as 18399  
applicable, to have occurred or of the threat of injury, abuse, or 18400  
neglect that is known or reasonably suspected or believed, as 18401  
applicable, to exist. 18402

(D)(1) Any person, who is required by division (A) of this 18403  
section to report child abuse or child neglect that is known or 18404  
reasonably suspected or believed to have occurred, may take or 18405  
cause to be taken color photographs of areas of trauma visible on 18406  
a child and, if medically necessary for the purpose of diagnosing 18407  
or treating injuries that are suspected to have occurred as a 18408  
result of child abuse or child neglect, perform or cause to be 18409  
performed radiological examinations and any other medical 18410  
examinations of, and tests or procedures on, the child. 18411

(2) The results and any available reports of examinations, 18412  
tests, or procedures made under division (D)(1) of this section 18413  
shall be included in a report made pursuant to division (A) of 18414  
this section. Any additional reports of examinations, tests, or 18415  
procedures that become available shall be provided to the public 18416  
children services agency, upon request. 18417

(3) If a health care professional provides health care 18418  
services in a hospital, children's advocacy center, or emergency 18419  
medical facility to a child about whom a report has been made 18420  
under division (A) of this section, the health care professional 18421  
may take any steps that are reasonably necessary for the release 18422  
or discharge of the child to an appropriate environment. Before 18423  
the child's release or discharge, the health care professional may 18424  
obtain information, or consider information obtained, from other 18425  
entities or individuals that have knowledge about the child. 18426  
Nothing in division (D)(3) of this section shall be construed to 18427  
alter the responsibilities of any person under sections 2151.27 18428  
and 2151.31 of the Revised Code. 18429

(4) A health care professional may conduct medical 18430  
examinations, tests, or procedures on the siblings of a child 18431  
about whom a report has been made under division (A) of this 18432  
section and on other children who reside in the same home as the 18433  
child, if the professional determines that the examinations, 18434  
tests, or procedures are medically necessary to diagnose or treat 18435  
the siblings or other children in order to determine whether 18436  
reports under division (A) of this section are warranted with 18437  
respect to such siblings or other children. The results of the 18438  
examinations, tests, or procedures on the siblings and other 18439  
children may be included in a report made pursuant to division (A) 18440  
of this section. 18441

(5) Medical examinations, tests, or procedures conducted 18442  
under divisions (D)(1) and (4) of this section and decisions 18443

regarding the release or discharge of a child under division 18444  
(D)(3) of this section do not constitute a law enforcement 18445  
investigation or activity. 18446

(E)(1) When a peace officer receives a report made pursuant 18447  
to division (A) or (B) of this section, upon receipt of the 18448  
report, the peace officer who receives the report shall refer the 18449  
report to the appropriate public children services agency, unless 18450  
an arrest is made at the time of the report that results in the 18451  
appropriate public children services agency being contacted 18452  
concerning the possible abuse or neglect of a child or the 18453  
possible threat of abuse or neglect of a child. 18454

(2) When a public children services agency receives a report 18455  
pursuant to this division or division (A) or (B) of this section, 18456  
upon receipt of the report, the public children services agency 18457  
shall do both of the following: 18458

(a) Comply with section 2151.422 of the Revised Code; 18459

(b) If the county served by the agency is also served by a 18460  
children's advocacy center and the report alleges sexual abuse of 18461  
a child or another type of abuse of a child that is specified in 18462  
the memorandum of understanding that creates the center as being 18463  
within the center's jurisdiction, comply regarding the report with 18464  
the protocol and procedures for referrals and investigations, with 18465  
the coordinating activities, and with the authority or 18466  
responsibility for performing or providing functions, activities, 18467  
and services stipulated in the interagency agreement entered into 18468  
under section 2151.428 of the Revised Code relative to that 18469  
center. 18470

(F) No peace officer shall remove a child about whom a report 18471  
is made pursuant to this section from the child's parents, 18472  
stepparents, or guardian or any other persons having custody of 18473  
the child without consultation with the public children services 18474

agency, unless, in the judgment of the officer, and, if the report 18475  
was made by physician, the physician, immediate removal is 18476  
considered essential to protect the child from further abuse or 18477  
neglect. The agency that must be consulted shall be the agency 18478  
conducting the investigation of the report as determined pursuant 18479  
to section 2151.422 of the Revised Code. 18480

(G)(1) Except as provided in section 2151.422 of the Revised 18481  
Code or in an interagency agreement entered into under section 18482  
2151.428 of the Revised Code that applies to the particular 18483  
report, the public children services agency shall investigate, 18484  
within twenty-four hours, each report of child abuse or child 18485  
neglect that is known or reasonably suspected or believed to have 18486  
occurred and of a threat of child abuse or child neglect that is 18487  
known or reasonably suspected or believed to exist that is 18488  
referred to it under this section to determine the circumstances 18489  
surrounding the injuries, abuse, or neglect or the threat of 18490  
injury, abuse, or neglect, the cause of the injuries, abuse, 18491  
neglect, or threat, and the person or persons responsible. The 18492  
investigation shall be made in cooperation with the law 18493  
enforcement agency and in accordance with the memorandum of 18494  
understanding prepared under division (K) of this section. A 18495  
representative of the public children services agency shall, at 18496  
the time of initial contact with the person subject to the 18497  
investigation, inform the person of the specific complaints or 18498  
allegations made against the person. The information shall be 18499  
given in a manner that is consistent with division (I)(1) of this 18500  
section and protects the rights of the person making the report 18501  
under this section. 18502

A failure to make the investigation in accordance with the 18503  
memorandum is not grounds for, and shall not result in, the 18504  
dismissal of any charges or complaint arising from the report or 18505  
the suppression of any evidence obtained as a result of the report 18506

and does not give, and shall not be construed as giving, any 18507  
rights or any grounds for appeal or post-conviction relief to any 18508  
person. The public children services agency shall report each case 18509  
to the uniform statewide automated child welfare information 18510  
system that the department of job and family services shall 18511  
maintain in accordance with section 5101.13 of the Revised Code. 18512  
The public children services agency shall submit a report of its 18513  
investigation, in writing, to the law enforcement agency. 18514

(2) The public children services agency shall make any 18515  
recommendations to the county prosecuting attorney or city 18516  
director of law that it considers necessary to protect any 18517  
children that are brought to its attention. 18518

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 18519  
(I)(3) of this section, any person, health care professional, 18520  
hospital, institution, school, health department, or agency shall 18521  
be immune from any civil or criminal liability for injury, death, 18522  
or loss to person or property that otherwise might be incurred or 18523  
imposed as a result of any of the following: 18524

(i) Participating in the making of reports pursuant to 18525  
division (A) of this section or in the making of reports in good 18526  
faith, pursuant to division (B) of this section; 18527

(ii) Participating in medical examinations, tests, or 18528  
procedures under division (D) of this section; 18529

(iii) Providing information used in a report made pursuant to 18530  
division (A) of this section or providing information in good 18531  
faith used in a report made pursuant to division (B) of this 18532  
section; 18533

(iv) Participating in a judicial proceeding resulting from a 18534  
report made pursuant to division (A) of this section or 18535  
participating in good faith in a proceeding resulting from a 18536  
report made pursuant to division (B) of this section. 18537

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been

redacted. In a criminal proceeding, the report is admissible in 18570  
evidence in accordance with the Rules of Evidence and is subject 18571  
to discovery in accordance with the Rules of Criminal Procedure. 18572

(2)(a) Except as provided in division (I)(2)(b) of this 18573  
section, no person shall permit or encourage the unauthorized 18574  
dissemination of the contents of any report made under this 18575  
section. 18576

(b) A health care professional that obtains the same 18577  
information contained in a report made under this section from a 18578  
source other than the report may disseminate the information, if 18579  
its dissemination is otherwise permitted by law. 18580

(3) A person who knowingly makes or causes another person to 18581  
make a false report under division (B) of this section that 18582  
alleges that any person has committed an act or omission that 18583  
resulted in a child being an abused child or a neglected child is 18584  
guilty of a violation of section 2921.14 of the Revised Code. 18585

(4) If a report is made pursuant to division (A) or (B) of 18586  
this section and the child who is the subject of the report dies 18587  
for any reason at any time after the report is made, but before 18588  
the child attains eighteen years of age, the public children 18589  
services agency or peace officer to which the report was made or 18590  
referred, on the request of the child fatality review board or the 18591  
director of health pursuant to guidelines established under 18592  
section 3701.70 of the Revised Code, shall submit a summary sheet 18593  
of information providing a summary of the report to the review 18594  
board of the county in which the deceased child resided at the 18595  
time of death or to the director. On the request of the review 18596  
board or director, the agency or peace officer may, at its 18597  
discretion, make the report available to the review board or 18598  
director. If the county served by the public children services 18599  
agency is also served by a children's advocacy center and the 18600  
report of alleged sexual abuse of a child or another type of abuse 18601

of a child is specified in the memorandum of understanding that 18602  
creates the center as being within the center's jurisdiction, the 18603  
agency or center shall perform the duties and functions specified 18604  
in this division in accordance with the interagency agreement 18605  
entered into under section 2151.428 of the Revised Code relative 18606  
to that advocacy center. 18607

(5) A public children services agency shall advise a person 18608  
alleged to have inflicted abuse or neglect on a child who is the 18609  
subject of a report made pursuant to this section, including a 18610  
report alleging sexual abuse of a child or another type of abuse 18611  
of a child referred to a children's advocacy center pursuant to an 18612  
interagency agreement entered into under section 2151.428 of the 18613  
Revised Code, in writing of the disposition of the investigation. 18614  
The agency shall not provide to the person any information that 18615  
identifies the person who made the report, statements of 18616  
witnesses, or police or other investigative reports. 18617

(J) Any report that is required by this section, other than a 18618  
report that is made to the state highway patrol as described in 18619  
section 5120.173 of the Revised Code, shall result in protective 18620  
services and emergency supportive services being made available by 18621  
the public children services agency on behalf of the children 18622  
about whom the report is made, in an effort to prevent further 18623  
neglect or abuse, to enhance their welfare, and, whenever 18624  
possible, to preserve the family unit intact. The agency required 18625  
to provide the services shall be the agency conducting the 18626  
investigation of the report pursuant to section 2151.422 of the 18627  
Revised Code. 18628

(K)(1) Each public children services agency shall prepare a 18629  
memorandum of understanding that is signed by all of the 18630  
following: 18631

(a) If there is only one juvenile judge in the county, the 18632  
juvenile judge of the county or the juvenile judge's 18633

representative; 18634

(b) If there is more than one juvenile judge in the county, a 18635  
juvenile judge or the juvenile judges' representative selected by 18636  
the juvenile judges or, if they are unable to do so for any 18637  
reason, the juvenile judge who is senior in point of service or 18638  
the senior juvenile judge's representative; 18639

(c) The county peace officer; 18640

(d) All chief municipal peace officers within the county; 18641

(e) Other law enforcement officers handling child abuse and 18642  
neglect cases in the county; 18643

(f) The prosecuting attorney of the county; 18644

(g) If the public children services agency is not the county 18645  
department of job and family services, the county department of 18646  
job and family services; 18647

(h) The county humane society; 18648

(i) If the public children services agency participated in 18649  
the execution of a memorandum of understanding under section 18650  
2151.426 of the Revised Code establishing a children's advocacy 18651  
center, each participating member of the children's advocacy 18652  
center established by the memorandum. 18653

(2) A memorandum of understanding shall set forth the normal 18654  
operating procedure to be employed by all concerned officials in 18655  
the execution of their respective responsibilities under this 18656  
section and division (C) of section 2919.21, division (B)(1) of 18657  
section 2919.22, division (B) of section 2919.23, and section 18658  
2919.24 of the Revised Code and shall have as two of its primary 18659  
goals the elimination of all unnecessary interviews of children 18660  
who are the subject of reports made pursuant to division (A) or 18661  
(B) of this section and, when feasible, providing for only one 18662  
interview of a child who is the subject of any report made 18663

pursuant to division (A) or (B) of this section. A failure to 18664  
follow the procedure set forth in the memorandum by the concerned 18665  
officials is not grounds for, and shall not result in, the 18666  
dismissal of any charges or complaint arising from any reported 18667  
case of abuse or neglect or the suppression of any evidence 18668  
obtained as a result of any reported child abuse or child neglect 18669  
and does not give, and shall not be construed as giving, any 18670  
rights or any grounds for appeal or post-conviction relief to any 18671  
person. 18672

(3) A memorandum of understanding shall include all of the 18673  
following: 18674

(a) The roles and responsibilities for handling emergency and 18675  
nonemergency cases of abuse and neglect; 18676

(b) Standards and procedures to be used in handling and 18677  
coordinating investigations of reported cases of child abuse and 18678  
reported cases of child neglect, methods to be used in 18679  
interviewing the child who is the subject of the report and who 18680  
allegedly was abused or neglected, and standards and procedures 18681  
addressing the categories of persons who may interview the child 18682  
who is the subject of the report and who allegedly was abused or 18683  
neglected. 18684

(4) If a public children services agency participated in the 18685  
execution of a memorandum of understanding under section 2151.426 18686  
of the Revised Code establishing a children's advocacy center, the 18687  
agency shall incorporate the contents of that memorandum in the 18688  
memorandum prepared pursuant to this section. 18689

(5) The clerk of the court of common pleas in the county may 18690  
sign the memorandum of understanding prepared under division 18691  
(K)(1) of this section. If the clerk signs the memorandum of 18692  
understanding, the clerk shall execute all relevant 18693  
responsibilities as required of officials specified in the 18694

memorandum. 18695

(L)(1) Except as provided in division (L)(4) or (5) of this 18696  
section, a person who is required to make a report pursuant to 18697  
division (A) of this section may make a reasonable number of 18698  
requests of the public children services agency that receives or 18699  
is referred the report, or of the children's advocacy center that 18700  
is referred the report if the report is referred to a children's 18701  
advocacy center pursuant to an interagency agreement entered into 18702  
under section 2151.428 of the Revised Code, to be provided with 18703  
the following information: 18704

(a) Whether the agency or center has initiated an 18705  
investigation of the report; 18706

(b) Whether the agency or center is continuing to investigate 18707  
the report; 18708

(c) Whether the agency or center is otherwise involved with 18709  
the child who is the subject of the report; 18710

(d) The general status of the health and safety of the child 18711  
who is the subject of the report; 18712

(e) Whether the report has resulted in the filing of a 18713  
complaint in juvenile court or of criminal charges in another 18714  
court. 18715

(2) A person may request the information specified in 18716  
division (L)(1) of this section only if, at the time the report is 18717  
made, the person's name, address, and telephone number are 18718  
provided to the person who receives the report. 18719

When a peace officer or employee of a public children 18720  
services agency receives a report pursuant to division (A) or (B) 18721  
of this section the recipient of the report shall inform the 18722  
person of the right to request the information described in 18723  
division (L)(1) of this section. The recipient of the report shall 18724

include in the initial child abuse or child neglect report that 18725  
the person making the report was so informed and, if provided at 18726  
the time of the making of the report, shall include the person's 18727  
name, address, and telephone number in the report. 18728

Each request is subject to verification of the identity of 18729  
the person making the report. If that person's identity is 18730  
verified, the agency shall provide the person with the information 18731  
described in division (L)(1) of this section a reasonable number 18732  
of times, except that the agency shall not disclose any 18733  
confidential information regarding the child who is the subject of 18734  
the report other than the information described in those 18735  
divisions. 18736

(3) A request made pursuant to division (L)(1) of this 18737  
section is not a substitute for any report required to be made 18738  
pursuant to division (A) of this section. 18739

(4) If an agency other than the agency that received or was 18740  
referred the report is conducting the investigation of the report 18741  
pursuant to section 2151.422 of the Revised Code, the agency 18742  
conducting the investigation shall comply with the requirements of 18743  
division (L) of this section. 18744

(5) A health care professional who made a report under 18745  
division (A) of this section, or on whose behalf such a report was 18746  
made as provided in division (A)(1)(c) of this section, may 18747  
authorize a person to obtain the information described in division 18748  
(L)(1) of this section if the person requesting the information is 18749  
associated with or acting on behalf of the health care 18750  
professional who provided health care services to the child about 18751  
whom the report was made. 18752

(M) The director of job and family services shall adopt rules 18753  
in accordance with Chapter 119. of the Revised Code to implement 18754  
this section. The department of job and family services may enter 18755

into a plan of cooperation with any other governmental entity to 18756  
aid in ensuring that children are protected from abuse and 18757  
neglect. The department shall make recommendations to the attorney 18758  
general that the department determines are necessary to protect 18759  
children from child abuse and child neglect. 18760

(N) Whoever violates division (A) of this section is liable 18761  
for compensatory and exemplary damages to the child who would have 18762  
been the subject of the report that was not made. A person who 18763  
brings a civil action or proceeding pursuant to this division 18764  
against a person who is alleged to have violated division (A)(1) 18765  
of this section may use in the action or proceeding reports of 18766  
other incidents of known or suspected abuse or neglect, provided 18767  
that any information in a report that would identify the child who 18768  
is the subject of the report or the maker of the report, if the 18769  
maker is not the defendant or an agent or employee of the 18770  
defendant, has been redacted. 18771

(O)(1) As used in this division: 18772

(a) "Out-of-home care" includes a nonchartered nonpublic 18773  
school if the alleged child abuse or child neglect, or alleged 18774  
threat of child abuse or child neglect, described in a report 18775  
received by a public children services agency allegedly occurred 18776  
in or involved the nonchartered nonpublic school and the alleged 18777  
perpetrator named in the report holds a certificate, permit, or 18778  
license issued by the state board of education under section 18779  
3301.071 or Chapter 3319. of the Revised Code. 18780

(b) "Administrator, director, or other chief administrative 18781  
officer" means the superintendent of the school district if the 18782  
out-of-home care entity subject to a report made pursuant to this 18783  
section is a school operated by the district. 18784

(2) No later than the end of the day following the day on 18785  
which a public children services agency receives a report of 18786

alleged child abuse or child neglect, or a report of an alleged 18787  
threat of child abuse or child neglect, that allegedly occurred in 18788  
or involved an out-of-home care entity, the agency shall provide 18789  
written notice of the allegations contained in and the person 18790  
named as the alleged perpetrator in the report to the 18791  
administrator, director, or other chief administrative officer of 18792  
the out-of-home care entity that is the subject of the report 18793  
unless the administrator, director, or other chief administrative 18794  
officer is named as an alleged perpetrator in the report. If the 18795  
administrator, director, or other chief administrative officer of 18796  
an out-of-home care entity is named as an alleged perpetrator in a 18797  
report of alleged child abuse or child neglect, or a report of an 18798  
alleged threat of child abuse or child neglect, that allegedly 18799  
occurred in or involved the out-of-home care entity, the agency 18800  
shall provide the written notice to the owner or governing board 18801  
of the out-of-home care entity that is the subject of the report. 18802  
The agency shall not provide witness statements or police or other 18803  
investigative reports. 18804

(3) No later than three days after the day on which a public 18805  
children services agency that conducted the investigation as 18806  
determined pursuant to section 2151.422 of the Revised Code makes 18807  
a disposition of an investigation involving a report of alleged 18808  
child abuse or child neglect, or a report of an alleged threat of 18809  
child abuse or child neglect, that allegedly occurred in or 18810  
involved an out-of-home care entity, the agency shall send written 18811  
notice of the disposition of the investigation to the 18812  
administrator, director, or other chief administrative officer and 18813  
the owner or governing board of the out-of-home care entity. The 18814  
agency shall not provide witness statements or police or other 18815  
investigative reports. 18816

(P) As used in this section: 18817

(1) "Children's advocacy center" and "sexual abuse of a 18818

child" have the same meanings as in section 2151.425 of the Revised Code. 18819  
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(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner. 18821  
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(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. 18832  
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(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 18835  
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**Sec. 2151.424.** (A) If a child has been placed in a certified foster home or is in the custody of, or has been placed with, a ~~relative of the child, other than a parent of the child~~ kinship caregiver as defined in section 5101.85 of the Revised Code, a court, prior to conducting any hearing pursuant to division (F)(2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or ~~relative~~ kinship caregiver of the date, time, and place of the hearing. At the hearing, the foster caregiver or ~~relative~~ kinship caregiver shall have the right to ~~present evidence~~ be heard. 18839  
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(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division (F)(2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the review or hearing. At the review or hearing, the prospective adoptive parent shall have the right to ~~present evidence~~ be heard.

(C) The notice and the opportunity to ~~present evidence~~ be heard do not make the foster caregiver, ~~relative kinship caregiver~~, or prospective adoptive parent a party in the action or proceeding pursuant to which the review or hearing is conducted.

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the Revised Code, "emancipated young adult" and "representative" have the same meanings as in section 5101.141 of the Revised Code.

Sec. 2151.451. The juvenile court of the county in which an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code resides shall have jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code. A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under those sections to a juvenile court with jurisdiction as provided in this section.

Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a

determination as to whether the emancipated young adult's best 18880  
interest is served by continuing the care and placement with the 18881  
department of job and family services or its representative. An 18882  
emancipated young adult shall not be eligible for continued care 18883  
and placement if the court finds it is not in the emancipated 18884  
young adult's best interest. 18885

(B) Not later than twelve months after the date that the 18886  
voluntary participation agreement is signed, and annually 18887  
thereafter, make a determination as to whether reasonable efforts 18888  
have been made to prepare the emancipated young adult for 18889  
independence. 18890

**Sec. 2151.453.** If any determination required under division 18891  
(B) of section 2151.452 of the Revised Code is not timely made, 18892  
the federal payments for foster care under division (A)(1) of 18893  
section 5101.1411 of the Revised Code for the emancipated young 18894  
adult shall be suspended. The payments shall resume upon a 18895  
subsequent determination that reasonable efforts have been made to 18896  
prepare the emancipated young adult for independence, but only if 18897  
both of the following apply: 18898

(A) The emancipated young adult complies with division (A)(1) 18899  
of section 5101.1411 of the Revised Code. 18900

(B) There has been a timely determination of best interest 18901  
under division (A) of section 2151.452 of the Revised Code. 18902

**Sec. 2151.454.** For purposes of a determination under section 18903  
2151.452 of the Revised Code, the department of job and family 18904  
services or its representative may file any documents and appear 18905  
before the court in relation to such filings. Nothing in this 18906  
section shall prohibit an emancipated young adult from obtaining 18907  
legal representation pursuant to section 2151.455 of the Revised 18908  
Code. 18909

Sec. 2151.455. (A) An emancipated young adult is entitled to representation by legal counsel at all stages of proceedings conducted under section 2151.45 to 2151.455 of the Revised Code.

(B) If, as an indigent person, the emancipated young adult is unable to employ counsel, the emancipated young adult is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code.

(C) If an emancipated young adult appears without counsel, the court shall determine whether the emancipated young adult knows of the right to counsel, and to be provided with counsel, if indigent.

(D) The court may continue the case to enable an emancipated young adult to obtain counsel, to be represented by the county public defender or the joint county public defender, or to be appointed counsel upon request pursuant to Chapter 120. of the Revised Code.

(E) Upon written request, prior to any hearing involving the emancipated young adult, any report concerning an emancipated young adult that is used in, or is pertinent to, a hearing, shall for good cause shown be made available to any attorney representing the emancipated young adult and to any attorney representing any other party to the case.

Sec. 2151.86. (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care, ~~except that section 3319.39 of the Revised Code shall apply instead of this section if.~~ The request shall be made

at the time of initial application for appointment or employment 18940  
and every four years thereafter. If the out-of-home care entity is 18941  
a public school, educational service center, or chartered 18942  
nonpublic school, then section 3319.39 of the Revised Code shall 18943  
apply instead. If the out-of-home care entity is a child day-care 18944  
center, type A family day-care home, type B family day-care home, 18945  
certified in-home aide, or child day camp, then section 5104.013 18946  
of the Revised Code shall apply instead. 18947

(2) At the times specified in this division, the 18948  
administrative director of an agency, or attorney, who arranges an 18949  
adoption for a prospective adoptive parent shall request the 18950  
superintendent of BCII to conduct a criminal records check with 18951  
respect to that prospective adoptive parent and a criminal records 18952  
check with respect to all persons eighteen years of age or older 18953  
who reside with the prospective adoptive parent. The 18954  
administrative director or attorney shall request a criminal 18955  
records check pursuant to this division at the time of the initial 18956  
home study, every four years after the initial home study at the 18957  
time of an update, and at the time that an adoptive home study is 18958  
completed as a new home study. 18959

(3) Before a recommending agency submits a recommendation to 18960  
the department of job and family services on whether the 18961  
department should issue a certificate to a foster home under 18962  
section 5103.03 of the Revised Code, and every four years 18963  
thereafter prior to a recertification under that section, the 18964  
administrative director of the agency shall request that the 18965  
superintendent of BCII conduct a criminal records check with 18966  
respect to the prospective foster caregiver and a criminal records 18967  
check with respect to all other persons eighteen years of age or 18968  
older who reside with the foster caregiver. 18969

~~(B)(1) If a person subject to a criminal records check under~~ 18970  
~~division (A)(1) of this section does not present proof that the~~ 18971

~~person has been a resident of this state for the five year period~~ 18972  
~~immediately prior to the date upon which the criminal records~~ 18973  
~~check is requested or does not provide evidence that within that~~ 18974  
~~five year period the superintendent of BCII has requested~~ 18975  
~~information about the person from the federal bureau of~~ 18976  
~~investigation in a criminal records check, the appointing or~~ 18977  
~~hiring officer shall request that the superintendent of BCII~~ 18978  
~~obtain information from the federal bureau of investigation as a~~ 18979  
~~part of the criminal records check, including fingerprint based~~ 18980  
~~checks of national crime information databases as described in 42~~ 18981  
~~U.S.C. 671. If a person subject to a criminal records check under~~ 18982  
~~division (A)(1) of this section presents proof that the person has~~ 18983  
~~been a resident of this state for that five year period, the~~ 18984  
~~appointing or hiring officer or attorney may request that the~~ 18985  
~~superintendent of BCII include information from the federal bureau~~ 18986  
~~of investigation in the criminal records check, including~~ 18987  
~~fingerprint based checks of national crime information databases~~ 18988  
~~as described in 42 U.S.C. 671~~ When the appointing or hiring 18989  
officer requests, at the time of initial application for 18990  
appointment or employment, a criminal records check for a person 18991  
subject to division (A)(1) of this section, the officer shall 18992  
request that the superintendent of BCII obtain information from 18993  
the federal bureau of investigation as part of the criminal 18994  
records check, including fingerprint-based checks of national 18995  
crime information databases as described in 42 U.S.C. 671, for the 18996  
person subject to the criminal records check. In all other cases 18997  
in which the appointing or hiring officer requests a criminal 18998  
records check for a person pursuant to division (A)(1) of this 18999  
section, the officer may request that the superintendent of BCII 19000  
obtain information from the federal bureau of investigation as 19001  
part of the criminal records check, including fingerprint-based 19002  
checks of national crime information databases as described in 42 19003  
U.S.C. 671, for the person subject to the criminal records check. 19004

When the administrative director of an agency, or attorney, 19005  
who arranges an adoption for a prospective parent requests, at the 19006  
time of the initial home study, a criminal records check for a 19007  
person pursuant to division (A)(2) of this section, the 19008  
administrative director or attorney shall request that the 19009  
superintendent of BCII obtain information from the federal bureau 19010  
of investigation as part of the criminal records check, including 19011  
fingerprint-based checks of national crime information databases 19012  
as described in 42 U.S.C. 671, for the person subject to the 19013  
criminal records check. In all other cases in which the 19014  
administrative director of an agency, or attorney, who arranges an 19015  
adoption for a prospective parent requests a criminal records 19016  
check for a person pursuant to division (A)(2) of this section, 19017  
the administrative director or attorney may request that the 19018  
superintendent of BCII include information from the federal bureau 19019  
of investigation in the criminal records check, including 19020  
fingerprint-based checks of national crime information databases 19021  
as described in 42 U.S.C. 671. 19022

When the administrative director of a recommending agency 19023  
requests, before submitting a recommendation to the department of 19024  
job and family services on whether the department should issue a 19025  
certificate to a foster home under section 5103.03 of the Revised 19026  
Code, a criminal records check for a person pursuant to division 19027  
(A)(3) of this section, the administrative director shall request 19028  
that the superintendent of BCII obtain information from the 19029  
federal bureau of investigation as part of a criminal records 19030  
check, including fingerprint-based checks of national crime 19031  
information databases as described in 42 U.S.C. 671, for the 19032  
person subject to the criminal records check. In all other cases 19033  
in which the administrative director of a recommending agency 19034  
requests a criminal records check for a person pursuant to 19035  
division (A)(3) of this section, the administrative director may 19036  
request that the superintendent of BCII include information from 19037

the federal bureau of investigation in the criminal records check, 19038  
including fingerprint-based checks of national crime information 19039  
databases as described in 42 U.S.C. 671. 19040

Prior to a hearing on a final decree of adoption or 19041  
interlocutory order of adoption by a probate court, the 19042  
administrative director of an agency, or an attorney, who arranges 19043  
an adoption for a prospective parent shall provide to the clerk of 19044  
the probate court either of the following: 19045

(a) Any information received pursuant to a request made under 19046  
this division from the superintendent of BCII or the federal 19047  
bureau of investigation as part of the criminal records check, 19048  
including fingerprint-based checks of national crime information 19049  
databases as described in 42 U.S.C. 671, for the person subject to 19050  
the criminal records check; 19051

(b) Written notification that the person subject to a 19052  
criminal records check pursuant to this division failed upon 19053  
request to provide the information necessary to complete the form 19054  
or failed to provide impressions of the person's fingerprints as 19055  
required under division (B)(2) of this section. 19056

(2) An appointing or hiring officer, administrative director, 19057  
or attorney required by division (A) of this section to request a 19058  
criminal records check shall provide to each person subject to a 19059  
criminal records check a copy of the form prescribed pursuant to 19060  
division (C)(1) of section 109.572 of the Revised Code and a 19061  
standard impression sheet to obtain fingerprint impressions 19062  
prescribed pursuant to division (C)(2) of section 109.572 of the 19063  
Revised Code, obtain the completed form and impression sheet from 19064  
the person, and forward the completed form and impression sheet to 19065  
the superintendent of BCII at the time the criminal records check 19066  
is requested. 19067

Any person subject to a criminal records check who receives 19068

pursuant to this division a copy of the form prescribed pursuant 19069  
to division (C)(1) of section 109.572 of the Revised Code and a 19070  
copy of an impression sheet prescribed pursuant to division (C)(2) 19071  
of that section and who is requested to complete the form and 19072  
provide a set of fingerprint impressions shall complete the form 19073  
or provide all the information necessary to complete the form and 19074  
shall provide the impression sheet with the impressions of the 19075  
person's fingerprints. If a person subject to a criminal records 19076  
check, upon request, fails to provide the information necessary to 19077  
complete the form or fails to provide impressions of the person's 19078  
fingerprints, the appointing or hiring officer shall not appoint 19079  
or employ the person as a person responsible for a child's care in 19080  
out-of-home care, a probate court may not issue a final decree of 19081  
adoption or an interlocutory order of adoption making the person 19082  
an adoptive parent, and the department of job and family services 19083  
shall not issue a certificate authorizing the prospective foster 19084  
caregiver to operate a foster home. 19085

(C)(1) No appointing or hiring officer shall appoint or 19086  
employ a person as a person responsible for a child's care in 19087  
out-of-home care, the department of job and family services shall 19088  
not issue a certificate under section 5103.03 of the Revised Code 19089  
authorizing a prospective foster caregiver to operate a foster 19090  
home, and no probate court shall issue a final decree of adoption 19091  
or an interlocutory order of adoption making a person an adoptive 19092  
parent if the person or, in the case of a prospective foster 19093  
caregiver or prospective adoptive parent, any person eighteen 19094  
years of age or older who resides with the prospective foster 19095  
caregiver or prospective adoptive parent previously has been 19096  
convicted of or pleaded guilty to any of the violations described 19097  
in division (A)(4) of section 109.572 of the Revised Code, unless 19098  
the person meets rehabilitation standards established in rules 19099  
adopted under division (F) of this section. 19100

~~(2) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out of home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the officer shall release the person from appointment or employment.~~

~~(3) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.~~

(D) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to

the criminal records check a fee for the costs the officer, 19133  
director, or attorney incurs in obtaining the criminal records 19134  
check. A fee charged under this division shall not exceed the 19135  
amount of fees the officer, director, or attorney pays for the 19136  
criminal records check. If a fee is charged under this division, 19137  
the officer, director, or attorney shall notify the person who is 19138  
the applicant at the time of the person's initial application for 19139  
appointment or employment, an adoption to be arranged, or a 19140  
certificate to operate a foster home of the amount of the fee and 19141  
that, unless the fee is paid, the person who is the applicant will 19142  
not be considered for appointment or employment or as an adoptive 19143  
parent or foster caregiver. 19144

(E) The report of any criminal records check conducted by the 19145  
bureau of criminal identification and investigation in accordance 19146  
with section 109.572 of the Revised Code and pursuant to a request 19147  
made under division (A) of this section is not a public record for 19148  
the purposes of section 149.43 of the Revised Code and shall not 19149  
be made available to any person other than the following: 19150

(1) The person who is the subject of the criminal records 19151  
check or the person's representative; 19152

(2) The appointing or hiring officer, administrative 19153  
director, or attorney requesting the criminal records check or the 19154  
officer's, director's, or attorney's representative; 19155

(3) The department of job and family services, a county 19156  
department of job and family services, or a public children 19157  
services agency; 19158

(4) Any court, hearing officer, or other necessary individual 19159  
involved in a case dealing with the denial of employment, a final 19160  
decree of adoption or interlocutory order of adoption, or a foster 19161  
home certificate. 19162

(F) The director of job and family services shall adopt rules 19163

in accordance with Chapter 119. of the Revised Code to implement 19164  
this section. The rules shall include rehabilitation standards a 19165  
person who has been convicted of or pleaded guilty to an offense 19166  
listed in division (A)(4) of section 109.572 of the Revised Code 19167  
must meet for an appointing or hiring officer to appoint or employ 19168  
the person as a person responsible for a child's care in 19169  
out-of-home care, a probate court to issue a final decree of 19170  
adoption or interlocutory order of adoption making the person an 19171  
adoptive parent, or the department to issue a certificate 19172  
authorizing the prospective foster caregiver to operate a foster 19173  
home or not revoke a foster home certificate for a violation 19174  
specified in section 5103.0328 of the Revised Code. 19175

(G) An appointing or hiring officer, administrative director, 19176  
or attorney required by division (A) of this section to request a 19177  
criminal records check shall inform each person who is the 19178  
applicant, at the time of the person's initial application for 19179  
appointment or employment, an adoption to be arranged, or a foster 19180  
home certificate, that the person subject to the criminal records 19181  
check is required to provide a set of impressions of the person's 19182  
fingerprints and that a criminal records check is required to be 19183  
conducted and satisfactorily completed in accordance with section 19184  
109.572 of the Revised Code. 19185

(H) As used in this section: 19186

(1) "Children's hospital" means any of the following: 19187

(a) A hospital registered under section 3701.07 of the 19188  
Revised Code that provides general pediatric medical and surgical 19189  
care, and in which at least seventy-five per cent of annual 19190  
inpatient discharges for the preceding two calendar years were 19191  
individuals less than eighteen years of age; 19192

(b) A distinct portion of a hospital registered under section 19193  
3701.07 of the Revised Code that provides general pediatric 19194

medical and surgical care, has a total of at least one hundred 19195  
fifty registered pediatric special care and pediatric acute care 19196  
beds, and in which at least seventy-five per cent of annual 19197  
inpatient discharges for the preceding two calendar years were 19198  
individuals less than eighteen years of age; 19199

(c) A distinct portion of a hospital, if the hospital is 19200  
registered under section 3701.07 of the Revised Code as a 19201  
children's hospital and the children's hospital meets all the 19202  
requirements of division (H)(1)(a) of this section. 19203

(2) "Criminal records check" has the same meaning as in 19204  
section 109.572 of the Revised Code. 19205

(3) "Person responsible for a child's care in out-of-home 19206  
care" has the same meaning as in section 2151.011 of the Revised 19207  
Code, except that it does not include a prospective employee of 19208  
the department of youth services or a person responsible for a 19209  
child's care in a hospital or medical clinic other than a 19210  
children's hospital. 19211

(4) "Person subject to a criminal records check" means the 19212  
following: 19213

(a) A person who is under final consideration for appointment 19214  
or employment as a person responsible for a child's care in 19215  
out-of-home care; 19216

(b) A prospective or current adoptive parent; 19217

(c) A prospective or current foster caregiver; 19218

(d) A person eighteen years old or older who resides with a 19219  
prospective or current foster caregiver or a prospective or 19220  
current adoptive parent. 19221

(5) "Recommending agency" means a public children services 19222  
agency, private child placing agency, or private noncustodial 19223  
agency to which the department of job and family services has 19224

delegated a duty to inspect and approve foster homes.	19225
(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	19226 19227
<b>Sec. 2151.87.</b> (A) As used in this section:	19228
(1) <del>"Alternative nicotine product," "cigarette," and "tobacco</del> <u>"Tobacco product" have has the same meanings meaning</u> as in section 2927.02 of the Revised Code.	19229 19230 19231
(2) <del>"Youth smoking education program" means a private or public agency program that is related to tobacco use, prevention, and cessation, that is carried out or funded by the department of health pursuant to section 3701.84 of the Revised Code, that utilizes educational methods focusing on the negative health effects of smoking and using tobacco products, and that is not more than twelve hours in duration.</del>	19232 19233 19234 19235 19236 19237 19238
(B) No child shall do any of the following unless accompanied by a parent, spouse <del>who is eighteen years of age or older,</del> or legal guardian of the child, <u>each of whom shall be twenty-one years of age or older:</u>	19239 19240 19241 19242
(1) Use, consume, or possess <del>eigarettes, other tobacco products, alternative nicotine products, or papers used to roll eigarettes;</del>	19243 19244 19245
(2) Purchase or attempt to purchase <del>eigarettes, other tobacco products, alternative nicotine products, or papers used to roll eigarettes;</del>	19246 19247 19248
(3) Order, pay for, or share the cost of <del>eigarettes, other tobacco products, alternative nicotine products, or papers used to roll eigarettes;</del>	19249 19250 19251
(4) Except as provided in division (E) of this section, accept or receive <del>eigarettes, other tobacco products, alternative nicotine products, or papers used to roll eigarettes.</del>	19252 19253 19254

(C) No child shall knowingly furnish false information 19255  
concerning that child's name, age, or other identification for the 19256  
purpose of obtaining ~~cigarettes, other~~ tobacco products, 19257  
~~alternative nicotine products, or papers used to roll cigarettes.~~ 19258

(D) A juvenile court shall not adjudicate a child a 19259  
delinquent or unruly child for a violation of ~~division (B)(1),~~ 19260  
~~(2), (3), or (4) or (C) of~~ this section. 19261

(E)(1) It is not a violation of division (B)(4) of this 19262  
section for a child to accept or receive ~~cigarettes, other~~ tobacco 19263  
~~products, alternative nicotine products, or papers used to roll~~ 19264  
~~cigarettes~~ if the child is required to do so in the performance of 19265  
the child's duties as an employee of that child's employer and the 19266  
child's acceptance or receipt of ~~cigarettes, other~~ tobacco 19267  
~~products, alternative nicotine products, or papers used to roll~~ 19268  
~~cigarettes~~ occurs exclusively within the scope of the child's 19269  
employment. 19270

(2) It is not a violation of division (B)(1), (2), (3), or 19271  
(4) of this section if the child possesses, purchases or attempts 19272  
to purchase, orders, pays for, shares the cost of, or accepts or 19273  
receives ~~cigarettes, other~~ tobacco products, ~~alternative nicotine~~ 19274  
~~products, or papers used to roll cigarettes~~ while participating in 19275  
an inspection or compliance check conducted by a federal, state, 19276  
local, or corporate entity at a location at which ~~cigarettes,~~ 19277  
~~other~~ tobacco products, ~~alternative nicotine products, or papers~~ 19278  
~~used to roll cigarettes~~ are sold or distributed. 19279

~~(3) It is not a violation of division (B)(1) or (4) of this~~ 19280  
~~section for a child to accept, receive, use, consume, or possess~~ 19281  
~~cigarettes, other tobacco products, alternative nicotine products,~~ 19282  
~~or papers used to roll cigarettes while participating in a~~ 19283  
~~research protocol if all of the following apply:~~ 19284

~~(a) The parent, guardian, or legal custodian of the child has~~ 19285

~~consented in writing to the child participating in the research  
protocol.~~ 19286  
19287

~~(b) An institutional human subjects protection review board,  
or an equivalent entity, has approved the research protocol.~~ 19288  
19289

~~(c) The child is participating in the research protocol at  
the facility or location specified in the research protocol.~~ 19290  
19291

(F) If a juvenile court finds that a child violated division 19292  
~~(B)(1), (2), (3), or (4) or (C) of this section, the court may do~~ 19293  
~~either or both of the following:~~ 19294

~~(1) Require the child to attend a youth smoking education  
program or other smoking treatment program approved by the court,  
if one is available;~~ 19295  
19296  
19297

~~(2) Impose a fine of not more than one hundred dollars.~~ 19298

~~(G) If a child disobeys a juvenile court order issued  
pursuant to division (F) of this section, the court may do any or  
all of the following:~~ 19299  
19300  
19301

~~(1) Increase the fine imposed upon the child under division  
(F)(2) of this section;~~ 19302  
19303

~~(2) Require require the child to perform not more than twenty  
hours of community service;~~ 19304  
19305

~~(3) Suspend for a period of thirty days the temporary  
instruction permit, probationary driver's license, or driver's  
license issued to the child.~~ 19306  
19307  
19308

~~(H) A child alleged or found to have violated division (B) or  
(C) of this section shall not be detained under any provision of  
this chapter or any other provision of the Revised Code.~~ 19309  
19310  
19311

(G) Division (B) of this section does not apply to a child if  
the parent, spouse, or legal guardian of the child is eighteen  
years of age on or before October 1, 2019. The version of division  
(B) of this section that was in effect prior to the effective date 19312  
19313  
19314  
19315

of this amendment applies to such a child. 19316

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of 19317  
the Revised Code: 19318

(1) "Host family" means any individual who provides care in 19319  
the individual's private residence for a child or single-family 19320  
group, at the request of the child's custodial parent, guardian, 19321  
or legal custodian, under a host family agreement. The individual 19322  
also may provide care for the individual's own child or children. 19323  
The term "host family" excludes a foster home. 19324

(2) "Qualified organization" means a private association, 19325  
organization, corporation, nonprofit, or other entity that is not 19326  
a Title IV-E reimbursable setting and that has established a 19327  
program that does all of the following: 19328

(a) Provides resources and services to assist, support, and 19329  
educate parents, host families, children, or any person hosting a 19330  
child under a host family agreement on a temporary basis; 19331

(b) Requires a criminal records check on the intended host 19332  
family and all adults residing in the host family's household; 19333

(c) Requires a background check in the central registry of 19334  
abuse and neglect of this state from the department of job and 19335  
family services for the intended host family and all adults 19336  
residing in the host family's household; 19337

(d) Ensures that the host family is trained on the rights, 19338  
duties, responsibilities, and limitations as outlined in the host 19339  
family agreement; 19340

(e) Conduct in-home supervision of a child who is the subject 19341  
of the host family agreement while the agreement is in force as 19342  
follows: 19343

(i) For hostings of fewer than thirty days, within two 19344  
business days of placement and then at least once a week 19345

thereafter; 19346

(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month; 19347  
19348

(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child. 19349  
19350  
19351  
19352

(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian. 19353  
19354  
19355

(3) "Temporary basis" means a period of time not to exceed one year, except as provided in section 2151.901 of the Revised Code. 19356  
19357  
19358

(B) A child may be hosted by a host family only when all of the following conditions are satisfied: 19359  
19360

(1) The hosting is done on a temporary basis. 19361

(2) The hosting is done under a host family agreement entered into with a qualified organization's assistance. 19362  
19363

(3) Either one or both of the child's parents, or the child's guardian or legal custodian, are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which the hosting is appropriate. 19364  
19365  
19366  
19367  
19368

(4) The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children if applicable. 19369  
19370  
19371

**Sec. 2151.901.** Upon the request of the child's parent, guardian, legal custodian, host family, or the qualified organization that arranged the host family agreement, a juvenile 19372  
19373  
19374

court may alter the period during which a host family agreement is 19375  
in effect if the court determines there are extenuating 19376  
circumstances. 19377

Sec. 2151.902. A public children services agency shall not 19378  
file a complaint under section 2151.27 of the Revised Code because 19379  
a child is hosted by a host family in compliance with section 19380  
2151.90 of the Revised Code, unless the agency determines that 19381  
factors other than the hosting warrant filing the complaint. 19382

Sec. 2151.903. The presumption that a child hosted under a 19383  
host family agreement is abandoned under section 2151.011 of the 19384  
Revised Code may be rebutted if the hosting complied with section 19385  
2151.90 of the Revised Code. 19386

Sec. 2151.904. (A) Before a qualified organization provides 19387  
for hosting of a child with a host family and every four years 19388  
thereafter, a prospective host family and all other persons 19389  
eighteen years of age or older who reside in the host family's 19390  
home shall request, and shall provide to the qualified 19391  
organization the results of, the following for the host family and 19392  
all other persons eighteen years of age or older who reside in the 19393  
home: 19394

(1) A criminal records check, as defined under division (G) 19395  
of section 109.572 of the Revised Code, and information from the 19396  
federal bureau of investigation, as part of the criminal records 19397  
check, including fingerprint-based checks of national crime 19398  
information databases as described in 42 U.S.C. 671; 19399

(2) A background check in the central registry of abuse and 19400  
neglect of this state from the department of job and family 19401  
services. 19402

(B) A person subject to division (A) of this section may 19403

request the criminal records check and information required under 19404  
division (A)(1) of this section from either of the following: 19405

(1) The superintendent of the bureau of criminal 19406  
identification and investigation; 19407

(2) Any entity authorized, on behalf of the person, to 19408  
request the superintendent to conduct the criminal records check 19409  
and provide the information. 19410

(C) If a person subject to division (A) of this section fails 19411  
to provide the results of the criminal records and background 19412  
checks and the information required under that division to the 19413  
qualified organization, the organization shall not authorize 19414  
hosting with the host family. 19415

**Sec. 2151.906.** A qualified organization shall not authorize 19416  
hosting with a host family if any person eighteen years of age or 19417  
older who resides with the prospective host family previously has 19418  
been convicted of or pleaded guilty to any of the violations 19419  
described in division (A)(4) of section 109.572 of the Revised 19420  
Code, unless all of the following conditions are satisfied: 19421

(A) If the offense was a misdemeanor, or would be a 19422  
misdemeanor if the conviction occurred at the time that hosting is 19423  
being considered, at least three years have elapsed from the date 19424  
the person was fully discharged from any imprisonment or probation 19425  
arising from the conviction. 19426

(B) If the offense was a felony, at least ten years have 19427  
elapsed since the person was fully discharged from imprisonment or 19428  
probation arising from the conviction. 19429

(C) The victim of the offense was not one of the following: 19430

(1) A person under the age of eighteen; 19431

(2) A functionally impaired person as defined in section 19432  
2903.10 of the Revised Code; 19433

<u>(3) A person with a developmental disability as defined in section 5123.01 of the Revised Code;</u>	19434
	19435
<u>(4) A person with a mental illness as defined in section 5122.01 of the Revised Code;</u>	19436
	19437
<u>(5) A person sixty years of age or older.</u>	19438
<u>(D) Hosting in the host family's home will not jeopardize in any way the health, safety, or welfare of the child to be hosted.</u>	19439
<u>The following factors shall be considered in determining whether this condition is satisfied:</u>	19440
	19441
	19442
<u>(1) The person's age at the time of the offense;</u>	19443
<u>(2) The nature and seriousness of the offense;</u>	19444
<u>(3) The circumstances under which the offense was committed;</u>	19445
<u>(4) The degree of participation of the person involved in the offense;</u>	19446
	19447
<u>(5) The time elapsed since the person was fully discharged from imprisonment or probation;</u>	19448
	19449
<u>(6) The likelihood that the circumstances leading to the offense will recur;</u>	19450
	19451
<u>(7) Whether the person is a repeat offender;</u>	19452
<u>(8) The person's employment record;</u>	19453
<u>(9) The person's efforts at rehabilitation and the results of those efforts;</u>	19454
	19455
<u>(10) Whether any criminal proceedings are pending against the person;</u>	19456
	19457
<u>(11) Any other factors the qualified organization considers relevant.</u>	19458
	19459
<u>Sec. 2151.907. The report of any criminal records check</u>	19460
<u>conducted pursuant to a request made under section 2151.904 of the</u>	19461

Revised Code is not a public record for the purposes of section 19462  
149.43 of the Revised Code and shall not be made available to any 19463  
person other than the following: 19464

(A) The person who is the subject of the criminal records 19465  
check or the person's representative; 19466

(B) The administrative director of the qualified organization 19467  
or the director's representative; 19468

(C) Any court, hearing officer, or other necessary individual 19469  
involved in a case regarding a qualified organization's decision 19470  
not to authorize hosting with the host family to which either of 19471  
the following apply: 19472

(1) The host family was subject to the criminal records 19473  
check. 19474

(2) The host family resided with the person subject to the 19475  
criminal records check. 19476

**Sec. 2151.908.** A qualified organization shall develop and 19477  
implement written policies and procedures for employees, including 19478  
policies and procedures on all of the following topics: 19479

(A) Familiarization of the employee with emergency and safety 19480  
procedures; 19481

(B) The principles and practices of child care; 19482

(C) Administrative structure, procedures, and overall program 19483  
goals of the qualified organization; 19484

(D) Appropriate techniques of behavior management; 19485

(E) Techniques and methodologies for crisis management; 19486

(F) Familiarization of the employee with the disciplinary 19487  
procedures outlined in rule 5101:2-9-21 of the Ohio Administrative 19488  
Code, the discipline and behavior intervention policies required 19489

<u>by rule 5101:2-5-13 of the Ohio Administrative Code, and any other</u>	19490
<u>similar requirements;</u>	19491
<u>(G) Procedures for reporting suspected child abuse or neglect</u>	19492
<u>under section 2151.421 of the Revised Code;</u>	19493
<u>(H) An emergency medical plan;</u>	19494
<u>(I) Universal precautions;</u>	19495
<u>(J) Knowledge and skills to understand and address the issues</u>	19496
<u>confronting adolescents.</u>	19497
<b><u>Sec. 2151.909. A qualified organization shall develop and</u></b>	19498
<b><u>implement written policies and procedures for host family</u></b>	19499
<b><u>training. Training shall include all of the following topics:</u></b>	19500
<u>(A) The legal rights and responsibilities of host families;</u>	19501
<u>(B) The qualified organization's policies and procedures</u>	19502
<u>regarding host families;</u>	19503
<u>(C) The effects that separation and attachment issues have on</u>	19504
<u>children and their families;</u>	19505
<u>(D) The effects of physical abuse, sexual abuse, emotional</u>	19506
<u>abuse, neglect, and substance abuse on normal human growth and</u>	19507
<u>development, as well as information on reporting child abuse and</u>	19508
<u>neglect;</u>	19509
<u>(E) Behavior management techniques;</u>	19510
<u>(F) Cultural competence;</u>	19511
<u>(G) Prevention, recognition, and management of communicable</u>	19512
<u>diseases;</u>	19513
<u>(H) Community health and social services available to</u>	19514
<u>children and their families;</u>	19515
<u>(I) Training on appropriate and positive behavioral</u>	19516
<u>intervention techniques;</u>	19517

(J) Education advocacy training; 19518

(K) The host family's responsibility to report abuse or 19519  
neglect of a child under section 2151.9011 of the Revised Code. 19520

Sec. 2151.9010. A host family shall not be subject to 19521  
certification or supervision by the director of job and family 19522  
services under section 5103.03 of the Revised Code. 19523

Sec. 2151.9011. A host family shall immediately report 19524  
knowledge or reasonable cause to suspect based on facts that would 19525  
cause a reasonable person in a similar position to suspect, that 19526  
the child who is subject to the host family agreement, has 19527  
suffered or faces a threat of suffering any physical or mental 19528  
wound, injury, disability, or condition of a nature that 19529  
reasonably indicates abuse or neglect of the child to an employee 19530  
of a qualified organization. 19531

Sec. 2301.32. (A) In any county in which a county department 19532  
of probation has been established under division (A) of section 19533  
2301.27 of the Revised Code and complies with standards and 19534  
conditions prescribed by the adult parole authority created by 19535  
section 5149.02 of the Revised Code, an agreement may be entered 19536  
into between the court of common pleas and the authority under 19537  
which the county department of probation may receive supplemental 19538  
investigation or supervisory services from the authority. 19539

(B) In any county in which a county department of probation 19540  
has not been established under division (A) of section 2301.27 of 19541  
the Revised Code, an agreement may be entered into between the 19542  
court of common pleas of that county and the adult parole 19543  
authority under which the court of common pleas may place 19544  
defendants under a community control sanction in charge of the 19545  
authority, and, in consideration of those placements, the county 19546  
shall pay to the state from time to time the amounts that are 19547

provided for in the agreement. 19548

(C) In lieu of an agreement made under division (A) or (B) of 19549  
this section, the adult parole authority may offer a county 19550  
funding for probation services, provided that the general assembly 19551  
has appropriated sufficient funds for that purpose. 19552

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 19553  
may determine that for the efficient operation of the court 19554  
additional funds are required to computerize the court, to make 19555  
available computerized legal research services, or to do both. 19556  
Upon making a determination that additional funds are required for 19557  
either or both of those purposes, the court shall authorize and 19558  
direct the clerk of the court of common pleas to charge one 19559  
additional fee, not to exceed six dollars, on the filing of each 19560  
cause of action or appeal under divisions (A), (Q), and (U) of 19561  
section 2303.20 of the Revised Code. 19562

(2) All fees collected under division (A)(1) of this section 19563  
shall be paid to the county treasurer. The treasurer shall place 19564  
the funds from the fees in a separate fund to be disbursed either 19565  
upon an order of the court, subject to an appropriation by the 19566  
board of county commissioners, or upon an order of the court, 19567  
subject to the court making an annual report available to the 19568  
public listing the use of all such funds, in an amount not greater 19569  
than the actual cost to the court of procuring and maintaining 19570  
computerization of the court, computerized legal research 19571  
services, or both. 19572

(3) If the court determines that the funds in the fund 19573  
described in division (A)(2) of this section are more than 19574  
sufficient to satisfy the purpose for which the additional fee 19575  
described in division (A)(1) of this section was imposed, the 19576  
court may declare a surplus in the fund and, subject to an 19577  
appropriation by the board of county commissioners, expend those 19578

surplus funds, or upon an order of the court, subject to the court 19579  
making an annual report available to the public listing the use of 19580  
all such funds, expend those surplus funds, for other appropriate 19581  
technological expenses of the court. 19582

(B)(1) The court of common pleas of any county may determine 19583  
that, for the efficient operation of the court, additional funds 19584  
are required to make technological advances in or to computerize 19585  
the office of the clerk of the court of common pleas and, upon 19586  
that determination, authorize and direct the clerk of the court of 19587  
common pleas to charge an additional fee, not to exceed twenty 19588  
dollars, on the filing of each cause of action or appeal, on the 19589  
filing, docketing, and endorsing of each certificate of judgment, 19590  
or on the docketing and indexing of each aid in execution or 19591  
petition to vacate, revive, or modify a judgment under divisions 19592  
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 19593  
and not to exceed one dollar each for the services described in 19594  
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 19595  
the Revised Code. Subject to division (B)(2) of this section, all 19596  
moneys collected under division (B)(1) of this section shall be 19597  
paid to the county treasurer to be disbursed, upon an order of the 19598  
court of common pleas and subject to appropriation by the board of 19599  
county commissioners, in an amount no greater than the actual cost 19600  
to the court of procuring and maintaining technology and computer 19601  
systems for the office of the clerk of the court of common pleas. 19602

(2) If the court of common pleas of a county makes the 19603  
determination described in division (B)(1) of this section, the 19604  
board of county commissioners of that county may issue one or more 19605  
general obligation bonds for the purpose of procuring and 19606  
maintaining the technology and computer systems for the office of 19607  
the clerk of the court of common pleas. In addition to the 19608  
purposes stated in division (B)(1) of this section for which the 19609  
moneys collected under that division may be expended, the moneys 19610

additionally may be expended to pay debt charges on and financing 19611  
costs related to any general obligation bonds issued pursuant to 19612  
division (B)(2) of this section as they become due. General 19613  
obligation bonds issued pursuant to division (B)(2) of this 19614  
section are Chapter 133. securities. 19615

(C) The court of common pleas shall collect the sum of 19616  
twenty-six dollars as additional filing fees in each new civil 19617  
action or proceeding for the charitable public purpose of 19618  
providing financial assistance to legal aid societies that operate 19619  
within the state and to support the office of the state public 19620  
defender. This division does not apply to a juvenile division of a 19621  
court of common pleas, except that an additional filing fee of 19622  
fifteen dollars shall apply to custody, visitation, and parentage 19623  
actions; to a probate division of a court of common pleas, except 19624  
that the additional filing fees shall apply to name change, 19625  
guardianship, adoption, and decedents' estate proceedings; or to 19626  
an execution on a judgment, proceeding in aid of execution, or 19627  
other post-judgment proceeding arising out of a civil action. The 19628  
filing fees required to be collected under this division shall be 19629  
in addition to any other filing fees imposed in the action or 19630  
proceeding and shall be collected at the time of the filing of the 19631  
action or proceeding. The court shall not waive the payment of the 19632  
additional filing fees in a new civil action or proceeding unless 19633  
the court waives the advanced payment of all filing fees in the 19634  
action or proceeding. All such moneys collected during a month 19635  
except for an amount equal to up to one per cent of those moneys 19636  
retained to cover administrative costs shall be transmitted on or 19637  
before the twentieth day of the following month by the clerk of 19638  
the court to the treasurer of state in a manner prescribed by the 19639  
treasurer of state or by the Ohio ~~legal assistance~~ access to 19640  
justice foundation. The treasurer of state shall deposit four per 19641  
cent of the funds collected under this division to the credit of 19642  
the civil case filing fee fund established under section 120.07 of 19643

the Revised Code and ninety-six per cent of the funds collected 19644  
under this division to the credit of the legal aid fund 19645  
established under section 120.52 of the Revised Code. 19646

The court may retain up to one per cent of the moneys it 19647  
collects under this division to cover administrative costs, 19648  
including the hiring of any additional personnel necessary to 19649  
implement this division. If the court fails to transmit to the 19650  
treasurer of state the moneys the court collects under this 19651  
division in a manner prescribed by the treasurer of state or by 19652  
the Ohio ~~legal assistance~~ access to justice foundation, the court 19653  
shall forfeit the moneys the court retains under this division to 19654  
cover administrative costs, including the hiring of any additional 19655  
personnel necessary to implement this division, and shall transmit 19656  
to the treasurer of state all moneys collected under this 19657  
division, including the forfeited amount retained for 19658  
administrative costs, for deposit in the legal aid fund. 19659

(D) On and after the thirtieth day after December 9, 1994, 19660  
the court of common pleas shall collect the sum of thirty-two 19661  
dollars as additional filing fees in each new action or proceeding 19662  
for annulment, divorce, or dissolution of marriage for the purpose 19663  
of funding shelters for victims of domestic violence pursuant to 19664  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 19665  
required to be collected under this division shall be in addition 19666  
to any other filing fees imposed in the action or proceeding and 19667  
shall be collected at the time of the filing of the action or 19668  
proceeding. The court shall not waive the payment of the 19669  
additional filing fees in a new action or proceeding for 19670  
annulment, divorce, or dissolution of marriage unless the court 19671  
waives the advanced payment of all filing fees in the action or 19672  
proceeding. On or before the twentieth day of each month, all 19673  
moneys collected during the immediately preceding month pursuant 19674  
to this division shall be deposited by the clerk of the court into 19675

the county treasury in the special fund used for deposit of 19676  
additional marriage license fees as described in section 3113.34 19677  
of the Revised Code. Upon their deposit into the fund, the moneys 19678  
shall be retained in the fund and expended only as described in 19679  
section 3113.34 of the Revised Code. 19680

(E)(1) The court of common pleas may determine that, for the 19681  
efficient operation of the court, additional funds are necessary 19682  
to acquire and pay for special projects of the court, including, 19683  
but not limited to, the acquisition of additional facilities or 19684  
the rehabilitation of existing facilities, the acquisition of 19685  
equipment, the hiring and training of staff, community service 19686  
programs, mediation or dispute resolution services, the employment 19687  
of magistrates, the training and education of judges, acting 19688  
judges, and magistrates, and other related services. Upon that 19689  
determination, the court by rule may charge a fee, in addition to 19690  
all other court costs, on the filing of each criminal cause, civil 19691  
action or proceeding, or judgment by confession. 19692

If the court of common pleas offers or requires a special 19693  
program or additional services in cases of a specific type, the 19694  
court by rule may assess an additional charge in a case of that 19695  
type, over and above court costs, to cover the special program or 19696  
service. The court shall adjust the special assessment 19697  
periodically, but not retroactively, so that the amount assessed 19698  
in those cases does not exceed the actual cost of providing the 19699  
service or program. 19700

All moneys collected under division (E) of this section shall 19701  
be paid to the county treasurer for deposit into either a general 19702  
special projects fund or a fund established for a specific special 19703  
project. Moneys from a fund of that nature shall be disbursed upon 19704  
an order of the court, subject to an appropriation by the board of 19705  
county commissioners, in an amount no greater than the actual cost 19706  
to the court of a project. If a specific fund is terminated 19707

because of the discontinuance of a program or service established 19708  
under division (E) of this section, the court may order, subject 19709  
to an appropriation by the board of county commissioners, that 19710  
moneys remaining in the fund be transferred to an account 19711  
established under this division for a similar purpose. 19712

(2) As used in division (E) of this section: 19713

(a) "Criminal cause" means a charge alleging the violation of 19714  
a statute or ordinance, or subsection of a statute or ordinance, 19715  
that requires a separate finding of fact or a separate plea before 19716  
disposition and of which the defendant may be found guilty, 19717  
whether filed as part of a multiple charge on a single summons, 19718  
citation, or complaint or as a separate charge on a single 19719  
summons, citation, or complaint. "Criminal cause" does not include 19720  
separate violations of the same statute or ordinance, or 19721  
subsection of the same statute or ordinance, unless each charge is 19722  
filed on a separate summons, citation, or complaint. 19723

(b) "Civil action or proceeding" means any civil litigation 19724  
that must be determined by judgment entry. 19725

**Sec. 2305.011.** (A) As used in this section: 19726

(1) "Nature" means the phenomena of the physical world 19727  
collectively, including plants, animals, the landscape, other 19728  
features and products of the earth, the natural environment or 19729  
wilderness, and generally areas that are not human or human 19730  
creations, have not been substantially altered by humans, or that 19731  
persist despite human intervention. 19732

(2) "Ecosystem" means a complex community of living organisms 19733  
in conjunction with their physical environments, all interacting 19734  
and linked together as a system through nutrient cycles and energy 19735  
flows in a particular unit of space. 19736

(B) Nature or any ecosystem does not have standing to 19737

participate in or bring an action in any court of common pleas. 19738

(C)(1) No person, on behalf of or representing nature or an ecosystem, shall bring an action in any court of common pleas. 19739  
19740

(2) No person shall bring an action in any court of common pleas against a person who is acting on behalf of or representing nature or an ecosystem. 19741  
19742  
19743

(3) No person, on behalf of or representing nature or an ecosystem, shall intervene in any manner, such as by filing a counterclaim, cross-claim, or third-party complaint, in any action brought in any court of common pleas. 19744  
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(D) Nothing in this section shall be construed to prevent the state or any of its agencies from enforcing the laws pertaining to environmental pollution, conservation, wild animals, or other natural communities or ecosystems. 19748  
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**Sec. 2305.231.** (A) As used in this section: 19752

(1) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry. 19753  
19754

(2) "Physician" means a person ~~who holds a certificate issued by the state medical board~~ authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 19755  
19756  
19757  
19758

(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code. 19759  
19760

(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following: 19761  
19762  
19763

(a) Restore, remediate, or rehabilitate; 19764

(b) Improve functioning and independence; 19765

(c) Reduce or eliminate the effects of illness or disability. 19766

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct.

(C)(1) No physician who volunteers the physician's services as a camp physician at a camp that specializes in therapeutic recreation, and no registered nurse who volunteers the registered nurse's services at such a camp, is liable in damages in a civil action for either of the following:

(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility;

(b) Acts performed in administering that care or treatment.

(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct.

(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency professional care, or first aid treatment is rendered for remuneration, or with the expectation of remuneration, from the

recipient of the care or treatment or from someone on the 19798  
recipient's behalf. 19799

**Sec. 2305.41.** As used in sections 2305.41 to 2305.49 of the 19800  
Revised Code: 19801

(A) "Disabled condition" means the condition of being 19802  
unconscious, semiconscious, incoherent, or otherwise incapacitated 19803  
to communicate. 19804

(B) "Disabled person" means a person in a disabled condition. 19805

(C) "Emergency symbol" means the caduceus inscribed within a 19806  
six-barred cross used by the American medical association to 19807  
denote emergency information. 19808

(D) "Identifying device" means an identifying bracelet, 19809  
necklace, metal tag, or similar device bearing the emergency 19810  
symbol and the information needed in an emergency. 19811

(E) "Identification card" means any card containing the 19812  
holder's name, type of medical condition, physician's name, and 19813  
other medical information. "Identification card" does not include 19814  
any license or permit issued pursuant to Chapter 4507. of the 19815  
Revised Code. 19816

(F) "Medical practitioner" means an individual ~~who holds a~~ 19817  
~~current valid certificate issued~~ authorized under Chapter 4731. of 19818  
the Revised Code ~~authorizing the~~ to practice ~~of~~ medicine and 19819  
surgery or osteopathic medicine and surgery. 19820

(G) "Paramedic" has the meaning given in section 4765.01 of 19821  
the Revised Code. 19822

**Sec. 2317.54.** No hospital, home health agency, ambulatory 19823  
surgical facility, or provider of a hospice care program or 19824  
pediatric respite care program shall be held liable for a 19825  
physician's failure to obtain an informed consent from the 19826

physician's patient prior to a surgical or medical procedure or 19827  
course of procedures, unless the physician is an employee of the 19828  
hospital, home health agency, ambulatory surgical facility, or 19829  
provider of a hospice care program or pediatric respite care 19830  
program. 19831

Written consent to a surgical or medical procedure or course 19832  
of procedures shall, to the extent that it fulfills all the 19833  
requirements in divisions (A), (B), and (C) of this section, be 19834  
presumed to be valid and effective, in the absence of proof by a 19835  
preponderance of the evidence that the person who sought such 19836  
consent was not acting in good faith, or that the execution of the 19837  
consent was induced by fraudulent misrepresentation of material 19838  
facts, or that the person executing the consent was not able to 19839  
communicate effectively in spoken and written English or any other 19840  
language in which the consent is written. Except as herein 19841  
provided, no evidence shall be admissible to impeach, modify, or 19842  
limit the authorization for performance of the procedure or 19843  
procedures set forth in such written consent. 19844

(A) The consent sets forth in general terms the nature and 19845  
purpose of the procedure or procedures, and what the procedures 19846  
are expected to accomplish, together with the reasonably known 19847  
risks, and, except in emergency situations, sets forth the names 19848  
of the physicians who shall perform the intended surgical 19849  
procedures. 19850

(B) The person making the consent acknowledges that such 19851  
disclosure of information has been made and that all questions 19852  
asked about the procedure or procedures have been answered in a 19853  
satisfactory manner. 19854

(C) The consent is signed by the patient for whom the 19855  
procedure is to be performed, or, if the patient for any reason 19856  
including, but not limited to, competence, minority, or the fact 19857  
that, at the latest time that the consent is needed, the patient 19858

is under the influence of alcohol, hallucinogens, or drugs, lacks 19859  
legal capacity to consent, by a person who has legal authority to 19860  
consent on behalf of such patient in such circumstances, including 19861  
either of the following: 19862

(1) The parent, whether the parent is an adult or a minor, of 19863  
the parent's minor child; 19864

(2) An adult whom the parent of the minor child has given 19865  
written authorization to consent to a surgical or medical 19866  
procedure or course of procedures for the parent's minor child. 19867

Any use of a consent form that fulfills the requirements 19868  
stated in divisions (A), (B), and (C) of this section has no 19869  
effect on the common law rights and liabilities, including the 19870  
right of a physician to obtain the oral or implied consent of a 19871  
patient to a medical procedure, that may exist as between 19872  
physicians and patients on July 28, 1975. 19873

As used in this section the term "hospital" has the same 19874  
meaning as in section 2305.113 of the Revised Code; "home health 19875  
agency" has the same meaning as in section 5101.61 of the Revised 19876  
Code; "ambulatory surgical facility" has the same meaning as in 19877  
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 19878  
care program" and "pediatric respite care program" have the same 19879  
meanings as in section 3712.01 of the Revised Code. The provisions 19880  
of this division apply to hospitals, doctors of medicine, doctors 19881  
of osteopathic medicine, and doctors of podiatric medicine. 19882

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 19883  
concealed on the person's person or concealed ready at hand, any 19884  
of the following: 19885

(1) A deadly weapon other than a handgun; 19886

(2) A handgun other than a dangerous ordnance; 19887

(3) A dangerous ordnance. 19888

(B) No person who has been issued a concealed handgun license shall do any of the following:

(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain

sight. 19921

(C)(1) This section does not apply to any of the following: 19922

(a) An officer, agent, or employee of this or any other state 19923  
or the United States, or to a law enforcement officer, who is 19924  
authorized to carry concealed weapons or dangerous ordnance or is 19925  
authorized to carry handguns and is acting within the scope of the 19926  
officer's, agent's, or employee's duties; 19927

(b) Any person who is employed in this state, who is 19928  
authorized to carry concealed weapons or dangerous ordnance or is 19929  
authorized to carry handguns, and who is subject to and in 19930  
compliance with the requirements of section 109.801 of the Revised 19931  
Code, unless the appointing authority of the person has expressly 19932  
specified that the exemption provided in division (C)(1)(b) of 19933  
this section does not apply to the person; 19934

(c) A person's transportation or storage of a firearm, other 19935  
than a firearm described in divisions (G) to (M) of section 19936  
2923.11 of the Revised Code, in a motor vehicle for any lawful 19937  
purpose if the firearm is not on the actor's person; 19938

(d) A person's storage or possession of a firearm, other than 19939  
a firearm described in divisions (G) to (M) of section 2923.11 of 19940  
the Revised Code, in the actor's own home for any lawful purpose. 19941

(2) Division (A)(2) of this section does not apply to any 19942  
person who, at the time of the alleged carrying or possession of a 19943  
handgun, either is carrying a valid concealed handgun license or 19944  
is an active duty member of the armed forces of the United States 19945  
and is carrying a valid military identification card and 19946  
documentation of successful completion of firearms training that 19947  
meets or exceeds the training requirements described in division 19948  
(G)(1) of section 2923.125 of the Revised Code, unless the person 19949  
knowingly is in a place described in division (B) of section 19950  
2923.126 of the Revised Code. 19951

(D) It is an affirmative defense to a charge under division 19952  
(A)(1) of this section of carrying or having control of a weapon 19953  
other than a handgun and other than a dangerous ordnance that the 19954  
actor was not otherwise prohibited by law from having the weapon 19955  
and that any of the following applies: 19956

(1) The weapon was carried or kept ready at hand by the actor 19957  
for defensive purposes while the actor was engaged in or was going 19958  
to or from the actor's lawful business or occupation, which 19959  
business or occupation was of a character or was necessarily 19960  
carried on in a manner or at a time or place as to render the 19961  
actor particularly susceptible to criminal attack, such as would 19962  
justify a prudent person in going armed. 19963

(2) The weapon was carried or kept ready at hand by the actor 19964  
for defensive purposes while the actor was engaged in a lawful 19965  
activity and had reasonable cause to fear a criminal attack upon 19966  
the actor, a member of the actor's family, or the actor's home, 19967  
such as would justify a prudent person in going armed. 19968

(3) The weapon was carried or kept ready at hand by the actor 19969  
for any lawful purpose and while in the actor's own home. 19970

(E) No person who is charged with a violation of this section 19971  
shall be required to obtain a concealed handgun license as a 19972  
condition for the dismissal of the charge. 19973

(F)(1) Whoever violates this section is guilty of carrying 19974  
concealed weapons. Except as otherwise provided in this division 19975  
or divisions (F)(2), (6), and (7) of this section, carrying 19976  
concealed weapons in violation of division (A) of this section is 19977  
a misdemeanor of the first degree. Except as otherwise provided in 19978  
this division or divisions (F)(2), (6), and (7) of this section, 19979  
if the offender previously has been convicted of a violation of 19980  
this section or of any offense of violence, if the weapon involved 19981  
is a firearm that is either loaded or for which the offender has 19982

ammunition ready at hand, or if the weapon involved is dangerous 19983  
ordnance, carrying concealed weapons in violation of division (A) 19984  
of this section is a felony of the fourth degree. Except as 19985  
otherwise provided in divisions (F)(2) and (6) of this section, if 19986  
the offense is committed aboard an aircraft, or with purpose to 19987  
carry a concealed weapon aboard an aircraft, regardless of the 19988  
weapon involved, carrying concealed weapons in violation of 19989  
division (A) of this section is a felony of the third degree. 19990

(2) Except as provided in division (F)(6) of this section, if 19991  
a person being arrested for a violation of division (A)(2) of this 19992  
section promptly produces a valid concealed handgun license, and 19993  
if at the time of the violation the person was not knowingly in a 19994  
place described in division (B) of section 2923.126 of the Revised 19995  
Code, the officer shall not arrest the person for a violation of 19996  
that division. If the person is not able to promptly produce any 19997  
concealed handgun license and if the person is not in a place 19998  
described in that section, the officer may arrest the person for a 19999  
violation of that division, and the offender shall be punished as 20000  
follows: 20001

(a) The offender shall be guilty of a minor misdemeanor if 20002  
both of the following apply: 20003

(i) Within ten days after the arrest, the offender presents a 20004  
concealed handgun license, which license was valid at the time of 20005  
the arrest to the law enforcement agency that employs the 20006  
arresting officer. 20007

(ii) At the time of the arrest, the offender was not 20008  
knowingly in a place described in division (B) of section 2923.126 20009  
of the Revised Code. 20010

(b) The offender shall be guilty of a misdemeanor and shall 20011  
be fined five hundred dollars if all of the following apply: 20012

(i) The offender previously had been issued a concealed 20013

handgun license, and that license expired within the two years 20014  
immediately preceding the arrest. 20015

(ii) Within forty-five days after the arrest, the offender 20016  
presents a concealed handgun license to the law enforcement agency 20017  
that employed the arresting officer, and the offender waives in 20018  
writing the offender's right to a speedy trial on the charge of 20019  
the violation that is provided in section 2945.71 of the Revised 20020  
Code. 20021

(iii) At the time of the commission of the offense, the 20022  
offender was not knowingly in a place described in division (B) of 20023  
section 2923.126 of the Revised Code. 20024

(c) If divisions (F)(2)(a) and (b) and (F)(6) of this section 20025  
do not apply, the offender shall be punished under division (F)(1) 20026  
or (7) of this section. 20027

(3) Except as otherwise provided in this division, carrying 20028  
concealed weapons in violation of division (B)(1) of this section 20029  
is a misdemeanor of the first degree, and, in addition to any 20030  
other penalty or sanction imposed for a violation of division 20031  
(B)(1) of this section, the offender's concealed handgun license 20032  
shall be suspended pursuant to division (A)(2) of section 2923.128 20033  
of the Revised Code. If, at the time of the stop of the offender 20034  
for a law enforcement purpose that was the basis of the violation, 20035  
any law enforcement officer involved with the stop had actual 20036  
knowledge that the offender has been issued a concealed handgun 20037  
license, carrying concealed weapons in violation of division 20038  
(B)(1) of this section is a minor misdemeanor, and the offender's 20039  
concealed handgun license shall not be suspended pursuant to 20040  
division (A)(2) of section 2923.128 of the Revised Code. 20041

(4) Carrying concealed weapons in violation of division 20042  
(B)(2) or (4) of this section is a misdemeanor of the first degree 20043  
or, if the offender previously has been convicted of or pleaded 20044

guilty to a violation of division (B)(2) or (4) of this section, a 20045  
felony of the fifth degree. In addition to any other penalty or 20046  
sanction imposed for a misdemeanor violation of division (B)(2) or 20047  
(4) of this section, the offender's concealed handgun license 20048  
shall be suspended pursuant to division (A)(2) of section 2923.128 20049  
of the Revised Code. 20050

(5) Carrying concealed weapons in violation of division 20051  
(B)(3) of this section is a felony of the fifth degree. 20052

(6) If a person being arrested for a violation of division 20053  
(A)(2) of this section is an active duty member of the armed 20054  
forces of the United States and is carrying a valid military 20055  
identification card and documentation of successful completion of 20056  
firearms training that meets or exceeds the training requirements 20057  
described in division (G)(1) of section 2923.125 of the Revised 20058  
Code, and if at the time of the violation the person was not 20059  
knowingly in a place described in division (B) of section 2923.126 20060  
of the Revised Code, the officer shall not arrest the person for a 20061  
violation of that division. If the person is not able to promptly 20062  
produce a valid military identification card and documentation of 20063  
successful completion of firearms training that meets or exceeds 20064  
the training requirements described in division (G)(1) of section 20065  
2923.125 of the Revised Code and if the person is not in a place 20066  
described in division (B) of section 2923.126 of the Revised Code, 20067  
the officer shall issue a citation and the offender shall be 20068  
assessed a civil penalty of not more than five hundred dollars. 20069  
The citation shall be automatically dismissed and the civil 20070  
penalty shall not be assessed if both of the following apply: 20071

(a) Within ten days after the issuance of the citation, the 20072  
offender presents a valid military identification card and 20073  
documentation of successful completion of firearms training that 20074  
meets or exceeds the training requirements described in division 20075  
(G)(1) of section 2923.125 of the Revised Code, which were both 20076

valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

(b) At the time of the citation, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.

(7) If a person being arrested for a violation of division (A)(2) of this section is knowingly in a place described in division (B)(5) of section 2923.126 of the Revised Code and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

(a) Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (A)(2) of this section, the person is guilty of a minor misdemeanor;

(b) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (A)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;

(c) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two violations of division (A)(2) of this section, the person is guilty of a misdemeanor of the third degree;

(d) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three or more violations of division (A)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a

misdemeanor of the second degree. 20108

(G) If a law enforcement officer stops a person to question 20109  
the person regarding a possible violation of this section, for a 20110  
traffic stop, or for any other law enforcement purpose, if the 20111  
person surrenders a firearm to the officer, either voluntarily or 20112  
pursuant to a request or demand of the officer, and if the officer 20113  
does not charge the person with a violation of this section or 20114  
arrest the person for any offense, the person is not otherwise 20115  
prohibited by law from possessing the firearm, and the firearm is 20116  
not contraband, the officer shall return the firearm to the person 20117  
at the termination of the stop. If a court orders a law 20118  
enforcement officer to return a firearm to a person pursuant to 20119  
the requirement set forth in this division, division (B) of 20120  
section 2923.163 of the Revised Code applies. 20121

(H) For purposes of this section, "deadly weapon" or "weapon" 20122  
does not include any knife, razor, or cutting instrument if the 20123  
instrument was not used as a weapon. 20124

**Sec. 2923.20.** (A) No person shall do any of the following: 20125

(1) Recklessly sell, lend, give, or furnish any firearm to 20126  
any person prohibited by section 2923.13 or 2923.15 of the Revised 20127  
Code from acquiring or using any firearm, or recklessly sell, 20128  
lend, give, or furnish any dangerous ordnance to any person 20129  
prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised 20130  
Code from acquiring or using any dangerous ordnance; 20131

(2) Possess any firearm or dangerous ordnance with purpose to 20132  
dispose of it in violation of division (A) of this section; 20133

(3) Except as otherwise provided in division (B) of this 20134  
section, knowingly solicit, persuade, encourage, or entice a 20135  
federally licensed firearms dealer or private seller to transfer a 20136  
firearm or ammunition to any person in a manner prohibited by 20137

state or federal law;	20138
(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;	20139 20140 20141 20142
(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A)(3) or (4) of this section;	20143 20144 20145 20146
(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, <del>switchblade knife</del> , springblade knife, <del>gravity knife</del> , or similar weapon;	20147 20148 20149 20150 20151
(7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;	20152 20153 20154 20155 20156 20157 20158 20159 20160
(8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.	20161 20162 20163
(B) Divisions (A)(3), (4), and (5) of this section do not apply to any of the following:	20164 20165
(1) A law enforcement officer who is acting within the scope of the officer's duties;	20166 20167

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B)(1) of this section. 20168  
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(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3), (4), or (5) of this section is a felony of the third degree. A violation of division (A)(6) or (7) of this section is a misdemeanor of the second degree. A violation of division (A)(8) of this section is a misdemeanor of the fourth degree. 20171  
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(D) As used in this section: 20179

(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code. 20180  
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(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 20182  
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(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal. 20184  
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(4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer. 20187  
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**Sec. 2927.02.** (A) As used in this section and sections 2927.021 and 2927.022 of the Revised Code: 20190  
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(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that 20192  
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regularly are used by government and businesses for the purpose of 20198  
age and identity verification to personal information provided 20199  
during an internet sale or other remote method of sale to 20200  
establish that the purchaser is ~~eighteen~~ twenty-one years of age 20201  
or older. 20202

(2)(a) "Alternative nicotine product" means, subject to 20203  
division (A)(2)(b) of this section, an electronic ~~cigarette~~ 20204  
smoking device, vapor product, or any other product or device that 20205  
consists of or contains nicotine that can be ingested into the 20206  
body by any means, including, but not limited to, chewing, 20207  
smoking, absorbing, dissolving, or inhaling. 20208

(b) "Alternative nicotine product" does not include any of 20209  
the following: 20210

(i) Any cigarette or other tobacco product; 20211

(ii) Any product that is a "drug" as that term is defined in 20212  
21 U.S.C. 321(g)(1); 20213

(iii) Any product that is a "device" as that term is defined 20214  
in 21 U.S.C. 321(h); 20215

(iv) Any product that is a "combination product" as described 20216  
in 21 U.S.C. 353(g). 20217

(3) ~~"Child" has the same meaning as in section 2151.011 of~~ 20218  
~~the Revised Code.~~ 20219

~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled 20220  
cigarettes. 20221

~~(5)~~(4) "Distribute" means to furnish, give, or provide 20222  
cigarettes, other tobacco products, alternative nicotine products, 20223  
or papers used to roll cigarettes to the ultimate consumer of the 20224  
cigarettes, other tobacco products, alternative nicotine products, 20225  
or papers used to roll cigarettes. 20226

~~(6)(a)~~(5) "Electronic cigarette smoking device" means, 20227

~~subject to division (A)(6)(b) of this section, any electronic~~ 20228  
~~product or device that produces a vapor that delivers any device~~ 20229  
~~that can be used to deliver aerosolized or vaporized nicotine or~~ 20230  
any other substance to the person inhaling from the device ~~to~~ 20231  
~~simulate smoking and that is likely to be offered to or purchased~~ 20232  
~~by consumers as including an electronic cigarette, electronic~~ 20233  
cigar, electronic ~~cigarillo~~ hookah, vaping pen, or electronic 20234  
pipe. "Electronic smoking device" includes any component, part, or 20235  
accessory of such a device, whether or not sold separately, and 20236  
includes any substance intended to be aerosolized or vaporized 20237  
during the use of the device. "Electronic smoking device" does not 20238  
include any product that is a drug, device, or combination 20239  
product, as those terms are defined or described in 21 U.S.C. 321 20240  
and 353(g). 20241

~~(b) "Electronic cigarette" does not include any item,~~ 20242  
~~product, or device described in divisions (A)(2)(b)(i) to (iv) of~~ 20243  
~~this section.~~ 20244

~~(7)(6)~~ "Proof of age" means a driver's license, a commercial 20245  
driver's license, a military identification card, a passport, or 20246  
an identification card issued under sections 4507.50 to 4507.52 of 20247  
the Revised Code that shows that a person is eighteen years of age 20248  
or older. 20249

~~(8)(7)~~ "Tobacco product" means any product that is made or 20250  
derived from tobacco or that contains any form of nicotine, if it 20251  
is intended for human consumption or is likely to be consumed, 20252  
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 20253  
ingested by any other means, including, but not limited to, a 20254  
cigarette, an electronic smoking device, a cigar, pipe tobacco, 20255  
chewing tobacco, ~~or~~ snuff, or snus. "Tobacco product" also means 20256  
any component or accessory used in the consumption of a tobacco 20257  
product, such as filters, rolling papers, pipes, blunt or hemp 20258  
wraps, and liquids used in electronic smoking devices, whether or 20259

not they contain nicotine. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(9)(8) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.

(9) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any ~~child~~ person under twenty-one years of age;

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous

place a legibly printed sign in letters at least one-half inch 20291  
high stating that giving, selling, or otherwise distributing 20292  
cigarettes, other tobacco products, alternative nicotine products, 20293  
or papers used to roll cigarettes to a person under ~~eighteen~~ 20294  
twenty-one years of age is prohibited by law; 20295

(3) Knowingly furnish any false information regarding the 20296  
name, age, or other identification of any ~~child~~ person under 20297  
twenty-one years of age with purpose to obtain cigarettes, other 20298  
tobacco products, alternative nicotine products, or papers used to 20299  
roll cigarettes for that ~~child~~ person; 20300

(4) Manufacture, sell, or distribute in this state any pack 20301  
or other container of cigarettes containing fewer than twenty 20302  
cigarettes or any package of roll-your-own tobacco containing less 20303  
than six-tenths of one ounce of tobacco; 20304

(5) Sell cigarettes or alternative nicotine products in a 20305  
smaller quantity than that placed in the pack or other container 20306  
by the manufacturer; 20307

(6) Give, sell, or otherwise distribute alternative nicotine 20308  
products, papers used to roll cigarettes, or tobacco products 20309  
other than cigarettes over the internet or through another remote 20310  
method without age verification. 20311

(C) No person shall sell or offer to sell cigarettes, other 20312  
tobacco products, or alternative nicotine products by or from a 20313  
vending machine, except in the following locations: 20314

(1) An area within a factory, business, office, or other 20315  
place not open to the general public; 20316

(2) An area to which ~~children~~ persons under twenty-one years 20317  
of age are not generally permitted access; 20318

(3) Any other place not identified in division (C)(1) or (2) 20319  
of this section, upon all of the following conditions: 20320

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(D) The following are affirmative defenses to a charge under division (B)(1) of this section:

(1) The ~~child~~ person under twenty-one years of age was accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a ~~child~~ person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age.

(E) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a ~~child~~ person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the ~~child~~ person under twenty-one years of age is participating in a research protocol if all of the following apply:

(1) The parent, guardian, or legal custodian of the ~~child~~ person under twenty-one years of age has consented in writing to the ~~child~~ person under twenty-one years of age participating in the research protocol.

(2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

(3) The ~~child~~ person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or (6) or (C) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), or (6) or (C) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(2) Whoever violates division (B)(3) of this section is guilty of permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting ~~children~~ a person under twenty-one years of age to use

cigarettes, other tobacco products, or alternative nicotine 20383  
products is a misdemeanor of the fourth degree. If the offender 20384  
previously has been convicted of a violation of division (B)(3) of 20385  
this section, permitting ~~children~~ a person under twenty-one years 20386  
of age to use cigarettes, other tobacco products, or alternative 20387  
nicotine products is a misdemeanor of the third degree. 20388

(G) Any cigarettes, other tobacco products, alternative 20389  
nicotine products, or papers used to roll cigarettes that are 20390  
given, sold, or otherwise distributed to a ~~child~~ person under 20391  
twenty-one years of age in violation of this section and that are 20392  
used, possessed, purchased, or received by a ~~child~~ person under 20393  
twenty-one years of age in violation of section 2151.87 of the 20394  
Revised Code are subject to seizure and forfeiture as contraband 20395  
under Chapter 2981. of the Revised Code. 20396

(H) This section shall not apply to a person who is eighteen 20397  
years of age on or before October 1, 2019. The version of this 20398  
section that was in effect prior to the effective date of this 20399  
amendment shall apply to a person who is eighteen years of age on 20400  
or before October 1, 2019. 20401

**Sec. 2927.022.** (A) A seller or an agent or employee of a 20402  
seller may not be found guilty of a charge of a violation of 20403  
section 2927.02 of the Revised Code in which the age of the 20404  
purchaser or other recipient of cigarettes, other tobacco 20405  
products, or alternative nicotine products is an element of the 20406  
alleged violation, if the seller, agent, or employee raises and 20407  
proves as an affirmative defense that all of the following 20408  
occurred: 20409

(1) A card holder attempting to purchase or receive 20410  
cigarettes, other tobacco products, or alternative nicotine 20411  
products presented a driver's or commercial driver's license or an 20412  
identification card. 20413

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2927.02 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2927.02 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an

identification card under sections 4507.50 to 4507.52 of the 20445  
Revised Code shall be permitted to submit certified copies of the 20446  
records of that issuance in lieu of the testimony of the personnel 20447  
of or contractors with the bureau of motor vehicles in the action. 20448

Sec. 2927.024. (A) No person who is eighteen years of age or 20449  
older but younger than twenty-one years of age shall knowingly 20450  
furnish false information concerning that person's name, age, or 20451  
other identification for the purpose of obtaining tobacco 20452  
products. 20453

(B) Whoever violates division (A) of this section is guilty 20454  
of furnishing false information to obtain tobacco products. Except 20455  
as otherwise provided in this division, furnishing false 20456  
information to obtain tobacco products is a misdemeanor of the 20457  
fourth degree. If the offender previously has been convicted of or 20458  
pleaded guilty to a violation of division (A) of this section, 20459  
furnishing false information to obtain tobacco products is a 20460  
misdemeanor of the third degree. 20461

Sec. 2929.13. (A) Except as provided in division (E), (F), or 20462  
(G) of this section and unless a specific sanction is required to 20463  
be imposed or is precluded from being imposed pursuant to law, a 20464  
court that imposes a sentence upon an offender for a felony may 20465  
impose any sanction or combination of sanctions on the offender 20466  
that are provided in sections 2929.14 to 2929.18 of the Revised 20467  
Code. 20468

If the offender is eligible to be sentenced to community 20469  
control sanctions, the court shall consider the appropriateness of 20470  
imposing a financial sanction pursuant to section 2929.18 of the 20471  
Revised Code or a sanction of community service pursuant to 20472  
section 2929.17 of the Revised Code as the sole sanction for the 20473  
offense. Except as otherwise provided in this division, if the 20474

court is required to impose a mandatory prison term for the 20475  
offense for which sentence is being imposed, the court also shall 20476  
impose any financial sanction pursuant to section 2929.18 of the 20477  
Revised Code that is required for the offense and may impose any 20478  
other financial sanction pursuant to that section but may not 20479  
impose any additional sanction or combination of sanctions under 20480  
section 2929.16 or 2929.17 of the Revised Code. 20481

If the offender is being sentenced for a fourth degree felony 20482  
OVI offense or for a third degree felony OVI offense, in addition 20483  
to the mandatory term of local incarceration or the mandatory 20484  
prison term required for the offense by division (G)(1) or (2) of 20485  
this section, the court shall impose upon the offender a mandatory 20486  
fine in accordance with division (B)(3) of section 2929.18 of the 20487  
Revised Code and may impose whichever of the following is 20488  
applicable: 20489

(1) For a fourth degree felony OVI offense for which sentence 20490  
is imposed under division (G)(1) of this section, an additional 20491  
community control sanction or combination of community control 20492  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 20493  
the court imposes upon the offender a community control sanction 20494  
and the offender violates any condition of the community control 20495  
sanction, the court may take any action prescribed in division (B) 20496  
of section 2929.15 of the Revised Code relative to the offender, 20497  
including imposing a prison term on the offender pursuant to that 20498  
division. 20499

(2) For a third or fourth degree felony OVI offense for which 20500  
sentence is imposed under division (G)(2) of this section, an 20501  
additional prison term as described in division (B)(4) of section 20502  
2929.14 of the Revised Code or a community control sanction as 20503  
described in division (G)(2) of this section. 20504

(B)(1)(a) Except as provided in division (B)(1)(b) of this 20505  
section, if an offender is convicted of or pleads guilty to a 20506

felony of the fourth or fifth degree that is not an offense of 20507  
violence or that is a qualifying assault offense, the court shall 20508  
sentence the offender to a community control sanction or 20509  
combination of community control sanctions if all of the following 20510  
apply: 20511

(i) The offender previously has not been convicted of or 20512  
pleaded guilty to a felony offense. 20513

(ii) The most serious charge against the offender at the time 20514  
of sentencing is a felony of the fourth or fifth degree. 20515

~~(iii) If the court made a request of the department of 20516  
rehabilitation and correction pursuant to division (B)(1)(c) of 20517  
this section, the department, within the forty five day period 20518  
specified in that division, provided the court with the names of, 20519  
contact information for, and program details of one or more 20520  
community control sanctions that are available for persons 20521  
sentenced by the court. 20522~~

~~(iv) The offender previously has not been convicted of or 20523  
pleaded guilty to a misdemeanor offense of violence that the 20524  
offender committed within two years prior to the offense for which 20525  
sentence is being imposed. 20526~~

(b) The court has discretion to impose a prison term upon an 20527  
offender who is convicted of or pleads guilty to a felony of the 20528  
fourth or fifth degree that is not an offense of violence or that 20529  
is a qualifying assault offense if any of the following apply: 20530

(i) The offender committed the offense while having a firearm 20531  
on or about the offender's person or under the offender's control. 20532

(ii) If the offense is a qualifying assault offense, the 20533  
offender caused serious physical harm to another person while 20534  
committing the offense, and, if the offense is not a qualifying 20535  
assault offense, the offender caused physical harm to another 20536  
person while committing the offense. 20537

(iii) The offender violated a term of the conditions of bond 20538  
as set by the court. 20539

~~(iv) The court made a request of the department of 20540  
rehabilitation and correction pursuant to division (B)(1)(c) of 20541  
this section, and the department, within the forty five day period 20542  
specified in that division, did not provide the court with the 20543  
name of, contact information for, and program details of any 20544  
community control sanction that is available for persons sentenced 20545  
by the court. 20546~~

~~(v)~~ The offense is a sex offense that is a fourth or fifth 20547  
degree felony violation of any provision of Chapter 2907. of the 20548  
Revised Code. 20549

~~(vi)~~(v) In committing the offense, the offender attempted to 20550  
cause or made an actual threat of physical harm to a person with a 20551  
deadly weapon. 20552

~~(vii)~~(vi) In committing the offense, the offender attempted 20553  
to cause or made an actual threat of physical harm to a person, 20554  
and the offender previously was convicted of an offense that 20555  
caused physical harm to a person. 20556

~~(viii)~~(vii) The offender held a public office or position of 20557  
trust, and the offense related to that office or position; the 20558  
offender's position obliged the offender to prevent the offense or 20559  
to bring those committing it to justice; or the offender's 20560  
professional reputation or position facilitated the offense or was 20561  
likely to influence the future conduct of others. 20562

~~(ix)~~(viii) The offender committed the offense for hire or as 20563  
part of an organized criminal activity. 20564

~~(x)~~(ix) The offender at the time of the offense was serving, 20565  
or the offender previously had served, a prison term. 20566

~~(xi)~~(x) The offender committed the offense while under a 20567

community control sanction, while on probation, or while released 20568  
from custody on a bond or personal recognizance. 20569

~~(c) If a court that is sentencing an offender who is 20570  
convicted of or pleads guilty to a felony of the fourth or fifth 20571  
degree that is not an offense of violence or that is a qualifying 20572  
assault offense believes that no community control sanctions are 20573  
available for its use that, if imposed on the offender, will 20574  
adequately fulfill the overriding principles and purposes of 20575  
sentencing, the court shall contact the department of 20576  
rehabilitation and correction and ask the department to provide 20577  
the court with the names of, contact information for, and program 20578  
details of one or more community control sanctions that are 20579  
available for persons sentenced by the court. Not later than 20580  
forty five days after receipt of a request from a court under this 20581  
division, the department shall provide the court with the names 20582  
of, contact information for, and program details of one or more 20583  
community control sanctions that are available for persons 20584  
sentenced by the court, if any. Upon making a request under this 20585  
division that relates to a particular offender, a court shall 20586  
defer sentencing of that offender until it receives from the 20587  
department the names of, contact information for, and program 20588  
details of one or more community control sanctions that are 20589  
available for persons sentenced by the court or for forty five 20590  
days, whichever is the earlier. 20591~~

~~If the department provides the court with the names of, 20592  
contact information for, and program details of one or more 20593  
community control sanctions that are available for persons 20594  
sentenced by the court within the forty five day period specified 20595  
in this division, the court shall impose upon the offender a 20596  
community control sanction under division (B)(1)(a) of this 20597  
section, except that the court may impose a prison term under 20598  
division (B)(1)(b) of this section if a factor described in 20599~~

~~division (B)(1)(b)(i) or (ii) of this section applies. If the 20600  
department does not provide the court with the names of, contact 20601  
information for, and program details of one or more community 20602  
control sanctions that are available for persons sentenced by the 20603  
court within the forty five day period specified in this division, 20604  
the court may impose upon the offender a prison term under 20605  
division (B)(1)(b)(iv) of this section. 20606~~

~~(d) A sentencing court may impose an additional penalty under 20607  
division (B) of section 2929.15 of the Revised Code upon an 20608  
offender sentenced to a community control sanction under division 20609  
(B)(1)(a) of this section if the offender violates the conditions 20610  
of the community control sanction, violates a law, or leaves the 20611  
state without the permission of the court or the offender's 20612  
probation officer. 20613~~

~~(2) If division (B)(1) of this section does not apply, except 20614  
as provided in division (E), (F), or (G) of this section, in 20615  
determining whether to impose a prison term as a sanction for a 20616  
felony of the fourth or fifth degree, the sentencing court shall 20617  
comply with the purposes and principles of sentencing under 20618  
section 2929.11 of the Revised Code and with section 2929.12 of 20619  
the Revised Code. 20620~~

~~(C) Except as provided in division (D), (E), (F), or (G) of 20621  
this section, in determining whether to impose a prison term as a 20622  
sanction for a felony of the third degree or a felony drug offense 20623  
that is a violation of a provision of Chapter 2925. of the Revised 20624  
Code and that is specified as being subject to this division for 20625  
purposes of sentencing, the sentencing court shall comply with the 20626  
purposes and principles of sentencing under section 2929.11 of the 20627  
Revised Code and with section 2929.12 of the Revised Code. 20628~~

~~(D)(1) Except as provided in division (E) or (F) of this 20629  
section, for a felony of the first or second degree, for a felony 20630  
drug offense that is a violation of any provision of Chapter 20631~~

2925., 3719., or 4729. of the Revised Code for which a presumption 20632  
in favor of a prison term is specified as being applicable, and 20633  
for a violation of division (A)(4) or (B) of section 2907.05 of 20634  
the Revised Code for which a presumption in favor of a prison term 20635  
is specified as being applicable, it is presumed that a prison 20636  
term is necessary in order to comply with the purposes and 20637  
principles of sentencing under section 2929.11 of the Revised 20638  
Code. Division (D)(2) of this section does not apply to a 20639  
presumption established under this division for a violation of 20640  
division (A)(4) of section 2907.05 of the Revised Code. 20641

(2) Notwithstanding the presumption established under 20642  
division (D)(1) of this section for the offenses listed in that 20643  
division other than a violation of division (A)(4) or (B) of 20644  
section 2907.05 of the Revised Code, the sentencing court may 20645  
impose a community control sanction or a combination of community 20646  
control sanctions instead of a prison term on an offender for a 20647  
felony of the first or second degree or for a felony drug offense 20648  
that is a violation of any provision of Chapter 2925., 3719., or 20649  
4729. of the Revised Code for which a presumption in favor of a 20650  
prison term is specified as being applicable if it makes both of 20651  
the following findings: 20652

(a) A community control sanction or a combination of 20653  
community control sanctions would adequately punish the offender 20654  
and protect the public from future crime, because the applicable 20655  
factors under section 2929.12 of the Revised Code indicating a 20656  
lesser likelihood of recidivism outweigh the applicable factors 20657  
under that section indicating a greater likelihood of recidivism. 20658

(b) A community control sanction or a combination of 20659  
community control sanctions would not demean the seriousness of 20660  
the offense, because one or more factors under section 2929.12 of 20661  
the Revised Code that indicate that the offender's conduct was 20662  
less serious than conduct normally constituting the offense are 20663

applicable, and they outweigh the applicable factors under that 20664  
section that indicate that the offender's conduct was more serious 20665  
than conduct normally constituting the offense. 20666

(E)(1) Except as provided in division (F) of this section, 20667  
for any drug offense that is a violation of any provision of 20668  
Chapter 2925. of the Revised Code and that is a felony of the 20669  
third, fourth, or fifth degree, the applicability of a presumption 20670  
under division (D) of this section in favor of a prison term or of 20671  
division (B) or (C) of this section in determining whether to 20672  
impose a prison term for the offense shall be determined as 20673  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 20674  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 20675  
Revised Code, whichever is applicable regarding the violation. 20676

(2) If an offender who was convicted of or pleaded guilty to 20677  
a felony violates the conditions of a community control sanction 20678  
imposed for the offense solely by reason of producing positive 20679  
results on a drug test or by acting pursuant to division (B)(2)(b) 20680  
of section 2925.11 of the Revised Code with respect to a minor 20681  
drug possession offense, the court, as punishment for the 20682  
violation of the sanction, shall not order that the offender be 20683  
imprisoned unless the court determines on the record either of the 20684  
following: 20685

(a) The offender had been ordered as a sanction for the 20686  
felony to participate in a drug treatment program, in a drug 20687  
education program, or in narcotics anonymous or a similar program, 20688  
and the offender continued to use illegal drugs after a reasonable 20689  
period of participation in the program. 20690

(b) The imprisonment of the offender for the violation is 20691  
consistent with the purposes and principles of sentencing set 20692  
forth in section 2929.11 of the Revised Code. 20693

(3) A court that sentences an offender for a drug abuse 20694

offense that is a felony of the third, fourth, or fifth degree may 20695  
require that the offender be assessed by a properly credentialed 20696  
professional within a specified period of time. The court shall 20697  
require the professional to file a written assessment of the 20698  
offender with the court. If the offender is eligible for a 20699  
community control sanction and after considering the written 20700  
assessment, the court may impose a community control sanction that 20701  
includes addiction services and recovery supports included in a 20702  
community-based continuum of care established under section 20703  
340.032 of the Revised Code. If the court imposes addiction 20704  
services and recovery supports as a community control sanction, 20705  
the court shall direct the level and type of addiction services 20706  
and recovery supports after considering the assessment and 20707  
recommendation of community addiction services providers. 20708

(F) Notwithstanding divisions (A) to (E) of this section, the 20709  
court shall impose a prison term or terms under sections 2929.02 20710  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 20711  
of the Revised Code and except as specifically provided in section 20712  
2929.20, divisions (C) to (I) of section 2967.19, or section 20713  
2967.191 of the Revised Code or when parole is authorized for the 20714  
offense under section 2967.13 of the Revised Code shall not reduce 20715  
the term or terms pursuant to section 2929.20, section 2967.19, 20716  
section 2967.193, or any other provision of Chapter 2967. or 20717  
Chapter 5120. of the Revised Code for any of the following 20718  
offenses: 20719

(1) Aggravated murder when death is not imposed or murder; 20720

(2) Any rape, regardless of whether force was involved and 20721  
regardless of the age of the victim, or an attempt to commit rape 20722  
if, had the offender completed the rape that was attempted, the 20723  
offender would have been guilty of a violation of division 20724  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 20725  
sentenced under section 2971.03 of the Revised Code; 20726

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies: 20727  
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(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age; 20730  
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(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation. 20735  
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(c) Regarding sexual battery, either of the following applies: 20739  
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(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age. 20741  
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(ii) The offense was committed on or after August 3, 2006. 20746

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term; 20747  
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(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term; 20751  
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(6) Any offense that is a first or second degree felony and 20756

that is not set forth in division (F)(1), (2), (3), or (4) of this 20757  
section, if the offender previously was convicted of or pleaded 20758  
guilty to aggravated murder, murder, any first or second degree 20759  
felony, or an offense under an existing or former law of this 20760  
state, another state, or the United States that is or was 20761  
substantially equivalent to one of those offenses; 20762

(7) Any offense that is a third degree felony and either is a 20763  
violation of section 2903.04 of the Revised Code or an attempt to 20764  
commit a felony of the second degree that is an offense of 20765  
violence and involved an attempt to cause serious physical harm to 20766  
a person or that resulted in serious physical harm to a person if 20767  
the offender previously was convicted of or pleaded guilty to any 20768  
of the following offenses: 20769

(a) Aggravated murder, murder, involuntary manslaughter, 20770  
rape, felonious sexual penetration as it existed under section 20771  
2907.12 of the Revised Code prior to September 3, 1996, a felony 20772  
of the first or second degree that resulted in the death of a 20773  
person or in physical harm to a person, or complicity in or an 20774  
attempt to commit any of those offenses; 20775

(b) An offense under an existing or former law of this state, 20776  
another state, or the United States that is or was substantially 20777  
equivalent to an offense listed in division (F)(7)(a) of this 20778  
section that resulted in the death of a person or in physical harm 20779  
to a person. 20780

(8) Any offense, other than a violation of section 2923.12 of 20781  
the Revised Code, that is a felony, if the offender had a firearm 20782  
on or about the offender's person or under the offender's control 20783  
while committing the felony, with respect to a portion of the 20784  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 20785  
of the Revised Code for having the firearm; 20786

(9) Any offense of violence that is a felony, if the offender 20787

wore or carried body armor while committing the felony offense of 20788  
violence, with respect to the portion of the sentence imposed 20789  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 20790  
Code for wearing or carrying the body armor; 20791

(10) Corrupt activity in violation of section 2923.32 of the 20792  
Revised Code when the most serious offense in the pattern of 20793  
corrupt activity that is the basis of the offense is a felony of 20794  
the first degree; 20795

(11) Any violent sex offense or designated homicide, assault, 20796  
or kidnapping offense if, in relation to that offense, the 20797  
offender is adjudicated a sexually violent predator; 20798

(12) A violation of division (A)(1) or (2) of section 2921.36 20799  
of the Revised Code, or a violation of division (C) of that 20800  
section involving an item listed in division (A)(1) or (2) of that 20801  
section, if the offender is an officer or employee of the 20802  
department of rehabilitation and correction; 20803

(13) A violation of division (A)(1) or (2) of section 2903.06 20804  
of the Revised Code if the victim of the offense is a peace 20805  
officer, as defined in section 2935.01 of the Revised Code, or an 20806  
investigator of the bureau of criminal identification and 20807  
investigation, as defined in section 2903.11 of the Revised Code, 20808  
with respect to the portion of the sentence imposed pursuant to 20809  
division (B)(5) of section 2929.14 of the Revised Code; 20810

(14) A violation of division (A)(1) or (2) of section 2903.06 20811  
of the Revised Code if the offender has been convicted of or 20812  
pleaded guilty to three or more violations of division (A) or (B) 20813  
of section 4511.19 of the Revised Code or an equivalent offense, 20814  
as defined in section 2941.1415 of the Revised Code, or three or 20815  
more violations of any combination of those divisions and 20816  
offenses, with respect to the portion of the sentence imposed 20817  
pursuant to division (B)(6) of section 2929.14 of the Revised 20818

Code; 20819

(15) Kidnapping, in the circumstances specified in section 20820  
2971.03 of the Revised Code and when no other provision of 20821  
division (F) of this section applies; 20822

(16) Kidnapping, abduction, compelling prostitution, 20823  
promoting prostitution, engaging in a pattern of corrupt activity, 20824  
a violation of division (A)(1) or (2) of section 2907.323 of the 20825  
Revised Code that involves a minor, or endangering children in 20826  
violation of division (B)(1), (2), (3), (4), or (5) of section 20827  
2919.22 of the Revised Code, if the offender is convicted of or 20828  
pleads guilty to a specification as described in section 2941.1422 20829  
of the Revised Code that was included in the indictment, count in 20830  
the indictment, or information charging the offense; 20831

(17) A felony violation of division (A) or (B) of section 20832  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 20833  
that section, and division (D)(6) of that section, require the 20834  
imposition of a prison term; 20835

(18) A felony violation of section 2903.11, 2903.12, or 20836  
2903.13 of the Revised Code, if the victim of the offense was a 20837  
woman that the offender knew was pregnant at the time of the 20838  
violation, with respect to a portion of the sentence imposed 20839  
pursuant to division (B)(8) of section 2929.14 of the Revised 20840  
Code; 20841

(19)(a) Any violent felony offense if the offender is a 20842  
violent career criminal and had a firearm on or about the 20843  
offender's person or under the offender's control during the 20844  
commission of the violent felony offense and displayed or 20845  
brandished the firearm, indicated that the offender possessed a 20846  
firearm, or used the firearm to facilitate the offense, with 20847  
respect to the portion of the sentence imposed under division (K) 20848  
of section 2929.14 of the Revised Code. 20849

(b) As used in division (F)(19)(a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code;

(20) Any violation of division (A)(1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A)(2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B)(9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(22) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with

respect to the portion of the sentence imposed under division 20882  
(B)(11) of section 2929.14 of the Revised Code. 20883

(G) Notwithstanding divisions (A) to (E) of this section, if 20884  
an offender is being sentenced for a fourth degree felony OVI 20885  
offense or for a third degree felony OVI offense, the court shall 20886  
impose upon the offender a mandatory term of local incarceration 20887  
or a mandatory prison term in accordance with the following: 20888

(1) If the offender is being sentenced for a fourth degree 20889  
felony OVI offense and if the offender has not been convicted of 20890  
and has not pleaded guilty to a specification of the type 20891  
described in section 2941.1413 of the Revised Code, the court may 20892  
impose upon the offender a mandatory term of local incarceration 20893  
of sixty days or one hundred twenty days as specified in division 20894  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 20895  
not reduce the term pursuant to section 2929.20, 2967.193, or any 20896  
other provision of the Revised Code. The court that imposes a 20897  
mandatory term of local incarceration under this division shall 20898  
specify whether the term is to be served in a jail, a 20899  
community-based correctional facility, a halfway house, or an 20900  
alternative residential facility, and the offender shall serve the 20901  
term in the type of facility specified by the court. A mandatory 20902  
term of local incarceration imposed under division (G)(1) of this 20903  
section is not subject to any other Revised Code provision that 20904  
pertains to a prison term except as provided in division (A)(1) of 20905  
this section. 20906

(2) If the offender is being sentenced for a third degree 20907  
felony OVI offense, or if the offender is being sentenced for a 20908  
fourth degree felony OVI offense and the court does not impose a 20909  
mandatory term of local incarceration under division (G)(1) of 20910  
this section, the court shall impose upon the offender a mandatory 20911  
prison term of one, two, three, four, or five years if the 20912  
offender also is convicted of or also pleads guilty to a 20913

specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the offense. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. In addition to the mandatory prison term described in division (G)(2) of this section, the court may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into

under section 9.06 of the Revised Code, both of the following 20947  
apply: 20948

(a) The department of rehabilitation and correction shall 20949  
make a reasonable effort to ensure that a sufficient number of 20950  
offenders sentenced to a mandatory prison term under this division 20951  
are placed in the privately operated and managed prison so that 20952  
the privately operated and managed prison has full occupancy. 20953

(b) Unless the privately operated and managed prison has full 20954  
occupancy, the department of rehabilitation and correction shall 20955  
not place any offender sentenced to a mandatory prison term under 20956  
this division in any intensive program prison established pursuant 20957  
to section 5120.033 of the Revised Code other than the privately 20958  
operated and managed prison. 20959

(H) If an offender is being sentenced for a sexually oriented 20960  
offense or child-victim oriented offense that is a felony 20961  
committed on or after January 1, 1997, the judge shall require the 20962  
offender to submit to a DNA specimen collection procedure pursuant 20963  
to section 2901.07 of the Revised Code. 20964

(I) If an offender is being sentenced for a sexually oriented 20965  
offense or a child-victim oriented offense committed on or after 20966  
January 1, 1997, the judge shall include in the sentence a summary 20967  
of the offender's duties imposed under sections 2950.04, 2950.041, 20968  
2950.05, and 2950.06 of the Revised Code and the duration of the 20969  
duties. The judge shall inform the offender, at the time of 20970  
sentencing, of those duties and of their duration. If required 20971  
under division (A)(2) of section 2950.03 of the Revised Code, the 20972  
judge shall perform the duties specified in that section, or, if 20973  
required under division (A)(6) of section 2950.03 of the Revised 20974  
Code, the judge shall perform the duties specified in that 20975  
division. 20976

(J)(1) Except as provided in division (J)(2) of this section, 20977

when considering sentencing factors under this section in relation 20978  
to an offender who is convicted of or pleads guilty to an attempt 20979  
to commit an offense in violation of section 2923.02 of the 20980  
Revised Code, the sentencing court shall consider the factors 20981  
applicable to the felony category of the violation of section 20982  
2923.02 of the Revised Code instead of the factors applicable to 20983  
the felony category of the offense attempted. 20984

(2) When considering sentencing factors under this section in 20985  
relation to an offender who is convicted of or pleads guilty to an 20986  
attempt to commit a drug abuse offense for which the penalty is 20987  
determined by the amount or number of unit doses of the controlled 20988  
substance involved in the drug abuse offense, the sentencing court 20989  
shall consider the factors applicable to the felony category that 20990  
the drug abuse offense attempted would be if that drug abuse 20991  
offense had been committed and had involved an amount or number of 20992  
unit doses of the controlled substance that is within the next 20993  
lower range of controlled substance amounts than was involved in 20994  
the attempt. 20995

(K) As used in this section: 20996

(1) "Community addiction services provider" has the same 20997  
meaning as in section 5119.01 of the Revised Code. 20998

(2) "Drug abuse offense" has the same meaning as in section 20999  
2925.01 of the Revised Code. 21000

(3) "Minor drug possession offense" has the same meaning as 21001  
in section 2925.11 of the Revised Code. 21002

(4) "Qualifying assault offense" means a violation of section 21003  
2903.13 of the Revised Code for which the penalty provision in 21004  
division (C)(8)(b) or (C)(9)(b) of that section applies. 21005

(L) At the time of sentencing an offender for any sexually 21006  
oriented offense, if the offender is a tier III sex 21007  
offender/child-victim offender relative to that offense and the 21008

offender does not serve a prison term or jail term, the court may 21009  
require that the offender be monitored by means of a global 21010  
positioning device. If the court requires such monitoring, the 21011  
cost of monitoring shall be borne by the offender. If the offender 21012  
is indigent, the cost of compliance shall be paid by the crime 21013  
victims reparations fund. 21014

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 21015  
felony the court is not required to impose a prison term, a 21016  
mandatory prison term, or a term of life imprisonment upon the 21017  
offender, the court may directly impose a sentence that consists 21018  
of one or more community control sanctions authorized pursuant to 21019  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 21020  
court is sentencing an offender for a fourth degree felony OVI 21021  
offense under division (G)(1) of section 2929.13 of the Revised 21022  
Code, in addition to the mandatory term of local incarceration 21023  
imposed under that division and the mandatory fine required by 21024  
division (B)(3) of section 2929.18 of the Revised Code, the court 21025  
may impose upon the offender a community control sanction or 21026  
combination of community control sanctions in accordance with 21027  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 21028  
sentencing an offender for a third or fourth degree felony OVI 21029  
offense under division (G)(2) of section 2929.13 of the Revised 21030  
Code, in addition to the mandatory prison term or mandatory prison 21031  
term and additional prison term imposed under that division, the 21032  
court also may impose upon the offender a community control 21033  
sanction or combination of community control sanctions under 21034  
section 2929.16 or 2929.17 of the Revised Code, but the offender 21035  
shall serve all of the prison terms so imposed prior to serving 21036  
the community control sanction. 21037

The duration of all community control sanctions imposed upon 21038  
an offender under this division shall not exceed five years. If 21039  
the offender absconds or otherwise leaves the jurisdiction of the 21040

court in which the offender resides without obtaining permission 21041  
from the court or the offender's probation officer to leave the 21042  
jurisdiction of the court, or if the offender is confined in any 21043  
institution for the commission of any offense while under a 21044  
community control sanction, the period of the community control 21045  
sanction ceases to run until the offender is brought before the 21046  
court for its further action. If the court sentences the offender 21047  
to one or more nonresidential sanctions under section 2929.17 of 21048  
the Revised Code, the court shall impose as a condition of the 21049  
nonresidential sanctions that, during the period of the sanctions, 21050  
the offender must abide by the law and must not leave the state 21051  
without the permission of the court or the offender's probation 21052  
officer. The court may impose any other conditions of release 21053  
under a community control sanction that the court considers 21054  
appropriate, including, but not limited to, requiring that the 21055  
offender not ingest or be injected with a drug of abuse and submit 21056  
to random drug testing as provided in division (D) of this section 21057  
to determine whether the offender ingested or was injected with a 21058  
drug of abuse and requiring that the results of the drug test 21059  
indicate that the offender did not ingest or was not injected with 21060  
a drug of abuse. 21061

(2)(a) If a court sentences an offender to any community 21062  
control sanction or combination of community control sanctions 21063  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 21064  
Revised Code, the court shall place the offender under the general 21065  
control and supervision of a department of probation in the county 21066  
that serves the court for purposes of reporting to the court a 21067  
violation of any condition of the sanctions, any condition of 21068  
release under a community control sanction imposed by the court, a 21069  
violation of law, or the departure of the offender from this state 21070  
without the permission of the court or the offender's probation 21071  
officer. Alternatively, if the offender resides in another county 21072  
and a county department of probation has been established in that 21073

county or that county is served by a multicounty probation 21074  
department established under section 2301.27 of the Revised Code, 21075  
the court may request the court of common pleas of that county to 21076  
receive the offender into the general control and supervision of 21077  
that county or multicounty department of probation for purposes of 21078  
reporting to the court a violation of any condition of the 21079  
sanctions, any condition of release under a community control 21080  
sanction imposed by the court, a violation of law, or the 21081  
departure of the offender from this state without the permission 21082  
of the court or the offender's probation officer, subject to the 21083  
jurisdiction of the trial judge over and with respect to the 21084  
person of the offender, and to the rules governing that department 21085  
of probation. 21086

If there is no department of probation in the county that 21087  
serves the court, the court shall place the offender, regardless 21088  
of the offender's county of residence, under the general control 21089  
and supervision of the adult parole authority if the court has 21090  
entered into an agreement with the authority as described in 21091  
division (B) of section 2301.32 of the Revised Code or under an 21092  
entity authorized under division (B) of section 2301.27 of the 21093  
Revised Code to provide probation and supervisory services to 21094  
counties for purposes of reporting to the court a violation of any 21095  
of the sanctions, any condition of release under a community 21096  
control sanction imposed by the court, a violation of law, or the 21097  
departure of the offender from this state without the permission 21098  
of the court or the offender's probation officer. 21099

(b) If the court imposing sentence upon an offender sentences 21100  
the offender to any community control sanction or combination of 21101  
community control sanctions authorized pursuant to section 21102  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 21103  
offender violates any condition of the sanctions, any condition of 21104  
release under a community control sanction imposed by the court, 21105

violates any law, or departs the state without the permission of 21106  
the court or the offender's probation officer, the public or 21107  
private person or entity that operates or administers the sanction 21108  
or the program or activity that comprises the sanction shall 21109  
report the violation or departure directly to the sentencing 21110  
court, or shall report the violation or departure to the county or 21111  
multicounty department of probation with general control and 21112  
supervision over the offender under division (A)(2)(a) of this 21113  
section or the officer of that department who supervises the 21114  
offender, or, if there is no such department with general control 21115  
and supervision over the offender under that division, to the 21116  
adult parole authority if the court has entered into an agreement 21117  
with the authority as described in division (B) of section 2301.32 21118  
of the Revised Code, or an entity authorized under division (B) of 21119  
section 2301.27 of the Revised Code to provide probation and 21120  
supervisory services to the county. If the public or private 21121  
person or entity that operates or administers the sanction or the 21122  
program or activity that comprises the sanction reports the 21123  
violation or departure to the county or multicounty department of 21124  
probation, the adult parole authority, or any other entity 21125  
providing probation and supervisory services to the county, the 21126  
department's, authority's, or other entity's officers may treat 21127  
the offender as if the offender were on probation and in violation 21128  
of the probation, and shall report the violation of the condition 21129  
of the sanction, any condition of release under a community 21130  
control sanction imposed by the court, the violation of law, or 21131  
the departure from the state without the required permission to 21132  
the sentencing court. 21133

(3) If an offender who is eligible for community control 21134  
sanctions under this section admits to being drug addicted or the 21135  
court has reason to believe that the offender is drug addicted, 21136  
and if the offense for which the offender is being sentenced was 21137  
related to the addiction, the court may require that the offender 21138

be assessed by a properly credentialed professional within a 21139  
specified period of time and shall require the professional to 21140  
file a written assessment of the offender with the court. If a 21141  
court imposes treatment and recovery support services as a 21142  
community control sanction, the court shall direct the level and 21143  
type of treatment and recovery support services after 21144  
consideration of the written assessment, if available at the time 21145  
of sentencing, and recommendations of the professional and other 21146  
treatment and recovery support services providers. 21147

(4) If an assessment completed pursuant to division (A)(3) of 21148  
this section indicates that the offender is addicted to drugs or 21149  
alcohol, the court may include in any community control sanction 21150  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 21151  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 21152  
2925.37 of the Revised Code a requirement that the offender 21153  
participate in alcohol and drug addiction services and recovery 21154  
supports certified under section 5119.36 of the Revised Code or 21155  
offered by a properly credentialed community addiction services 21156  
provider. 21157

(B)(1) If the conditions of a community control sanction are 21158  
violated or if the offender violates a law or leaves the state 21159  
without the permission of the court or the offender's probation 21160  
officer, the sentencing court may impose upon the violator one or 21161  
more of the following penalties: 21162

(a) A longer time under the same sanction if the total time 21163  
under the sanctions does not exceed the five-year limit specified 21164  
in division (A) of this section; 21165

(b) A more restrictive sanction under section 2929.16, 21166  
2929.17, or 2929.18 of the Revised Code, including but not limited 21167  
to, a new term in a community-based correctional facility, halfway 21168  
house, or jail pursuant to division (A)(6) of section 2929.16 of 21169  
the Revised Code; 21170

(c) A prison term on the offender pursuant to section 2929.14 21171  
of the Revised Code and division (B)(3) of this section, provided 21172  
that a prison term imposed under this division is subject to the 21173  
following limitations, as applicable: 21174

(i) If the prison term is imposed for any technical violation 21175  
of the conditions of a community control sanction imposed for a 21176  
felony of the fifth degree or for any violation of law committed 21177  
while under a community control sanction imposed for such a felony 21178  
that consists of a new criminal offense and that is not a felony, 21179  
the prison term shall not exceed ninety days. 21180

(ii) If the prison term is imposed for any technical 21181  
violation of the conditions of a community control sanction 21182  
imposed for a felony of the fourth degree that is not an offense 21183  
of violence and is not a sexually oriented offense or for any 21184  
violation of law committed while under a community control 21185  
sanction imposed for such a felony that consists of a new criminal 21186  
offense and that is not a felony, the prison term shall not exceed 21187  
one hundred eighty days. 21188

(2) If an offender was acting pursuant to division (B)(2)(b) 21189  
of section 2925.11 of the Revised Code and in so doing violated 21190  
the conditions of a community control sanction based on a minor 21191  
drug possession offense, as defined in section 2925.11 of the 21192  
Revised Code, the sentencing court may consider the offender's 21193  
conduct in seeking or obtaining medical assistance for another in 21194  
good faith or for self or may consider the offender being the 21195  
subject of another person seeking or obtaining medical assistance 21196  
in accordance with that division as a mitigating factor before 21197  
imposing any of the penalties described in division (B)(1) of this 21198  
section. 21199

(3) The prison term, if any, imposed upon a violator pursuant 21200  
to this division and division (B)(1) of this section shall be 21201  
within the range of prison terms described in this division and 21202

shall not exceed the prison term specified in the notice provided 21203  
to the offender at the sentencing hearing pursuant to division 21204  
(B)(2) of section 2929.19 of the Revised Code. The court may 21205  
reduce the longer period of time that the offender is required to 21206  
spend under the longer sanction, the more restrictive sanction, or 21207  
a prison term imposed pursuant to division (B)(1) of this section 21208  
by the time the offender successfully spent under the sanction 21209  
that was initially imposed. Except as otherwise specified in this 21210  
division, the prison term imposed under this division and division 21211  
(B)(1) of this section shall be within the range of prison terms 21212  
available as a definite term for the offense for which the 21213  
sanction that was violated was imposed. If the offense for which 21214  
the sanction that was violated was imposed is a felony of the 21215  
first or second degree committed on or after ~~the effective date of~~ 21216  
~~this amendment~~ March 22, 2019, the prison term so imposed under 21217  
this division shall be within the range of prison terms available 21218  
as a minimum term for the offense under division (A)(1)(a) or 21219  
(2)(a) of section 2929.14 of the Revised Code. 21220

(C) If an offender, for a significant period of time, 21221  
fulfills the conditions of a sanction imposed pursuant to section 21222  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 21223  
manner, the court may reduce the period of time under the sanction 21224  
or impose a less restrictive sanction, but the court shall not 21225  
permit the offender to violate any law or permit the offender to 21226  
leave the state without the permission of the court or the 21227  
offender's probation officer. 21228

(D)(1) If a court under division (A)(1) of this section 21229  
imposes a condition of release under a community control sanction 21230  
that requires the offender to submit to random drug testing, the 21231  
department of probation, the adult parole authority, or any other 21232  
entity that has general control and supervision of the offender 21233  
under division (A)(2)(a) of this section may cause the offender to 21234

submit to random drug testing performed by a laboratory or entity 21235  
that has entered into a contract with any of the governmental 21236  
entities or officers authorized to enter into a contract with that 21237  
laboratory or entity under section 341.26, 753.33, or 5120.63 of 21238  
the Revised Code. 21239

(2) If no laboratory or entity described in division (D)(1) 21240  
of this section has entered into a contract as specified in that 21241  
division, the department of probation, the adult parole authority, 21242  
or any other entity that has general control and supervision of 21243  
the offender under division (A)(2)(a) of this section shall cause 21244  
the offender to submit to random drug testing performed by a 21245  
reputable public laboratory to determine whether the individual 21246  
who is the subject of the drug test ingested or was injected with 21247  
a drug of abuse. 21248

(3) A laboratory or entity that has entered into a contract 21249  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 21250  
shall perform the random drug tests under division (D)(1) of this 21251  
section in accordance with the applicable standards that are 21252  
included in the terms of that contract. A public laboratory shall 21253  
perform the random drug tests under division (D)(2) of this 21254  
section in accordance with the standards set forth in the policies 21255  
and procedures established by the department of rehabilitation and 21256  
correction pursuant to section 5120.63 of the Revised Code. An 21257  
offender who is required under division (A)(1) of this section to 21258  
submit to random drug testing as a condition of release under a 21259  
community control sanction and whose test results indicate that 21260  
the offender ingested or was injected with a drug of abuse shall 21261  
pay the fee for the drug test if the department of probation, the 21262  
adult parole authority, or any other entity that has general 21263  
control and supervision of the offender requires payment of a fee. 21264  
A laboratory or entity that performs the random drug testing on an 21265  
offender under division (D)(1) or (2) of this section shall 21266

transmit the results of the drug test to the appropriate 21267  
department of probation, the adult parole authority, or any other 21268  
entity that has general control and supervision of the offender 21269  
under division (A)(2)(a) of this section. 21270

**Sec. 2929.34.** (A) A person who is convicted of or pleads 21271  
guilty to aggravated murder, murder, or an offense punishable by 21272  
life imprisonment and who is sentenced to a term of life 21273  
imprisonment or a prison term pursuant to that conviction shall 21274  
serve that term in an institution under the control of the 21275  
department of rehabilitation and correction. 21276

(B)(1) A person who is convicted of or pleads guilty to a 21277  
felony other than aggravated murder, murder, or an offense 21278  
punishable by life imprisonment and who is sentenced to a term of 21279  
imprisonment or a prison term pursuant to that conviction shall 21280  
serve that term as follows: 21281

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 21282  
this section, in an institution under the control of the 21283  
department of rehabilitation and correction if the term is a 21284  
prison term or as otherwise determined by the sentencing court 21285  
pursuant to section 2929.16 of the Revised Code if the term is not 21286  
a prison term; 21287

(b) In a facility of a type described in division (G)(1) of 21288  
section 2929.13 of the Revised Code, if the offender is sentenced 21289  
pursuant to that division. 21290

(2) If the term is a prison term, the person may be 21291  
imprisoned in a jail that is not a minimum security jail pursuant 21292  
to agreement under section 5120.161 of the Revised Code between 21293  
the department of rehabilitation and correction and the local 21294  
authority that operates the jail. 21295

(3)(a) As used in divisions (B)(3)(a) to (d) of this section+ 21296

~~(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.~~ 21297  
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~~(ii) "Voluntary, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.~~ 21300  
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(b) In any voluntary county ~~other than a target county~~, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made. 21306  
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(c) Except as provided in division (B)(3)(d) of this section, on and after July 1, 2018, no person sentenced by the court of common pleas of a ~~target county or of a~~ voluntary county to a prison term ~~that is twelve months or less~~ for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section. 21317  
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(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 21360  
an indigent person under division (E) of section 120.16 or 21361  
division (E) of section 120.26 of the Revised Code, or otherwise 21362  
appointed by the court, except for counsel appointed by the court 21363  
to provide legal representation for a person charged with a 21364  
violation of an ordinance of a municipal corporation, shall be 21365  
paid for their services by the county the compensation and 21366  
expenses that the trial court approves. Each request for payment 21367  
shall include a financial disclosure form completed by the 21368  
indigent person on a form prescribed by the state public defender. 21369  
Compensation and expenses shall not exceed the amounts fixed by 21370  
the board of county commissioners pursuant to division (B) of this 21371  
section. 21372

(B) The board of county commissioners shall establish a 21373  
schedule of fees by case or on an hourly basis to be paid by the 21374  
county for legal services provided by appointed counsel. Prior to 21375  
establishing such schedule, the board shall request the bar 21376  
association or associations of the county to submit a proposed 21377  
schedule for cases other than capital cases. The schedule 21378  
submitted shall be subject to the review, amendment, and approval 21379  
of the board of county commissioners, except with respect to 21380  
capital cases. With respect to capital cases, the schedule shall 21381  
provide for fees by case or on an hourly basis to be paid to 21382  
counsel in the amount or at the rate set by the capital case 21383  
attorney fee council pursuant to division (D) of section 120.33 of 21384  
the Revised Code, and the board of county commissioners shall 21385  
approve that amount or rate. 21386

With respect to capital cases, counsel shall be paid 21387  
compensation and expenses in accordance with the amount or at the 21388  
rate set by the capital case attorney fee council pursuant to 21389  
division (D) of section 120.33 of the Revised Code. 21390

(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section.

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

(E) The county auditor shall draw a warrant on the county treasurer for the payment of such counsel in the amount fixed by the court, plus the expenses that the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court under this section, separately stating costs and expenses that are reimbursable under section 120.35 of the Revised Code. The board, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. The request for reimbursement shall be accompanied by a financial disclosure form completed by each indigent person for whom counsel was provided on a form prescribed by the state public defender. The state public defender shall

review the report and, in accordance with the standards, 21423  
guidelines, and maximums established pursuant to divisions (B)(7) 21424  
and (8) of section 120.04 of the Revised Code and the payment 21425  
determination provisions of section 120.34 of the Revised Code, 21426  
pay ~~fifty per cent~~ of the ~~total~~ cost, other than costs and 21427  
expenses that are reimbursable under section 120.35 of the Revised 21428  
Code, if any, of paying appointed counsel in each county and pay 21429  
~~fifty per cent~~ of costs and expenses that are reimbursable under 21430  
section 120.35 of the Revised Code, if any, to the board. The 21431  
amount of payments the state public defender is to make shall be 21432  
determined as specified in section 120.34 of the Revised Code. 21433

(F) If any county system for paying appointed counsel fails 21434  
to maintain the standards for the conduct of the system 21435  
established by the rules of the Ohio public defender commission 21436  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 21437  
Code or the standards established by the state public defender 21438  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 21439  
the commission shall notify the board of county commissioners of 21440  
the county that the county system for paying appointed counsel has 21441  
failed to comply with its rules. Unless the board corrects the 21442  
conduct of its appointed counsel system to comply with the rules 21443  
within ninety days after the date of the notice, the state public 21444  
defender may deny all or part of the county's reimbursement from 21445  
the state provided for in this section. 21446

**Sec. 2950.08.** (A) Subject to division (B) of this section, 21447  
the statements, information, photographs, fingerprints, and 21448  
material required by sections 2950.04, 2950.041, 2950.05, and 21449  
2950.06 of the Revised Code and provided by a person who 21450  
registers, who provides notice of a change of residence, school, 21451  
institution of higher education, or place of employment address 21452  
and registers the new residence, school, institution of higher 21453  
education, or place of employment address, or who provides 21454

verification of a current residence, school, institution of higher 21455  
education, or place of employment address pursuant to those 21456  
sections and that are in the possession of the bureau of criminal 21457  
identification and investigation and the information in the 21458  
possession of the bureau that was received by the bureau pursuant 21459  
to section 2950.14 of the Revised Code shall not be open to 21460  
inspection by the public or by any person other than the following 21461  
persons: 21462

(1) A regularly employed peace officer or other law 21463  
enforcement officer; 21464

(2) An authorized employee of the bureau of criminal 21465  
identification and investigation for the purpose of providing 21466  
information to a board, administrator, or person pursuant to 21467  
division (F) or (G) of section 109.57 of the Revised Code; 21468

(3) The registrar of motor vehicles, or an employee of the 21469  
registrar of motor vehicles, for the purpose of verifying and 21470  
updating any of the information so provided, upon the request of 21471  
the bureau of criminal identification and investigation; 21472

(4) The director of job and family services, or an employee 21473  
of the director, for the purpose of complying with division (D) of 21474  
section 5104.013 of the Revised Code. 21475

(B) Division (A) of this section does not apply to any 21476  
information that is contained in the internet sex offender and 21477  
child-victim offender database established by the attorney general 21478  
under division (A)(11) of section 2950.13 of the Revised Code 21479  
regarding offenders and that is disseminated as described in that 21480  
division. 21481

**Sec. 3105.011.** (A) The court of common pleas including 21482  
divisions of courts of domestic relations, has full equitable 21483  
powers and jurisdiction appropriate to the determination of all 21484

domestic relations matters. This section is not a determination by 21485  
the general assembly that such equitable powers and jurisdiction 21486  
do not exist with respect to any such matter. 21487

(B) For purposes of this section, "domestic relations 21488  
matters" means both of the following: 21489

(1) Any matter committed to the jurisdiction of the division 21490  
of domestic relations of common pleas courts under section 2301.03 21491  
of the Revised Code, as well as a complaint for child support and 21492  
allocation of parental rights and responsibilities, including the 21493  
enforcement and modification of such orders; 21494

(2) Actions and proceedings under Chapters 3105., 3109., 21495  
3111., 3113., 3115., 3119., 3121., 3123., 3125., and 3127. of the 21496  
Revised Code, actions pursuant to section 2151.231 of the Revised 21497  
Code, all actions removed from the jurisdiction of the juvenile 21498  
court pursuant to section 2151.233 of the Revised Code, and all 21499  
matters transferred by the juvenile court pursuant to section 21500  
2151.235 of the Revised Code. 21501

**Sec. 3107.035.** (A) At the time of the initial home study, and 21502  
every two years thereafter, if the home study is updated, and 21503  
until it becomes part of a final decree of adoption or an 21504  
interlocutory order of adoption, the agency or attorney that 21505  
arranges an adoption for the prospective adoptive parent shall 21506  
conduct a search of the United States department of justice 21507  
national sex offender public web site regarding the prospective 21508  
adoptive parent and all persons eighteen years of age or older who 21509  
reside with the prospective adoptive parent. 21510

(B) A petition for adoption may be denied based solely on the 21511  
results of the search of the national sex offender public web 21512  
site. 21513

(C) The director of job and family services shall adopt rules 21514

in accordance with Chapter 119. of the Revised Code necessary for 21515  
the implementation and execution of this section. 21516

**Sec. 3107.14.** (A) The petitioner and the person sought to be 21517  
adopted shall appear at the hearing on the petition, unless the 21518  
presence of either is excused by the court for good cause shown. 21519

(B) The court may continue the hearing from time to time to 21520  
permit further observation, investigation, or consideration of any 21521  
facts or circumstances affecting the granting of the petition, and 21522  
may examine the petitioners separate and apart from each other. 21523

(C) If, at the conclusion of the hearing, the court finds 21524  
that the required consents have been obtained or excused and that 21525  
the adoption is in the best interest of the person sought to be 21526  
adopted as supported by the evidence, it may issue, subject to 21527  
division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and 21528  
division (E) of section 3107.09 of the Revised Code, and any other 21529  
limitations specified in this chapter, a final decree of adoption 21530  
or an interlocutory order of adoption, which by its own terms 21531  
automatically becomes a final decree of adoption on a date 21532  
specified in the order, which, except as provided in division (B) 21533  
of section 3107.13 of the Revised Code, shall not be less than six 21534  
months or more than one year from the date the person to be 21535  
adopted is placed in the petitioner's home, unless sooner vacated 21536  
by the court for good cause shown. In determining whether the 21537  
adoption is in the best interest of the person sought to be 21538  
adopted, the court shall not consider the age of the petitioner if 21539  
the petitioner is old enough to adopt as provided by section 21540  
3107.03 of the Revised Code. 21541

In an interlocutory order of adoption, the court shall 21542  
provide for observation, investigation, and a further report on 21543  
the adoptive home during the interlocutory period. 21544

(D) If the requirements for a decree under division (C) of 21545

this section have not been satisfied or the court vacates an 21546  
interlocutory order of adoption, or if the court finds that a 21547  
person sought to be adopted was placed in the home of the 21548  
petitioner in violation of law, the court shall dismiss the 21549  
petition and may determine the agency or person to have temporary 21550  
or permanent custody of the person, which may include the agency 21551  
or person that had custody prior to the filing of the petition or 21552  
the petitioner, if the court finds it is in the best interest of 21553  
the person as supported by the evidence, or if the person is a 21554  
minor, the court may certify the case to the juvenile court of the 21555  
county where the minor is then residing for appropriate action and 21556  
disposition. 21557

(E) The issuance of a final decree or interlocutory order of 21558  
adoption for an adult adoption under division (A)(4) of section 21559  
3107.02 of the Revised Code shall not disqualify that adult for 21560  
services under section 2151.82 or 2151.83 of the Revised Code. 21561

**Sec. 3109.061.** Nothing in sections 2151.233 to 2151.236 and 21562  
2301.03 of the Revised Code shall be construed to prevent a 21563  
domestic relations court from certifying a case to a juvenile 21564  
court under division (D)(2) of section 3109.04 of the Revised Code 21565  
or section 3109.06 of the Revised Code. Consent of the juvenile 21566  
court shall not be required for the certification. 21567

As used in this section, "domestic relations court" has the 21568  
same meaning as in section 2151.233 of the Revised Code. 21569

**Sec. 3119.023.** (A) At least once every four years, the 21570  
department of job and family services shall review the basic child 21571  
support schedule issued by the department pursuant to section 21572  
3119.021 of the Revised Code to determine whether child support 21573  
orders issued in accordance with that schedule and the worksheets 21574  
created under rules adopted under section 3119.022 of the Revised 21575

Code adequately provide for the needs of children who are subject 21576  
to the child support orders. ~~The department may consider the~~ 21577  
~~adequacy and appropriateness of the current schedule, whether~~ 21578  
~~there are substantial and permanent changes in household~~ 21579  
~~consumption and savings patterns, particularly those resulting in~~ 21580  
~~substantial and permanent changes in the per cent of total~~ 21581  
~~household expenditures on children, and whether there have been~~ 21582  
~~substantial and permanent changes to the federal and state income~~ 21583  
~~tax code other than inflationary adjustments to such things as the~~ 21584  
~~exemption amount and income tax brackets, and other factors when~~ 21585  
~~conducting its review.~~ The review is in addition to, and 21586  
independent of, any schedule update completed as set forth in 21587  
section 3119.021 of the Revised Code. The department shall prepare 21588  
a report of its review and include recommendations for statutory 21589  
changes, and submit a copy of the report to both houses of the 21590  
general assembly. 21591

(B) Each review shall include all of the following: 21592

(1) Consideration of all of the following: 21593

(a) Economic data on the cost of raising children; 21594

(b) Labor market data, such as unemployment rates, employment 21595  
rates, hours worked, and earnings, by occupation and skill level 21596  
for the state and local job markets; 21597

(c) The impact of guidelines policies and amounts on 21598  
custodial and noncustodial parents who have family incomes below 21599  
two hundred per cent of the federal poverty level; 21600

(d) Factors that influence employment rates among 21601  
noncustodial parents and compliance with child support orders. 21602

(2) Analysis of all of the following, to be used to ensure 21603  
that deviations from the basic child support schedule are limited 21604  
and that support amounts are appropriate based on criteria 21605

<u>established under division (G) of section 3119.05 of the Revised</u>	21606
<u>Code:</u>	21607
<u>(a) Case data on the application of and deviations from the</u>	21608
<u>basic child support schedule, as gathered through sampling or</u>	21609
<u>other methods;</u>	21610
<u>(b) Rates of default, child support orders with imputed</u>	21611
<u>income, and orders determined using low-income adjustments such as</u>	21612
<u>a self-support reserve or another method as determined by the</u>	21613
<u>state;</u>	21614
<u>(c) A comparison of payments on child support orders by case</u>	21615
<u>characteristics, including whether the order was entered by</u>	21616
<u>default, based on imputed income, or determined using the</u>	21617
<u>low-income adjustment, as described in division (B)(2)(b) of this</u>	21618
<u>section.</u>	21619
<u>(3) Meaningful opportunity for public input, including input</u>	21620
<u>from low-income custodial and noncustodial parents and their</u>	21621
<u>representatives.</u>	21622
<u>(C) For each review, the department shall establish a child</u>	21623
<u>support guideline advisory council to assist the department in the</u>	21624
<u>completion of its reviews and reports. Each council shall be</u>	21625
<u>composed of:</u>	21626
<u>(1) Obligor;</u>	21627
<u>(2) Obligees;</u>	21628
<u>(3) Judges of courts of common pleas who have jurisdiction</u>	21629
<u>over domestic relations and juvenile court cases that involve the</u>	21630
<u>determination of child support;</u>	21631
<u>(4) Attorneys whose practice includes a significant number of</u>	21632
<u>domestic relations or juvenile court cases that involve the</u>	21633
<u>determination of child support;</u>	21634
<u>(5) Representatives of child support enforcement agencies;</u>	21635

(6) Other persons interested in the welfare of children;	21636
(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and	21637 21638 21639
(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.	21640 21641 21642
<del>(C)</del> (D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.	21643 21644 21645 21646
<del>(D)</del> (E) <u>The department shall publish on the internet and make accessible to the public all of the following:</u>	21647 21648
<u>(1) All reports of the council;</u>	21649
<u>(2) The membership of the council;</u>	21650
<u>(3) The effective date of new or modified guidelines adopted after the review;</u>	21651 21652
<u>(4) The date of the next review.</u>	21653
(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.	21654 21655 21656
<del>(E)</del> (G) Any expenses incurred by an advisory council shall be paid by the department.	21657 21658
<b>Sec. 3119.05.</b> When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:	21659 21660 21661 21662 21663
(A) The parents' current and past income and personal	21664

earnings shall be verified by electronic means or with suitable 21665  
documents, including, but not limited to, paystubs, employer 21666  
statements, receipts and expense vouchers related to 21667  
self-generated income, tax returns, and all supporting 21668  
documentation and schedules for the tax returns. 21669

(B) The annual amount of any court-ordered spousal support 21670  
actually paid, excluding any ordered payment on arrears, shall be 21671  
deducted from the annual income of that parent to the extent that 21672  
payment of that court-ordered spousal support is verified by 21673  
supporting documentation. 21674

(C) The court or agency shall adjust the amount of child 21675  
support paid by a parent to give credit for children not included 21676  
in the current calculation. When calculating the adjusted amount, 21677  
the court or agency shall use the schedule and do the following: 21678

(1) Determine the amount of child support that each parent 21679  
would be ordered to pay for all children for whom the parent has 21680  
the legal duty to support, according to each parent's annual 21681  
income. If the number of children subject to the order is greater 21682  
than six, multiply the amount for three children in accordance 21683  
with division (C)(4) of this section to determine the amount of 21684  
child support. 21685

(2) Compute a child support credit amount for each parent's 21686  
children who are not subject to this order by dividing the amount 21687  
determined in division (C)(1) of this section by the total number 21688  
of children whom the parent is obligated to support and 21689  
multiplying that number by the number of the parent's children who 21690  
are not subject to this order. 21691

(3) Determine the adjusted income of the parents by 21692  
subtracting the credit for minor children not subject to this 21693  
order computed under division (C)(2) of this section, from the 21694  
annual income of each parent for the children each has a duty to 21695

support that are not subject to this order.	21696
(4) If the number of children is greater than six, multiply the amount for three children by:	21697 21698
(a) 1.440 for seven children;	21699
(b) 1.540 for eight children;	21700
(c) 1.638 for nine children;	21701
(d) 1.734 for ten children;	21702
(e) 1.827 for eleven children;	21703
(f) 1.919 for twelve children;	21704
(g) 2.008 for thirteen children;	21705
(h) 2.096 for fourteen children;	21706
(i) 2.182 for more than fourteen children.	21707
(D) When the court or agency calculates the annual income of a parent, it shall include the lesser of the following as income from overtime and bonuses:	21708 21709 21710
(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;	21711 21712 21713
(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.	21714 21715 21716
(E) When the court or agency calculates the annual income of a parent, it shall not include any income earned by the spouse of that parent.	21717 21718 21719
(F) The court shall issue a separate medical support order for extraordinary medical expenses, including orthodontia, dental, optical, and psychological services.	21720 21721 21722
If the court makes an order for payment of private education,	21723

and other appropriate expenses, it shall do so by issuing a separate order.

The court may consider these expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, the following shall apply:

(1) The court or agency shall apply the basic child support schedule to the parents' combined annual incomes and to each parent's individual income.

(2) If the combined annual income of both parents or the individual annual income of a parent is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined annual income or the individual parent's annual income.

(3) If the annual individual income of either or both of the parents is within the self-sufficiency reserve in the basic child support schedule, the court or agency shall do both of the following:

(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve;

(b) Determine the lesser of the following amounts to be the applicable basic child support obligation:

(i) The amount that results from using the combined annual income of the parents not in the self-sufficiency reserve of the schedule; or	21755 21756 21757
(ii) The amount that results from using the individual parent's income within the self-sufficiency reserve of the schedule.	21758 21759 21760
(H) When the court or agency calculates annual income, the court or agency, when appropriate, may average income over a reasonable period of years.	21761 21762 21763
(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if any of the following conditions exist:	21764 21765 21766 21767 21768
(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits;	21769 21770 21771 21772 21773 21774
(2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or agency determines that the parent is unable to work based on medical documentation that includes a physician's diagnosis and a physician's opinion regarding the parent's mental or physical disability and inability to work.	21775 21776 21777 21778 21779 21780
(3) The parent has proven that the parent has made continuous and diligent efforts without success to find and accept employment, including temporary employment, part-time employment, or employment at less than the parent's previous salary or wage.	21781 21782 21783 21784
(4) The parent is complying with court-ordered family	21785

reunification efforts in a child abuse, neglect, or dependency proceeding, to the extent that compliance with those efforts limits the parent's ability to earn income. 21786  
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(5) The parent is ~~incarcerated or~~ institutionalized for a period of twelve months or more with no other available income or assets, ~~unless the parent is incarcerated for an offense relating to the abuse or neglect of a child who is the subject of the support order or an offense under Title XXIX of the Revised Code against the obligee or a child who is the subject of the support order.~~ 21789  
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(J) When a court or agency calculates the income of a parent, it shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if the parent is incarcerated. 21796  
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(K) When a court or agency requires a parent to pay an amount for that parent's failure to support a child for a period of time prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time. 21800  
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~~(K)~~(L) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances. 21809  
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~~(L)~~(M) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency 21814  
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shall collect information about the existing order or orders and 21817  
consider those together with the current calculation for support 21818  
to ensure that the total of all orders for all children of the 21819  
parties does not exceed the amount that would have been ordered if 21820  
all children were addressed in a single judicial or administrative 21821  
proceeding. 21822

~~(M)~~(N) A support obligation of a parent with annual income 21823  
subject to the self-sufficiency reserve of the basic child support 21824  
schedule shall not exceed the support obligation that would result 21825  
from application of the schedule without the reserve. 21826

~~(N)~~(O) Any non-means tested benefit received by the child or 21827  
children subject to the order resulting from the claims of either 21828  
parent shall be deducted from that parent's annual child support 21829  
obligation after all other adjustments have been made. If that 21830  
non-means tested benefit exceeds the child support obligation of 21831  
the parent from whose claim the benefit is realized, the child 21832  
support obligation for that parent shall be zero. 21833

~~(O)~~(P) As part of the child support calculation, the parents 21834  
shall be ordered to share the costs of child care. Subject to the 21835  
limitations in this division, a child support obligor shall pay an 21836  
amount equal to the obligor's income share of the child care cost 21837  
incurred for the child or children subject to the order. 21838

(1) The child care cost used in the calculation: 21839

(a) Shall be for the child determined to be necessary to 21840  
allow a parent to work, or for activities related to employment 21841  
training; 21842

(b) Shall be verifiable by credible evidence as determined by 21843  
a court or child support enforcement agency; 21844

(c) Shall exclude any reimbursed or subsidized child care 21845  
cost, including any state or federal tax credit for child care 21846  
available to the parent or caretaker, whether or not claimed; 21847

(d) Shall not exceed the maximum state-wide average cost estimate ~~issued by the department of job and family services, using the data collected and reported as required in section 5104.04 of the Revised Code~~ determined in accordance with 45 C.F.R. 98.45.

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost.

(Q) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement.

**Sec. 3119.23.** The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code:

(A) Special and unusual needs of the child or children, including needs arising from the physical or psychological condition of the child or children;

(B) Other court-ordered payments;

(C) Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when exchanging the child or children for parenting time;

(D) The financial resources and the earning ability of the child or children;

(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;

(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;	21878 21879 21880
(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;	21881 21882
(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	21883 21884
(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	21885 21886 21887
(J) Extraordinary work-related expenses incurred by either parent;	21888 21889
(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	21890 21891 21892
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	21893 21894 21895
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	21896 21897 21898
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	21899 21900 21901
(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;	21902 21903 21904
(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate <del>provided</del> <u>as described</u> in division <del>(O)</del> (P)(1)(d) of section 3119.05	21905 21906 21907

of the Revised Code, including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;

(Q) Any other relevant factor.

If the court grants a deviation based on division (Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.

**Sec. 3119.27.** (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge in the amount of two per cent of the support payment to be collected under a support order. No court or agency may call the charge a poundage fee.

(B) In each child support case that is a Title IV-D case, the department of job and family services shall annually claim ~~twenty-five~~ thirty-five dollars from the processing charge described in division (A) of this section for federal reporting purposes if the obligee has never received assistance under Title IV-A and the department has collected at least five hundred fifty dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

(1) "Annual" means the period as defined in regulations issued by the United States secretary of health and human services to implement the Deficit Reduction Act of 2005 (P.L. 109-171).

(2) "Title IV-A" has the same meaning as in section 5107.02 of the Revised Code.

(3) "Title IV-D case" has the same meaning as in section

3125.01 of the Revised Code.	21938
<b>Sec. 3119.29.</b> As used in this section and sections 3119.30 to	21939
3119.56 of the Revised Code:	21940
(A) <del>"Family coverage" means the health insurance plan that</del>	21941
<del>provides coverage for the children who are the subject of a child</del>	21942
<del>support order.</del>	21943
<del>(B)</del> "Health care <u>coverage</u> " means such medical support that	21944
includes <del>coverage under</del> a health insurance <u>coverage or a public</u>	21945
<u>health care</u> plan, payment of costs of premiums, copayments, and	21946
deductibles, or payment for medical expenses incurred on behalf of	21947
the child.	21948
<del>(C)</del> (B) "Health insurance coverage" means accessible private	21949
health insurance that provides primary care services within thirty	21950
miles from the residence of the child subject to the child support	21951
order.	21952
<del>(D)</del> (C) "Health plan administrator" means any entity	21953
authorized under Title XXXIX of the Revised Code to engage in the	21954
business of insurance in this state, any health insuring	21955
corporation, any legal entity that is self-insured and provides	21956
benefits to its employees or members, and the administrator of any	21957
such entity or corporation.	21958
<del>(E)</del> (D) "National medical support notice" means a form	21959
required by the "Child Support Performance and Incentive Act of	21960
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as	21961
amended, and jointly developed and promulgated by the secretary of	21962
health and human services and the secretary of labor in federal	21963
regulations adopted under that act as modified by the department	21964
of job and family services under section 3119.291 of the Revised	21965
Code.	21966
<del>(F)</del> (E) "Person required to provide health insurance coverage"	21967

means the obligor, obligee, or both, required by the court under a 21968  
court child support order or by the child support enforcement 21969  
agency under an administrative child support order to provide 21970  
health insurance coverage pursuant to section 3119.30 of the 21971  
Revised Code. 21972

~~(G)(F)~~ "Reasonable cost" means that the cost of ~~private~~ 21973  
health insurance coverage to the person required to provide health 21974  
insurance coverage for the children who are the subject of the 21975  
child support order does not exceed an amount equal to five per 21976  
cent of the annual income of that person. ~~For purposes of this~~ 21977  
~~division, the cost of health insurance is an amount equal to the~~ 21978  
~~difference in cost between self-only and family coverage.~~ 21979

~~However, if the United States secretary of health and human 21980  
services issues a regulation that redefines "reasonable cost" or a 21981  
similar term or phrase, or clarifies the elements of cost used 21982  
when determining reasonable cost relating to the provision of 21983  
health care for children in a child support order, and if those 21984  
changes are substantively different than the definitions and terms 21985  
used in this section, those terms shall have the meaning as 21986  
defined by the United States secretary of health and human 21987  
services.~~ 21988

**Sec. 3119.30.** (A) In any action or proceeding in which a 21989  
child support order is issued or modified, the court, with respect 21990  
to court child support orders, and the child support enforcement 21991  
agency, with respect to administrative child support orders, shall 21992  
determine the person or persons responsible for the health care 21993  
coverage of the children subject to the child support order and 21994  
shall include provisions for the health care coverage of the 21995  
children in the child support order. The order shall specify that 21996  
the obligor and obligee are both liable for the health care 21997  
expenses for the children who are not covered by private health 21998

insurance according to a formula established by each court, with 21999  
respect to a court child support order, or each child support 22000  
enforcement agency, with respect to an administrative child 22001  
support order. 22002

(B) The child support obligee is rebuttably presumed to be 22003  
the appropriate parent to provide health insurance coverage for 22004  
the children subject to the child support order. The order shall 22005  
specify that the obligee must provide the health insurance 22006  
coverage unless rebutted pursuant to division (B)(1) of this 22007  
section. 22008

(1) The court or child support enforcement agency may 22009  
consider the following factors to rebut the presumption when 22010  
determining if the child support obligor is the appropriate parent 22011  
to provide health insurance coverage: 22012

(a) The obligor already has health insurance coverage for the 22013  
child that is reasonable in cost; 22014

(b) The obligor already has health insurance coverage in 22015  
place for the child that is not reasonable in cost, but the 22016  
obligor wishes to be named the health insurance obligor and 22017  
provide coverage under division (A)(2)(a) of section 3119.302 of 22018  
the Revised Code; 22019

(c) The obligor can obtain health insurance coverage for the 22020  
child that is reasonable in cost through an employer or other 22021  
source. For employer-based coverage, the court or child support 22022  
enforcement agency shall consider the length of time the obligor 22023  
has worked with the employer and the stability of the insurance. 22024

(d) The obligee is a non-parent individual or agency that has 22025  
no duty to provide medical support. 22026

(2) If ~~private~~ health insurance coverage for the children is 22027  
not available at a reasonable cost to the obligor or the obligee 22028

at the time the court or agency issues the order, the order shall 22029  
include a requirement that the obligee obtain ~~private~~ health 22030  
~~insurance~~ care coverage for the children not later than thirty 22031  
days after it becomes available to the obligee at a reasonable 22032  
cost, and to inform the child support enforcement agency when 22033  
~~private~~ health ~~insurance~~ care coverage for the children has been 22034  
obtained. 22035

(3) If ~~private~~ health insurance coverage becomes available to 22036  
the obligor at a reasonable cost, the obligor shall inform the 22037  
child support enforcement agency and may seek a modification of 22038  
health ~~insurance~~ care coverage from the court with respect to a 22039  
court child support order, or from the agency with respect to an 22040  
administrative support order. 22041

(C) When a child support order is issued or modified, the 22042  
order shall include a cash medical support amount consistent with 22043  
division (B) of section 3119.302 of the Revised Code for each 22044  
child subject to the order. The cash medical support amount shall 22045  
be ordered based on the number of children subject to the order 22046  
and split between the parties using the parents' income share. 22047

(D) Any cash medical support paid pursuant to division (C) of 22048  
this section shall be paid through the department of job and 22049  
family services by the obligor to either the obligee if the 22050  
children are not medicaid recipients, or to the department of 22051  
medicaid when a medicaid assignment is in effect for any child 22052  
under the support order. 22053

(E) The cost of providing health insurance coverage for a 22054  
child subject to an order shall be defrayed by a credit against 22055  
that parent's annual income when calculating support as required 22056  
under section 3119.02 of the Revised Code using the basic child 22057  
support schedule and applicable worksheet. The credit shall be 22058  
equal to the total actual out-of-pocket cost for health insurance 22059  
premiums for the coverage. Any credit given will be less any 22060

subsidy, including a premium tax credit or cost-sharing reduction 22061  
received by the parent providing coverage. 22062

(F) Both parents may be ordered to provide health care 22063  
coverage and pay cash medical support if the obligee is a 22064  
nonparent individual or agency that has no duty to provide medical 22065  
support. 22066

**Sec. 3119.302.** (A) When the court, with respect to a court 22067  
child support order, or the child support enforcement agency, with 22068  
respect to an administrative child support order, determines the 22069  
person or persons responsible for the health care coverage of the 22070  
children subject to the order pursuant to section 3119.30 of the 22071  
Revised Code, all of the following apply: 22072

(1) The court or agency shall consider any ~~private~~ health 22073  
insurance coverage in which the obligor, obligee, or children, are 22074  
enrolled at the time the court or agency issues the order. 22075

(2) If the cost of ~~private~~ health insurance coverage to 22076  
either parent exceeds a reasonable cost, that parent shall not be 22077  
ordered to provide ~~private~~ health insurance coverage for the child 22078  
except as follows: 22079

(a) When the parent requests to obtain or maintain the 22080  
~~private~~ health insurance coverage that exceeds a reasonable cost; 22081

(b) When the court determines that it is in the best interest 22082  
of the children for a parent to obtain and maintain ~~private~~ health 22083  
insurance coverage that exceeds a reasonable cost and the cost 22084  
will not impose an undue financial burden on either parent. If the 22085  
court makes such a determination, the court must include the facts 22086  
and circumstances of the determination in the child support order. 22087

(3) If ~~private~~ health insurance coverage is available at a 22088  
reasonable cost to either parent through a group policy, contract, 22089  
or plan, and the court determines that it is not in the best 22090

interest of the children to utilize the available ~~private~~ health 22091  
insurance coverage, the court shall state the facts and 22092  
circumstances of the determination in the child support order. 22093

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the 22094  
Revised Code, the court or agency may do either of the following: 22095

(a) Permit primary care services to be farther than thirty 22096  
miles if residents in part or all of the immediate geographic area 22097  
customarily travel farther distances ; 22098

(b) Require primary care services be accessible by public 22099  
transportation if public transportation is the obligee's only 22100  
source of transportation. 22101

If the court or agency makes either accessibility 22102  
determination, it shall include this accessibility determination 22103  
in the child support order. 22104

(B) The director of job and family services shall 22105  
periodically update the amount of the cash medical support 22106  
obligation to be paid pursuant to division (C) of section 3119.30 22107  
of the Revised Code. The updates shall be made in consideration of 22108  
the medical expenditure panel survey, conducted by the United 22109  
States department of health and human services for health care 22110  
research and quality. The amount shall be based on the most recent 22111  
survey year data available and shall be calculated by multiplying 22112  
the total amount expended for health services for children by the 22113  
percentage that is out-of-pocket divided by the number of 22114  
individuals less than eighteen years of age that have any private 22115  
insurance. 22116

**Sec. 3119.31.** In any action or proceeding in which a court or 22117  
child support enforcement agency is determining the person 22118  
responsible for the health care coverage of the children who are 22119  
or will be the subject of a child support order, each party shall 22120

provide to the court or child support enforcement agency a list of 22121  
any group health insurance policies, contracts, or plans available 22122  
to the party and the cost ~~for self only and family of~~ of coverage 22123  
under the available policies, contracts, or plans. 22124

**Sec. 3119.32.** A child support order shall contain all of the 22125  
following: 22126

(A)(1) If the obligor, obligee, or both obligor and obligee, 22127  
are required under section 3119.30 of the Revised Code to provide 22128  
~~private~~ health ~~insurance~~ care coverage for the children, a 22129  
requirement that whoever is required to provide ~~private~~ health 22130  
~~insurance~~ care coverage provide to the other, not later than 22131  
thirty days after the issuance of the order, information regarding 22132  
the benefits, limitations, and exclusions of the coverage, copies 22133  
of any ~~insurance~~ forms necessary to receive reimbursement, 22134  
payment, or other benefits under the coverage, and a copy of any 22135  
necessary ~~insurance cards~~ proof of coverage; 22136

(2) If the obligor, obligee, or both obligor and obligee, are 22137  
required under section 3119.30 of the Revised Code to provide 22138  
~~private~~ health ~~insurance~~ care coverage for the children, a 22139  
requirement that whoever is required to provide ~~private~~ health 22140  
~~insurance~~ care coverage provide to the child support enforcement 22141  
agency, not later than thirty days after the issuance of the 22142  
order, documentation that verifies that coverage is being provided 22143  
as ordered. 22144

(B) A statement setting forth the name and address of the 22145  
individual who is to be reimbursed for medical expenses. 22146

(C) A requirement that a person required to provide ~~private~~ 22147  
health ~~insurance~~ care coverage for the children designate the 22148  
children as covered dependents under any ~~private~~ health ~~insurance~~ 22149  
care coverage policy, contract, or plan ~~for which the person~~ 22150  
~~contracts~~. 22151

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth of each child who is the subject of the child support order.

(G) A notice that states the following: "If the person required to obtain ~~private~~ health care ~~insurance~~ coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source."

**Sec. 3125.25.** The director of job and family services shall adopt rules under Chapter 119. of the Revised Code governing the operation of support enforcement by child support enforcement agencies. The rules shall include, but shall not be limited to, the following:

(A) Provisions relating to plans of cooperation between the agencies and boards of county commissioners entered into under section 3125.12 of the Revised Code;	22183 22184 22185
(B) Provisions for the compromise and waiver of child support arrearages owed to the state and federal government, consistent with Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., as amended;	22186 22187 22188 22189
(C) Requirements for public hearings by the agencies;	22190
(D) Provisions for appeals of agency decisions under procedures established by the director;	22191 22192
<u>(E) Provisions requiring the investigation and documentation of the factual basis for establishment and modification of support obligations in accordance with Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any regulations promulgated by the United States department of health and human services;</u>	22193 22194 22195 22196 22197 22198
<u>(F) Provisions establishing criteria for child support enforcement agencies to initiate an action under section 2705.031 of the Revised Code in any case administered under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq.</u>	22199 22200 22201 22202 22203
<b>Sec. 3301.07.</b> The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the powers described in this section.	22204 22205 22206 22207 22208
(A) The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.	22209 22210 22211
(B)(1) The state board shall exercise leadership in the	22212

improvement of public education in this state, and administer the 22213  
educational policies of this state relating to public schools, and 22214  
relating to instruction and instructional material, building and 22215  
equipment, transportation of pupils, administrative 22216  
responsibilities of school officials and personnel, and finance 22217  
and organization of school districts, educational service centers, 22218  
and territory. Consultative and advisory services in such matters 22219  
shall be provided by the board to school districts and educational 22220  
service centers of this state. 22221

(2) The state board also shall develop a standard of 22222  
financial reporting which shall be used by each school district 22223  
board of education and each governing board of an educational 22224  
service center, each governing authority of a community school 22225  
established under Chapter 3314., each governing body of a STEM 22226  
school established under Chapter 3328., and each board of trustees 22227  
of a college-preparatory boarding school established under Chapter 22228  
3328. of the Revised Code to make its financial information and 22229  
annual budgets for each school building under its control 22230  
available to the public in a format understandable by the average 22231  
citizen. The format shall show, both at the district and at the 22232  
school building level, revenue by source; expenditures for 22233  
salaries, wages, and benefits of employees, showing such amounts 22234  
separately for classroom teachers, other employees required to 22235  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 22236  
the Revised Code, and all other employees; expenditures other than 22237  
for personnel, by category, including utilities, textbooks and 22238  
other educational materials, equipment, permanent improvements, 22239  
pupil transportation, extracurricular athletics, and other 22240  
extracurricular activities; and per pupil expenditures. The format 22241  
shall also include information on total revenue and expenditures, 22242  
per pupil revenue, and expenditures for both classroom and 22243  
nonclassroom purposes, as defined by the standards adopted under 22244  
section 3302.20 of the Revised Code in the aggregate and for each 22245

subgroup of students, as defined by section 3317.40 of the Revised Code, that receives services provided for by state or federal funding. 22246  
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(3) Each school district board, governing authority, governing body, or board of trustees, or its respective designee, shall annually report, to the department of education, all financial information required by the standards for financial reporting, as prescribed by division (B)(2) of this section and adopted by the state board. The department shall make all reports submitted pursuant to this division available in such a way that allows for comparison between financial information included in these reports and financial information included in reports produced prior to July 1, 2013. The department shall post these reports in a prominent location on its web site and shall notify each school when reports are made available. 22249  
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(C) The state board shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds. 22261  
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(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent. 22271  
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(2) The state board shall formulate and prescribe minimum 22277

standards to be applied to all elementary and secondary schools in 22278  
this state for the purpose of providing children access to a 22279  
general education of high quality according to the learning needs 22280  
of each individual, including students with disabilities, 22281  
economically disadvantaged students, ~~limited English proficient~~ 22282  
~~students~~ learners, and students identified as gifted. Such 22283  
standards shall provide adequately for: the licensing of teachers, 22284  
administrators, and other professional personnel and their 22285  
assignment according to training and qualifications; efficient and 22286  
effective instructional materials and equipment, including library 22287  
facilities; the proper organization, administration, and 22288  
supervision of each school, including regulations for preparing 22289  
all necessary records and reports and the preparation of a 22290  
statement of policies and objectives for each school; the 22291  
provision of safe buildings, grounds, health and sanitary 22292  
facilities and services; admission of pupils, and such 22293  
requirements for their promotion from grade to grade as will 22294  
assure that they are capable and prepared for the level of study 22295  
to which they are certified; requirements for graduation; and such 22296  
other factors as the board finds necessary. 22297

The state board shall base any standards governing the 22298  
promotion of students or requirements for graduation on the 22299  
ability of students, at any grade level, to earn credits or 22300  
advance upon demonstration of mastery of knowledge and skills 22301  
through competency-based learning models. Credits of grade level 22302  
advancement shall not require a minimum number of days or hours in 22303  
a classroom. 22304

The state board shall base any standards governing the 22305  
assignment of staff on ensuring each school has a sufficient 22306  
number of teachers to ensure a student has an appropriate level of 22307  
interaction to meet each student's personal learning goals. 22308

In the formulation and administration of such standards for 22309

nonpublic schools the board shall also consider the particular 22310  
needs, methods and objectives of those schools, provided they do 22311  
not conflict with the provision of a general education of a high 22312  
quality and provided that regular procedures shall be followed for 22313  
promotion from grade to grade of pupils who have met the 22314  
educational requirements prescribed. 22315

(3) In addition to the minimum standards required by division 22316  
(D)(2) of this section, the state board may formulate and 22317  
prescribe the following additional minimum operating standards for 22318  
school districts: 22319

(a) Standards for the effective and efficient organization, 22320  
administration, and supervision of each school district with a 22321  
commitment to high expectations for every student based on the 22322  
learning needs of each individual, including students with 22323  
disabilities, economically disadvantaged students, ~~limited~~ English 22324  
~~proficient students~~ learners, and students identified as gifted, 22325  
and commitment to closing the achievement gap without suppressing 22326  
the achievement levels of higher achieving students so that all 22327  
students achieve core knowledge and skills in accordance with the 22328  
statewide academic standards adopted under section 3301.079 of the 22329  
Revised Code; 22330

(b) Standards for the establishment of business advisory 22331  
councils under section 3313.82 of the Revised Code; 22332

(c) Standards for school district buildings that may require 22333  
the effective and efficient organization, administration, and 22334  
supervision of each school district building with a commitment to 22335  
high expectations for every student based on the learning needs of 22336  
each individual, including students with disabilities, 22337  
economically disadvantaged students, ~~limited~~ English ~~proficient~~ 22338  
~~students~~ learners, and students identified as gifted, and 22339  
commitment to closing the achievement gap without suppressing the 22340  
achievement levels of higher achieving students so that all 22341

students achieve core knowledge and skills in accordance with the 22342  
statewide academic standards adopted under section 3301.079 of the 22343  
Revised Code. 22344

(E) The state board may require as part of the health 22345  
curriculum information developed under section 2108.34 of the 22346  
Revised Code promoting the donation of anatomical gifts pursuant 22347  
to Chapter 2108. of the Revised Code and may provide the 22348  
information to high schools, educational service centers, and 22349  
joint vocational school district boards of education; 22350

(F) The state board shall prepare and submit annually to the 22351  
governor and the general assembly a report on the status, needs, 22352  
and major problems of the public schools of the state, with 22353  
recommendations for necessary legislative action and a ten-year 22354  
projection of the state's public and nonpublic school enrollment, 22355  
by year and by grade level. 22356

(G) The state board shall prepare and submit to the director 22357  
of budget and management the biennial budgetary requests of the 22358  
state board of education, for its agencies and for the public 22359  
schools of the state. 22360

(H) The state board shall cooperate with federal, state, and 22361  
local agencies concerned with the health and welfare of children 22362  
and youth of the state. 22363

(I) The state board shall require such reports from school 22364  
districts and educational service centers, school officers, and 22365  
employees as are necessary and desirable. The superintendents and 22366  
treasurers of school districts and educational service centers 22367  
shall certify as to the accuracy of all reports required by law or 22368  
state board or state department of education rules to be submitted 22369  
by the district or educational service center and which contain 22370  
information necessary for calculation of state funding. Any 22371  
superintendent who knowingly falsifies such report shall be 22372

subject to license revocation pursuant to section 3319.31 of the Revised Code. 22373  
22374

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code. 22375  
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(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children. 22382  
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(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the primary grades. 22391  
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(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three. 22397  
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(N) The state board may adopt rules necessary for carrying 22403

out any function imposed on it by law, and may provide rules as 22404  
are necessary for its government and the government of its 22405  
employees, and may delegate to the superintendent of public 22406  
instruction the management and administration of any function 22407  
imposed on it by law. It may provide for the appointment of board 22408  
members to serve on temporary committees established by the board 22409  
for such purposes as are necessary. Permanent or standing 22410  
committees shall not be created. 22411

(O) Upon application from the board of education of a school 22412  
district, the superintendent of public instruction may issue a 22413  
waiver exempting the district from compliance with the standards 22414  
adopted under divisions (B)(2) and (D) of this section, as they 22415  
relate to the operation of a school operated by the district. The 22416  
state board shall adopt standards for the approval or disapproval 22417  
of waivers under this division. The state superintendent shall 22418  
consider every application for a waiver, and shall determine 22419  
whether to grant or deny a waiver in accordance with the state 22420  
board's standards. For each waiver granted, the state 22421  
superintendent shall specify the period of time during which the 22422  
waiver is in effect, which shall not exceed five years. A district 22423  
board may apply to renew a waiver. 22424

**Sec. 3301.0710.** The state board of education shall adopt 22425  
rules establishing a statewide program to assess student 22426  
achievement. The state board shall ensure that all assessments 22427  
administered under the program are aligned with the academic 22428  
standards and model curricula adopted by the state board and are 22429  
created with input from Ohio parents, Ohio classroom teachers, 22430  
Ohio school administrators, and other Ohio school personnel 22431  
pursuant to section 3301.079 of the Revised Code. 22432

The assessment program shall be designed to ensure that 22433  
students who receive a high school diploma demonstrate at least 22434

high school levels of achievement in English language arts,	22435
mathematics, science, and social studies.	22436
(A)(1) The state board shall prescribe all of the following:	22437
(a) Two statewide achievement assessments, one each designed	22438
to measure the level of English language arts and mathematics	22439
skill expected at the end of third grade;	22440
(b) Two statewide achievement assessments, one each designed	22441
to measure the level of English language arts and mathematics	22442
skill expected at the end of fourth grade;	22443
(c) Three statewide achievement assessments, one each	22444
designed to measure the level of English language arts,	22445
mathematics, and science skill expected at the end of fifth grade;	22446
(d) Two statewide achievement assessments, one each designed	22447
to measure the level of English language arts and mathematics	22448
skill expected at the end of sixth grade;	22449
(e) Two statewide achievement assessments, one each designed	22450
to measure the level of English language arts and mathematics	22451
skill expected at the end of seventh grade;	22452
(f) Three statewide achievement assessments, one each	22453
designed to measure the level of English language arts,	22454
mathematics, and science skill expected at the end of eighth	22455
grade.	22456
(2) The state board shall determine and designate at least	22457
five ranges of scores on each of the achievement assessments	22458
described in divisions (A)(1) and (B)(1) of this section. Each	22459
range of scores shall be deemed to demonstrate a level of	22460
achievement so that any student attaining a score within such	22461
range has achieved one of the following:	22462
(a) An advanced level of skill;	22463
(b) An accelerated level of skill;	22464

(c) A proficient level of skill; 22465

(d) A basic level of skill; 22466

(e) A limited level of skill. 22467

(3) For the purpose of implementing division (A) of section 22468  
3313.608 of the Revised Code, the state board shall determine and 22469  
designate a level of achievement, not lower than the level 22470  
designated in division (A)(2)(e) of this section, on the third 22471  
grade English language arts assessment for a student to be 22472  
promoted to the fourth grade. The state board shall review and 22473  
adjust upward the level of achievement designated under this 22474  
division each year the test is administered until the level is set 22475  
equal to the level designated in division (A)(2)(c) of this 22476  
section. 22477

(4) Each school district or school shall teach and assess 22478  
social studies in at least the fourth and sixth grades. Any 22479  
assessment in such area shall be determined by the district or 22480  
school and may be formative or summative in nature. The results of 22481  
such assessment shall not be reported to the department of 22482  
education. 22483

(B)(1) The assessments prescribed under division (B)(1) of 22484  
this section shall collectively be known as the Ohio graduation 22485  
tests. The state board shall prescribe five statewide high school 22486  
achievement assessments, one each designed to measure the level of 22487  
reading, writing, mathematics, science, and social studies skill 22488  
expected at the end of tenth grade. The state board shall 22489  
designate a score in at least the range designated under division 22490  
(A)(2)(c) of this section on each such assessment that shall be 22491  
deemed to be a passing score on the assessment as a condition 22492  
toward granting high school diplomas under sections 3313.61, 22493  
3313.611, 3313.612, and 3325.08 of the Revised Code until the 22494  
assessment system prescribed by section 3301.0712 of the Revised 22495

Code is implemented in accordance with division (B)(2) of this section. 22496  
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(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall replace the Ohio graduation tests beginning with students who enter the ninth grade for the first time on or after July 1, 2014. 22498  
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(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for receiving high school diplomas, under which any student who has met an achievement assessment requirement of one state is recognized as having met the similar requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state who has met an achievement assessment requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each assessment required by division (B)(1) or (2) of this section that is specified in the agreement. 22502  
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(C) The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section. 22517  
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In prescribing administration dates pursuant to this division, the superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of assessments prescribed under this section and any administration of the national assessment of educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law. 22520  
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(D) The state board shall prescribe a practice version of 22527  
each Ohio graduation test described in division (B)(1) of this 22528  
section that is of comparable length to the actual test. 22529

(E) Any committee established by the department of education 22530  
for the purpose of making recommendations to the state board 22531  
regarding the state board's designation of scores on the 22532  
assessments described by this section shall inform the state board 22533  
of the probable percentage of students who would score in each of 22534  
the ranges established under division (A)(2) of this section on 22535  
the assessments if the committee's recommendations are adopted by 22536  
the state board. To the extent possible, these percentages shall 22537  
be disaggregated by gender, major racial and ethnic groups, 22538  
~~limited English proficient students~~ learners, economically 22539  
disadvantaged students, students with disabilities, and migrant 22540  
students. 22541

**Sec. 3301.0711.** (A) The department of education shall: 22542

(1) Annually furnish to, grade, and score all assessments 22543  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 22544  
the Revised Code to be administered by city, local, exempted 22545  
village, and joint vocational school districts, except that each 22546  
district shall score any assessment administered pursuant to 22547  
division (B)(10) of this section. Each assessment so furnished 22548  
shall include the data verification code of the student to whom 22549  
the assessment will be administered, as assigned pursuant to 22550  
division (D)(2) of section 3301.0714 of the Revised Code. In 22551  
furnishing the practice versions of Ohio graduation tests 22552  
prescribed by division (D) of section 3301.0710 of the Revised 22553  
Code, the department shall make the tests available on its web 22554  
site for reproduction by districts. In awarding contracts for 22555  
grading assessments, the department shall give preference to 22556  
Ohio-based entities employing Ohio residents. 22557

(2) Adopt rules for the ethical use of assessments and 22558  
prescribing the manner in which the assessments prescribed by 22559  
section 3301.0710 of the Revised Code shall be administered to 22560  
students. 22561

(B) Except as provided in divisions (C) and (J) of this 22562  
section, the board of education of each city, local, and exempted 22563  
village school district shall, in accordance with rules adopted 22564  
under division (A) of this section: 22565

(1) Administer the English language arts assessments 22566  
prescribed under division (A)(1)(a) of section 3301.0710 of the 22567  
Revised Code twice annually to all students in the third grade who 22568  
have not attained the score designated for that assessment under 22569  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 22570

(2) Administer the mathematics assessment prescribed under 22571  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 22572  
least once annually to all students in the third grade. 22573

(3) Administer the assessments prescribed under division 22574  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 22575  
annually to all students in the fourth grade. 22576

(4) Administer the assessments prescribed under division 22577  
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 22578  
annually to all students in the fifth grade. 22579

(5) Administer the assessments prescribed under division 22580  
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 22581  
annually to all students in the sixth grade. 22582

(6) Administer the assessments prescribed under division 22583  
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 22584  
annually to all students in the seventh grade. 22585

(7) Administer the assessments prescribed under division 22586  
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 22587

annually to all students in the eighth grade. 22588

(8) Except as provided in division (B)(9) of this section, 22589  
administer any assessment prescribed under division (B)(1) of 22590  
section 3301.0710 of the Revised Code as follows: 22591

(a) At least once annually to all tenth grade students and at 22592  
least twice annually to all students in eleventh or twelfth grade 22593  
who have not yet attained the score on that assessment designated 22594  
under that division; 22595

(b) To any person who has successfully completed the 22596  
curriculum in any high school or the individualized education 22597  
program developed for the person by any high school pursuant to 22598  
section 3323.08 of the Revised Code but has not received a high 22599  
school diploma and who requests to take such assessment, at any 22600  
time such assessment is administered in the district. 22601

(9) In lieu of the board of education of any city, local, or 22602  
exempted village school district in which the student is also 22603  
enrolled, the board of a joint vocational school district shall 22604  
administer any assessment prescribed under division (B)(1) of 22605  
section 3301.0710 of the Revised Code at least twice annually to 22606  
any student enrolled in the joint vocational school district who 22607  
has not yet attained the score on that assessment designated under 22608  
that division. A board of a joint vocational school district may 22609  
also administer such an assessment to any student described in 22610  
division (B)(8)(b) of this section. 22611

(10) If the district has a three-year average graduation rate 22612  
of not more than seventy-five per cent, administer each assessment 22613  
prescribed by division (D) of section 3301.0710 of the Revised 22614  
Code in September to all ninth grade students who entered ninth 22615  
grade prior to July 1, 2014. 22616

Except as provided in section 3313.614 of the Revised Code 22617  
for administration of an assessment to a person who has fulfilled 22618

the curriculum requirement for a high school diploma but has not 22619  
passed one or more of the required assessments, the assessments 22620  
prescribed under division (B)(1) of section 3301.0710 of the 22621  
Revised Code shall not be administered after the date specified in 22622  
the rules adopted by the state board of education under division 22623  
(D)(1) of section 3301.0712 of the Revised Code. 22624

(11)(a) Except as provided in ~~division~~ divisions (B)(11)(b) 22625  
and (c) of this section, administer the assessments prescribed by 22626  
division (B)(2) of section 3301.0710 and section 3301.0712 of the 22627  
Revised Code in accordance with the timeline and plan for 22628  
implementation of those assessments prescribed by rule of the 22629  
state board adopted under division (D)(1) of section 3301.0712 of 22630  
the Revised Code; 22631

(b) A student who has presented evidence to the district or 22632  
school of having satisfied the condition prescribed by division 22633  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 22634  
high school diploma prior to the date of the administration of the 22635  
assessment prescribed under division (B)(1) of section 3301.0712 22636  
of the Revised Code shall not be required to take that assessment. 22637  
However, no board shall prohibit a student who is not required to 22638  
take such assessment from taking the assessment. 22639

(c) A student shall not be required to retake the Algebra I 22640  
end-of-course examination or the English language arts II 22641  
end-of-course examination prescribed under division (B)(2) of 22642  
section 3301.0712 of the Revised Code in grades nine through 22643  
twelve if the student demonstrates at least a proficient level of 22644  
skill, as prescribed under division (B)(5)(a) of that section, or 22645  
achieves a competency score, as prescribed under division (B)(10) 22646  
of that section, in an administration of the examination prior to 22647  
grade nine. 22648

(C)(1)(a) In the case of a student receiving special 22649  
education services under Chapter 3323. of the Revised Code, the 22650

individualized education program developed for the student under 22651  
that chapter shall specify the manner in which the student will 22652  
participate in the assessments administered under this section, 22653  
except that a student with significant cognitive disabilities to 22654  
whom an alternate assessment is administered in accordance with 22655  
division (C)(1) of this section and a student determined to have a 22656  
disability that includes an intellectual disability as outlined in 22657  
guidance issued by the department shall not be required to take 22658  
the assessment prescribed under division (B)(1) of section 22659  
3301.0712 of the Revised Code. The individualized education 22660  
program may excuse the student from taking any particular 22661  
assessment required to be administered under this section if it 22662  
instead specifies an alternate assessment method approved by the 22663  
department of education as conforming to requirements of federal 22664  
law for receipt of federal funds for disadvantaged pupils. To the 22665  
extent possible, the individualized education program shall not 22666  
excuse the student from taking an assessment unless no reasonable 22667  
accommodation can be made to enable the student to take the 22668  
assessment. No board shall prohibit a student who is not required 22669  
to take an assessment under division (C)(1) of this section from 22670  
taking the assessment. 22671

(b) Any alternate assessment approved by the department for a 22672  
student under this division shall produce measurable results 22673  
comparable to those produced by the assessment it replaces in 22674  
order to allow for the student's results to be included in the 22675  
data compiled for a school district or building under section 22676  
3302.03 of the Revised Code. 22677

(c)(i) Any student enrolled in a chartered nonpublic school 22678  
who has been identified, based on an evaluation conducted in 22679  
accordance with section 3323.03 of the Revised Code or section 504 22680  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 22681  
794, as amended, as a child with a disability shall be excused 22682

from taking any particular assessment required to be administered 22683  
under this section if a either of the following apply: 22684

(I) A plan developed for the student pursuant to rules 22685  
adopted by the state board excuses the student from taking that 22686  
assessment. 22687

(II) The chartered nonpublic school develops a written plan 22688  
in which the school, in consultation with the student's parents, 22689  
determines that an assessment or alternative assessment with 22690  
accommodations does not accurately assess the student's academic 22691  
performance. The plan shall include an academic profile of the 22692  
student's academic performance and shall be reviewed annually to 22693  
determine if the student's needs continue to require excusal from 22694  
taking the assessment. 22695

(ii) A student with significant cognitive disabilities to 22696  
whom an alternate assessment is administered in accordance with 22697  
division (C)(1) of this section and a student determined to have a 22698  
disability that includes an intellectual disability as outlined in 22699  
guidance issued by the department shall not be required to take 22700  
the assessment prescribed under division (B)(1) of section 22701  
3301.0712 of the Revised Code. 22702

(iii) In the case of any student so excused from taking an 22703  
assessment under division (C)(1)(c) of this section, the chartered 22704  
nonpublic school shall not prohibit the student from taking the 22705  
assessment. 22706

(2) A district board may, for medical reasons or other good 22707  
cause, excuse a student from taking an assessment administered 22708  
under this section on the date scheduled, but that assessment 22709  
shall be administered to the excused student not later than nine 22710  
days following the scheduled date. The district board shall 22711  
annually report the number of students who have not taken one or 22712  
more of the assessments required by this section to the state 22713

board not later than the thirtieth day of June. 22714

(3) As used in this division, "~~limited English proficient~~  
~~student learner~~" has the same meaning as in 20 U.S.C. 7801. 22715  
22716

No school district board shall excuse any ~~limited English~~  
~~proficient student learner~~ from taking any particular assessment 22717  
required to be administered under this section, except as follows: 22718  
22719

(a) Any ~~limited English proficient student learner~~ who has 22720  
been enrolled in United States schools for less than two years and 22721  
for whom no appropriate accommodations are available based on 22722  
guidance issued by the department shall not be required to take 22723  
the assessment prescribed under division (B)(1) of section 22724  
3301.0712 of the Revised Code. 22725

(b) Any ~~limited English proficient student learner~~ who has 22726  
been enrolled in United States schools for less than one full 22727  
school year shall not be required to take any reading, writing, or 22728  
English language arts assessment. 22729

However, no board shall prohibit a ~~limited~~ an English 22730  
~~proficient student learner~~ who is not required to take an 22731  
assessment under division (C)(3) of this section from taking the 22732  
assessment. A board may permit any ~~limited English proficient~~  
~~student learner~~ to take an assessment required to be administered 22733  
under this section with appropriate accommodations, as determined 22734  
by the department. For each ~~limited English proficient student~~  
learner, each school district shall annually assess that student's 22735  
progress in learning English, in accordance with procedures 22736  
approved by the department. 22737  
22738  
22739

(4)(a) The governing authority of a chartered nonpublic 22740  
school may excuse a ~~limited~~ an English ~~proficient student learner~~  
from taking any assessment administered under this section. 22741  
22742

(b) No governing authority shall require a ~~limited~~ an English 22743  
~~proficient student learner~~ who has been enrolled in United States 22744

schools for less than two years and for whom no appropriate 22745  
accommodations are available based on guidance issued by the 22746  
department to take the assessment prescribed under division (B)(1) 22747  
of section 3301.0712 of the Revised Code. 22748

(c) No governing authority shall prohibit ~~a limited~~ an 22749  
English ~~proficient student~~ learner from taking an assessment from 22750  
which the student was excused under division (C)(4) of this 22751  
section. 22752

(D)(1) In the school year next succeeding the school year in 22753  
which the assessments prescribed by division (A)(1) or (B)(1) of 22754  
section 3301.0710 of the Revised Code or former division (A)(1), 22755  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 22756  
existed prior to September 11, 2001, are administered to any 22757  
student, the board of education of any school district in which 22758  
the student is enrolled in that year shall provide to the student 22759  
intervention services commensurate with the student's performance, 22760  
including any intensive intervention required under section 22761  
3313.608 of the Revised Code, in any skill in which the student 22762  
failed to demonstrate at least a score at the proficient level on 22763  
the assessment. 22764

(2) Following any administration of the assessments 22765  
prescribed by division (D) of section 3301.0710 of the Revised 22766  
Code to ninth grade students, each school district that has a 22767  
three-year average graduation rate of not more than seventy-five 22768  
per cent shall determine for each high school in the district 22769  
whether the school shall be required to provide intervention 22770  
services to any students who took the assessments. In determining 22771  
which high schools shall provide intervention services based on 22772  
the resources available, the district shall consider each school's 22773  
graduation rate and scores on the practice assessments. The 22774  
district also shall consider the scores received by ninth grade 22775  
students on the English language arts and mathematics assessments 22776

prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with

which the department contracts for the scoring of the assessments 22809  
as follows: 22810

(a) If the district's total enrollment in grades kindergarten 22811  
through twelve during the first full school week of October was 22812  
less than two thousand five hundred, not later than the Friday 22813  
after all of the assessments have been administered; 22814

(b) If the district's total enrollment in grades kindergarten 22815  
through twelve during the first full school week of October was 22816  
two thousand five hundred or more, but less than seven thousand, 22817  
not later than the Monday after all of the assessments have been 22818  
administered; 22819

(c) If the district's total enrollment in grades kindergarten 22820  
through twelve during the first full school week of October was 22821  
seven thousand or more, not later than the Tuesday after all of 22822  
the assessments have been administered. 22823

However, any assessment that a student takes during the 22824  
make-up period described in division (C)(2) of this section shall 22825  
be submitted not later than the Friday following the day the 22826  
student takes the assessment. 22827

(2) The department or an entity with which the department 22828  
contracts for the scoring of the assessment shall send to each 22829  
school district board a list of the individual scores of all 22830  
persons taking a state achievement assessment as follows: 22831

(a) Except as provided in division (G)(2)(b) or (c) of this 22832  
section, within forty-five days after the administration of the 22833  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 22834  
Revised Code, but in no case shall the scores be returned later 22835  
than the thirtieth day of June following the administration; 22836

(b) In the case of the third-grade English language arts 22837  
assessment, within forty-five days after the administration of 22838  
that assessment, but in no case shall the scores be returned later 22839

than the fifteenth day of June following the administration; 22840

(c) In the case of the writing component of an assessment or 22841  
end-of-course examination in the area of English language arts, 22842  
except for the third-grade English language arts assessment, the 22843  
results may be sent after forty-five days of the administration of 22844  
the writing component, but in no case shall the scores be returned 22845  
later than the thirtieth day of June following the administration. 22846

(3) For assessments administered under this section by a 22847  
joint vocational school district, the department or entity shall 22848  
also send to each city, local, or exempted village school district 22849  
a list of the individual scores of any students of such city, 22850  
local, or exempted village school district who are attending 22851  
school in the joint vocational school district. 22852

(4) Beginning with the 2019-2020 school year, a school 22853  
district, other public school, or chartered nonpublic school may 22854  
administer the third-grade English language arts or mathematics 22855  
assessment, or both, in a paper format in any school year for 22856  
which the district board of education or school governing body 22857  
adopts a resolution indicating that the district or school chooses 22858  
to administer the assessment in a paper format. The board or 22859  
governing body shall submit a copy of the resolution to the 22860  
department of education not later than the first day of May prior 22861  
to the school year for which it will apply. If the resolution is 22862  
submitted, the district or school shall administer the assessment 22863  
in a paper format to all students in the third grade, except that 22864  
any student whose individualized education program or plan 22865  
developed under section 504 of the "Rehabilitation Act of 1973," 22866  
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 22867  
assessment in an online format is an appropriate accommodation for 22868  
the student may take the assessment in an online format. 22869

(H) Individual scores on any assessments administered under 22870  
this section shall be released by a district board only in 22871

accordance with section 3319.321 of the Revised Code and the rules 22872  
adopted under division (A) of this section. No district board or 22873  
its employees shall utilize individual or aggregate results in any 22874  
manner that conflicts with rules for the ethical use of 22875  
assessments adopted pursuant to division (A) of this section. 22876

(I) Except as provided in division (G) of this section, the 22877  
department or an entity with which the department contracts for 22878  
the scoring of the assessment shall not release any individual 22879  
scores on any assessment administered under this section. The 22880  
state board shall adopt rules to ensure the protection of student 22881  
confidentiality at all times. The rules may require the use of the 22882  
data verification codes assigned to students pursuant to division 22883  
(D)(2) of section 3301.0714 of the Revised Code to protect the 22884  
confidentiality of student scores. 22885

(J) Notwithstanding division (D) of section 3311.52 of the 22886  
Revised Code, this section does not apply to the board of 22887  
education of any cooperative education school district except as 22888  
provided under rules adopted pursuant to this division. 22889

(1) In accordance with rules that the state board shall 22890  
adopt, the board of education of any city, exempted village, or 22891  
local school district with territory in a cooperative education 22892  
school district established pursuant to divisions (A) to (C) of 22893  
section 3311.52 of the Revised Code may enter into an agreement 22894  
with the board of education of the cooperative education school 22895  
district for administering any assessment prescribed under this 22896  
section to students of the city, exempted village, or local school 22897  
district who are attending school in the cooperative education 22898  
school district. 22899

(2) In accordance with rules that the state board shall 22900  
adopt, the board of education of any city, exempted village, or 22901  
local school district with territory in a cooperative education 22902  
school district established pursuant to section 3311.521 of the 22903

Revised Code shall enter into an agreement with the cooperative 22904  
district that provides for the administration of any assessment 22905  
prescribed under this section to both of the following: 22906

(a) Students who are attending school in the cooperative 22907  
district and who, if the cooperative district were not 22908  
established, would be entitled to attend school in the city, 22909  
local, or exempted village school district pursuant to section 22910  
3313.64 or 3313.65 of the Revised Code; 22911

(b) Persons described in division (B)(8)(b) of this section. 22912

Any assessment of students pursuant to such an agreement 22913  
shall be in lieu of any assessment of such students or persons 22914  
pursuant to this section. 22915

(K)(1)(a) Except as otherwise provided in division (K)(1) or 22916  
(2) of this section, each chartered nonpublic school for which at 22917  
least sixty-five per cent of its total enrollment is made up of 22918  
students who are participating in state scholarship programs shall 22919  
administer the ~~elementary~~ assessments prescribed by division (A) 22920  
of section 3301.0710 of the Revised Code or an alternative 22921  
standardized assessment determined by the department. In 22922  
accordance with procedures and deadlines prescribed by the 22923  
department, the parent or guardian of a student enrolled in the 22924  
school who is not participating in a state scholarship program may 22925  
submit notice to the chief administrative officer of the school 22926  
that the parent or guardian does not wish to have the student take 22927  
the ~~elementary~~ assessments prescribed for the student's grade 22928  
level under division (A) of section 3301.0710 of the Revised Code. 22929  
If a parent or guardian submits an opt-out notice, the school 22930  
shall not administer the assessments to that student. This option 22931  
does not apply to any assessment required for a high school 22932  
diploma under section 3313.612 of the Revised Code. 22933

(b) Any chartered nonpublic school that enrolls students who 22934

are participating in state scholarship programs may administer an 22935  
alternative standardized assessment determined by the department 22936  
instead of the assessments prescribed by division (A) of section 22937  
3301.0710 of the Revised Code. 22938

Each chartered nonpublic school subject to division (K)(1)(a) 22939  
or (b) of this section shall report the results of each assessment 22940  
administered under those divisions to the department. 22941

(2) A chartered nonpublic school may submit to the 22942  
superintendent of public instruction a request for a waiver from 22943  
administering the elementary assessments prescribed by division 22944  
(A) of section 3301.0710 of the Revised Code. The state 22945  
superintendent shall approve or disapprove a request for a waiver 22946  
submitted under division (K)(2) of this section. No waiver shall 22947  
be approved for any school year prior to the 2015-2016 school 22948  
year. 22949

To be eligible to submit a request for a waiver, a chartered 22950  
nonpublic school shall meet the following conditions: 22951

(a) At least ninety-five per cent of the students enrolled in 22952  
the school are children with disabilities, as defined under 22953  
section 3323.01 of the Revised Code, or have received a diagnosis 22954  
by a school district or from a physician, including a 22955  
neuropsychiatrist or psychiatrist, or a psychologist who is 22956  
authorized to practice in this or another state as having a 22957  
condition that impairs academic performance, such as dyslexia, 22958  
dyscalculia, attention deficit hyperactivity disorder, or 22959  
Asperger's syndrome. 22960

(b) The school has solely served a student population 22961  
described in division (K)(1)(a) of this section for at least ten 22962  
years. 22963

(c) The school provides to the department at least five years 22964  
of records of internal testing conducted by the school that 22965

affords the department data required for accountability purposes, 22966  
including diagnostic assessments and nationally standardized 22967  
norm-referenced achievement assessments that measure reading and 22968  
math skills. 22969

(3) Any chartered nonpublic school that is not subject to 22970  
division (K)(1) of this section may participate in the assessment 22971  
program by administering any of the assessments prescribed by 22972  
division (A) of section 3301.0710 of the Revised Code. The chief 22973  
administrator of the school shall specify which assessments the 22974  
school will administer. Such specification shall be made in 22975  
writing to the superintendent of public instruction prior to the 22976  
first day of August of any school year in which assessments are 22977  
administered and shall include a pledge that the nonpublic school 22978  
will administer the specified assessments in the same manner as 22979  
public schools are required to do under this section and rules 22980  
adopted by the department. 22981

(4) The department of education shall furnish the assessments 22982  
prescribed by section 3301.0710 of the Revised Code to each 22983  
chartered nonpublic school that is subject to division (K)(1) of 22984  
this section or participates under division (K)(3) of this 22985  
section. 22986

(L) If a chartered nonpublic school is educating students in 22987  
grades nine through twelve, the following shall apply: 22988

(1) Except as provided in division (L)(4) of this section, 22989  
for a student who is enrolled in a chartered nonpublic school that 22990  
is accredited through the independent schools association of the 22991  
central states and who is attending the school under a state 22992  
scholarship program, the student shall either take all of the 22993  
assessments prescribed by division (B) of section 3301.0712 of the 22994  
Revised Code or take an alternative assessment approved by the 22995  
department under section 3313.619 of the Revised Code. However, a 22996  
student who is excused from taking an assessment under division 22997

(C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability

purposes, including growth in student achievement in reading or 23060  
mathematics, or both, as measured by nationally norm-referenced 23061  
assessments that have developed appropriate standards for 23062  
students. 23063

Division (L)(4) of this section applies to any student 23064  
attending such school regardless of whether the student receives 23065  
special education or related services and regardless of whether 23066  
the student is attending the school under a state scholarship 23067  
program. 23068

(M)(1) The superintendent of the state school for the blind 23069  
and the superintendent of the state school for the deaf shall 23070  
administer the assessments described by sections 3301.0710 and 23071  
3301.0712 of the Revised Code. Each superintendent shall 23072  
administer the assessments in the same manner as district boards 23073  
are required to do under this section and rules adopted by the 23074  
department of education and in conformity with division (C)(1)(a) 23075  
of this section. 23076

(2) The department of education shall furnish the assessments 23077  
described by sections 3301.0710 and 3301.0712 of the Revised Code 23078  
to each superintendent. 23079

(N) Notwithstanding division (E) of this section, a school 23080  
district may use a student's failure to attain a score in at least 23081  
the proficient range on the mathematics assessment described by 23082  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 23083  
an assessment described by division (A)(1)(b), (c), (d), (e), or 23084  
(f) of section 3301.0710 of the Revised Code as a factor in 23085  
retaining that student in the current grade level. 23086

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 23087  
and (7) of this section, the assessments required by division 23088  
(A)(1) of section 3301.0710 of the Revised Code shall become 23089  
public records pursuant to section 149.43 of the Revised Code on 23090

the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public

record. However, for each redacted question, the department shall 23122  
inform each city, local, and exempted village school district of 23123  
the statewide academic standard adopted by the state board under 23124  
section 3301.079 of the Revised Code and the corresponding 23125  
benchmark to which the question relates. The preceding sentence 23126  
does not apply to field test questions that are redacted under 23127  
division (O)(3) of this section. 23128

(c) The administrations of each assessment in the 2011-2012, 23129  
2012-2013, and 2013-2014 school years shall not be a public 23130  
record. 23131

(5) Each assessment prescribed by division (B)(1) of section 23132  
3301.0710 of the Revised Code shall not be a public record. 23133

(6)(a) Except as provided in division (O)(6)(b) of this 23134  
section, for the administrations in the 2014-2015, 2015-2016, and 23135  
2016-2017 school years, questions on the assessments prescribed 23136  
under division (A) of section 3301.0710 and division (B)(2) of 23137  
section 3301.0712 of the Revised Code and the corresponding 23138  
preferred answers that are used to compute a student's score shall 23139  
become a public record as follows: 23140

(i) Forty per cent of the questions and preferred answers on 23141  
the assessments on the thirty-first day of July following the 23142  
administration of the assessment; 23143

(ii) Twenty per cent of the questions and preferred answers 23144  
on the assessment on the thirty-first day of July one year after 23145  
the administration of the assessment; 23146

(iii) The remaining forty per cent of the questions and 23147  
preferred answers on the assessment on the thirty-first day of 23148  
July two years after the administration of the assessment. 23149

The entire content of an assessment shall become a public 23150  
record within three years of its administration. 23151

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is

not enrolled in an education program approved by the state board 23183  
of education or an education program outside the state. "Dropout" 23184  
does not include a student who has departed the country. 23185

(3) "Graduation rate" means the ratio of students receiving a 23186  
diploma to the number of students who entered ninth grade four 23187  
years earlier. Students who transfer into the district are added 23188  
to the calculation. Students who transfer out of the district for 23189  
reasons other than dropout are subtracted from the calculation. If 23190  
a student who was a dropout in any previous year returns to the 23191  
same school district, that student shall be entered into the 23192  
calculation as if the student had entered ninth grade four years 23193  
before the graduation year of the graduating class that the 23194  
student joins. 23195

(4) "State scholarship programs" means the educational choice 23196  
scholarship pilot program established under sections 3310.01 to 23197  
3310.17 of the Revised Code, the autism scholarship program 23198  
established under section 3310.41 of the Revised Code, the Jon 23199  
Peterson special needs scholarship program established under 23200  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 23201  
project scholarship program established under sections 3313.974 to 23202  
3313.979 of the Revised Code. 23203

(5) "Other public school" means a community school 23204  
established under Chapter 3314., a STEM school established under 23205  
Chapter 3326., or a college-preparatory boarding school 23206  
established under Chapter 3328. of the Revised Code. 23207

**Sec. 3301.0712.** (A) The state board of education, the 23208  
superintendent of public instruction, and the chancellor of higher 23209  
education shall develop a system of college and work ready 23210  
assessments as described in division (B) of this section to assess 23211  
whether each student upon graduating from high school is ready to 23212  
enter college or the workforce. Beginning with students who enter 23213

the ninth grade for the first time on or after July 1, 2014, the 23214  
system shall replace the Ohio graduation tests prescribed in 23215  
division (B)(1) of section 3301.0710 of the Revised Code as a 23216  
measure of student academic performance and one determinant of 23217  
eligibility for a high school diploma in the manner prescribed by 23218  
rule of the state board adopted under division (D) of this 23219  
section. 23220

(B) The college and work ready assessment system shall 23221  
consist of the following: 23222

(1) Nationally standardized assessments that measure college 23223  
and career readiness and are used for college admission. The 23224  
assessments shall be selected jointly by the state superintendent 23225  
and the chancellor, and one of which shall be selected by each 23226  
school district or school to administer to its students. The 23227  
assessments prescribed under division (B)(1) of this section shall 23228  
be administered to all eleventh-grade students in the spring of 23229  
the school year. 23230

(2) ~~Seven~~ (a) Except as provided in division (B)(2)(b) of 23231  
this section, seven end-of-course examinations, one in each of the 23232  
areas of English language arts I, English language arts II, 23233  
science, Algebra I, geometry, American history, and American 23234  
government. The end-of-course examinations shall be selected 23235  
jointly by the state superintendent and the chancellor in 23236  
consultation with faculty in the appropriate subject areas at 23237  
institutions of higher education of the university system of Ohio. 23238  
Advanced placement examinations and international baccalaureate 23239  
examinations, as prescribed under section 3313.6013 of the Revised 23240  
Code, in the areas of science, American history, and American 23241  
government may be used as end-of-course examinations in accordance 23242  
with division (B)(4)(a)(i) of this section. Final course grades 23243  
for courses taken under any other advanced standing program, as 23244

prescribed under section 3313.6013 of the Revised Code, in the 23245  
areas of science, American history, and American government may be 23246  
used in lieu of end-of-course examinations in accordance with 23247  
division (B)(4)(a)(ii) of this section. 23248

(b) Beginning with students who enter ninth grade for the 23249  
first time on or after July 1, 2019, five end-of-course 23250  
examinations, one in each areas of English language arts II, 23251  
science, Algebra I, American history, and American government. 23252  
However, only the end-of-course examinations in English language 23253  
arts II and Algebra I shall be required for graduation. 23254

The department of education shall, as necessary to implement 23255  
division (B)(2)(b) of this section, seek a waiver from any 23256  
geometry assessment requirement prescribed under federal law. If 23257  
the department does not receive a waiver under this division, the 23258  
end-of-course examinations for students described in division 23259  
(B)(2)(b) of this section also shall include an end-of-course 23260  
examination in the area of geometry. However, the geometry 23261  
end-of-course examination shall not be required for graduation. 23262

(3)(a) Not later than July 1, 2013, each school district 23263  
board of education shall adopt interim end-of-course examinations 23264  
that comply with the requirements of divisions (B)(3)(b)(i) and 23265  
(ii) of this section to assess mastery of American history and 23266  
American government standards adopted under division (A)(1)(b) of 23267  
section 3301.079 of the Revised Code and the topics required under 23268  
division (M) of section 3313.603 of the Revised Code. Each high 23269  
school of the district shall use the interim examinations until 23270  
the state superintendent and chancellor select end-of-course 23271  
examinations in American history and American government under 23272  
division (B)(2) of this section. 23273

(b) Not later than July 1, 2014, the state superintendent and 23274  
the chancellor shall select the end-of-course examinations in 23275  
American history and American government. 23276

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt

guidelines for purposes of calculating the corresponding final 23309  
course grades that demonstrate the level of academic achievement 23310  
necessary to earn a high school diploma. 23311

Division (B)(4)(a)(ii) of this section shall apply only to 23312  
courses for which students receive transcribed credit, as defined 23313  
in section 3365.01 of the Revised Code. It shall not apply to 23314  
remedial or developmental courses. 23315

(b) No student shall take a substitute examination or 23316  
examination prescribed under division (B)(4)(a) of this section in 23317  
place of the end-of-course examinations in English language arts 23318  
I, English language arts II, Algebra I, or geometry prescribed 23319  
under division (B)(2) of this section. 23320

(c) The state board shall consider additional assessments 23321  
that may be used, beginning with the 2016-2017 school year, as 23322  
substitute examinations in lieu of the end-of-course examinations 23323  
prescribed under division (B)(2) of this section. 23324

(5) The state board shall do all of the following: 23325

(a) ~~Determine~~ In consultation with the respective standing 23326  
committees of the house of representatives and senate that 23327  
consider primary and secondary education legislation, determine 23328  
and designate at least five ranges of scores on each of the 23329  
end-of-course examinations prescribed under division (B)(2) of 23330  
this section, and substitute examinations prescribed under 23331  
division (B)(4) of this section. Each range of scores shall be 23332  
considered to demonstrate a level of achievement so that any 23333  
student attaining a score within such range has achieved one of 23334  
the following: 23335

(i) An advanced level of skill; 23336

(ii) An accelerated level of skill; 23337

(iii) A proficient level of skill; 23338

(iv) A basic level of skill;	23339
(v) A limited level of skill.	23340
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	23341 23342 23343
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma <u>under division (A)(2) of section 3313.618 of the Revised Code. However, the state board shall not determine a new minimum cumulative performance score after the effective date of this amendment.</u>	23344 23345 23346 23347 23348 23349
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	23350 23351 23352 23353
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.	23354 23355 23356 23357 23358
(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	23359 23360
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	23361 23362 23363
(ii) The examination was not available for administration prior to July 1, 2015.	23364 23365
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division	23366 23367 23368

(B)(6)(a) of this section may take the applicable end-of-course examination at a later date. 23369  
23370

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following: 23371  
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(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt; 23376  
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(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt. 23379  
23380  
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The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma. 23382  
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(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016. 23387  
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(b) If the state board replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply: 23393  
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(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in 23397  
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lieu of the algebra II end-of-course examination. 23400

(ii) A student who is enrolled in an algebra II course under 23401  
any other advanced standing program, as described in section 23402  
3313.6013 of the Revised Code, shall not be required to take the 23403  
algebra II end-of-course examination. Instead, that student's 23404  
final course grade shall be used in lieu of the examination. 23405

(c) If a school district or school utilizes an integrated 23406  
approach to mathematics instruction, the district or school may do 23407  
either or both of the following: 23408

(i) Administer an integrated mathematics I end-of-course 23409  
examination in lieu of the prescribed algebra I end-of-course 23410  
examination; 23411

(ii) Administer an integrated mathematics II end-of-course 23412  
examination in lieu of the prescribed geometry end-of-course 23413  
examination. 23414

(8)(a) For students entering the ninth grade for the first 23415  
time on or after July 1, 2014, but prior to July 1, 2015, the 23416  
assessment in the area of science shall be physical science or 23417  
biology. For students entering the ninth grade for the first time 23418  
on or after July 1, 2015, the assessment in the area of science 23419  
shall be biology. 23420

(b) Until July 1, 2019, the department ~~of education~~ shall 23421  
make available the end-of-course examination in physical science 23422  
for students who entered the ninth grade for the first time on or 23423  
after July 1, 2014, but prior to July 1, 2015, and who wish to 23424  
retake the examination. 23425

(c) Not later than July 1, 2016, the state board shall adopt 23426  
rules prescribing the requirements for the end-of-course 23427  
examination in science for students who entered the ninth grade 23428  
for the first time on or after July 1, 2014, but prior to July 1, 23429  
2015, and who have not met the requirement prescribed by section 23430

3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.

(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.

(10) Not later than March 1, 2020, the governor's executive workforce board established under section 6301.04 of the Revised Code, in consultation with the chancellor and the state superintendent, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.

(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.

(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.

(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section.

(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those

students who opt to take it. The state shall reimburse a school 23493  
district for the costs of administering that assessment. The state 23494  
board shall establish the minimum score a student must attain on 23495  
the job skills assessment in order to demonstrate a student's 23496  
workforce readiness and employability. The administration of the 23497  
job skills assessment to a student under this division shall not 23498  
exempt a school district from administering the assessments 23499  
prescribed in division (B) of this section to that student. 23500

**Sec. 3301.0714.** (A) The state board of education shall adopt 23501  
rules for a statewide education management information system. The 23502  
rules shall require the state board to establish guidelines for 23503  
the establishment and maintenance of the system in accordance with 23504  
this section and the rules adopted under this section. The 23505  
guidelines shall include: 23506

(1) Standards identifying and defining the types of data in 23507  
the system in accordance with divisions (B) and (C) of this 23508  
section; 23509

(2) Procedures for annually collecting and reporting the data 23510  
to the state board in accordance with division (D) of this 23511  
section; 23512

(3) Procedures for annually compiling the data in accordance 23513  
with division (G) of this section; 23514

(4) Procedures for annually reporting the data to the public 23515  
in accordance with division (H) of this section; 23516

(5) Standards to provide strict safeguards to protect the 23517  
confidentiality of personally identifiable student data. 23518

(B) The guidelines adopted under this section shall require 23519  
the data maintained in the education management information system 23520  
to include at least the following: 23521

(1) Student participation and performance data, for each 23522

grade in each school district as a whole and for each grade in 23523  
each school building in each school district, that includes: 23524

(a) The numbers of students receiving each category of 23525  
instructional service offered by the school district, such as 23526  
regular education instruction, vocational education instruction, 23527  
specialized instruction programs or enrichment instruction that is 23528  
part of the educational curriculum, instruction for gifted 23529  
students, instruction for students with disabilities, and remedial 23530  
instruction. The guidelines shall require instructional services 23531  
under this division to be divided into discrete categories if an 23532  
instructional service is limited to a specific subject, a specific 23533  
type of student, or both, such as regular instructional services 23534  
in mathematics, remedial reading instructional services, 23535  
instructional services specifically for students gifted in 23536  
mathematics or some other subject area, or instructional services 23537  
for students with a specific type of disability. The categories of 23538  
instructional services required by the guidelines under this 23539  
division shall be the same as the categories of instructional 23540  
services used in determining cost units pursuant to division 23541  
(C)(3) of this section. 23542

(b) The numbers of students receiving support or 23543  
extracurricular services for each of the support services or 23544  
extracurricular programs offered by the school district, such as 23545  
counseling services, health services, and extracurricular sports 23546  
and fine arts programs. The categories of services required by the 23547  
guidelines under this division shall be the same as the categories 23548  
of services used in determining cost units pursuant to division 23549  
(C)(4)(a) of this section. 23550

(c) Average student grades in each subject in grades nine 23551  
through twelve; 23552

(d) Academic achievement levels as assessed under sections 23553  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 23554

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	23555 23556 23557
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	23558 23559 23560
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	23561 23562 23563 23564
(h) Expulsion rates;	23565
(i) Suspension rates;	23566
(j) Dropout rates;	23567
(k) Rates of retention in grade;	23568
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	23569 23570 23571
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	23572 23573 23574 23575 23576
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student	23577 23578 23579 23580 23581 23582 23583 23584

requests the district not to report those results. 23585

(o) ~~Beginning on the first day of July that next succeeds the~~ 23586  
~~effective date of this amendment 1, 2018,~~ for each disciplinary 23587  
action which is required to be reported under division (B)(4) of 23588  
this section, districts and schools also shall include an 23589  
identification of the person or persons, if any, at whom the 23590  
student's violent behavior that resulted in discipline was 23591  
directed. The person or persons shall be identified by the 23592  
respective classification at the district or school, such as 23593  
student, teacher, or nonteaching employee, but shall not be 23594  
identified by name. 23595

Division (B)(1)(o) of this section does not apply after the 23596  
date that is two years following the submission of the report 23597  
required by Section 733.13 of H.B. 49 of the 132nd general 23598  
assembly. 23599

(p) The number of students earning each state diploma seal 23600  
included in the system prescribed under division (A) of section 23601  
3313.6114 of the Revised Code; 23602

(q) The number of students demonstrating competency for 23603  
graduation using each option described in divisions (B)(1)(a) to 23604  
(c) of section 3313.618 of the Revised Code; 23605

(r) The number of students completing each foundational and 23606  
supporting option as part of the demonstration of competency for 23607  
graduation pursuant to division (B)(1)(b) of section 3313.618 of 23608  
the Revised Code. 23609

(2) Personnel and classroom enrollment data for each school 23610  
district, including: 23611

(a) The total numbers of licensed employees and nonlicensed 23612  
employees and the numbers of full-time equivalent licensed 23613  
employees and nonlicensed employees providing each category of 23614  
instructional service, instructional support service, and 23615

administrative support service used pursuant to division (C)(3) of 23616  
this section. The guidelines adopted under this section shall 23617  
require these categories of data to be maintained for the school 23618  
district as a whole and, wherever applicable, for each grade in 23619  
the school district as a whole, for each school building as a 23620  
whole, and for each grade in each school building. 23621

(b) The total number of employees and the number of full-time 23622  
equivalent employees providing each category of service used 23623  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 23624  
total numbers of licensed employees and nonlicensed employees and 23625  
the numbers of full-time equivalent licensed employees and 23626  
nonlicensed employees providing each category used pursuant to 23627  
division (C)(4)(c) of this section. The guidelines adopted under 23628  
this section shall require these categories of data to be 23629  
maintained for the school district as a whole and, wherever 23630  
applicable, for each grade in the school district as a whole, for 23631  
each school building as a whole, and for each grade in each school 23632  
building. 23633

(c) The total number of regular classroom teachers teaching 23634  
classes of regular education and the average number of pupils 23635  
enrolled in each such class, in each of grades kindergarten 23636  
through five in the district as a whole and in each school 23637  
building in the school district. 23638

(d) The number of lead teachers employed by each school 23639  
district and each school building. 23640

(3)(a) Student demographic data for each school district, 23641  
including information regarding the gender ratio of the school 23642  
district's pupils, the racial make-up of the school district's 23643  
pupils, the number of ~~limited English proficient students~~ learners 23644  
in the district, and an appropriate measure of the number of the 23645  
school district's pupils who reside in economically disadvantaged 23646  
households. The demographic data shall be collected in a manner to 23647

allow correlation with data collected under division (B)(1) of 23648  
this section. Categories for data collected pursuant to division 23649  
(B)(3) of this section shall conform, where appropriate, to 23650  
standard practices of agencies of the federal government. 23651

(b) With respect to each student entering kindergarten, 23652  
whether the student previously participated in a public preschool 23653  
program, a private preschool program, or a head start program, and 23654  
the number of years the student participated in each of these 23655  
programs. 23656

(4) Any data required to be collected pursuant to federal 23657  
law. 23658

(C) The education management information system shall include 23659  
cost accounting data for each district as a whole and for each 23660  
school building in each school district. The guidelines adopted 23661  
under this section shall require the cost data for each school 23662  
district to be maintained in a system of mutually exclusive cost 23663  
units and shall require all of the costs of each school district 23664  
to be divided among the cost units. The guidelines shall require 23665  
the system of mutually exclusive cost units to include at least 23666  
the following: 23667

(1) Administrative costs for the school district as a whole. 23668  
The guidelines shall require the cost units under this division 23669  
(C)(1) to be designed so that each of them may be compiled and 23670  
reported in terms of average expenditure per pupil in formula ADM 23671  
in the school district, as determined pursuant to section 3317.03 23672  
of the Revised Code. 23673

(2) Administrative costs for each school building in the 23674  
school district. The guidelines shall require the cost units under 23675  
this division (C)(2) to be designed so that each of them may be 23676  
compiled and reported in terms of average expenditure per 23677  
full-time equivalent pupil receiving instructional or support 23678

services in each building. 23679

(3) Instructional services costs for each category of 23680  
instructional service provided directly to students and required 23681  
by guidelines adopted pursuant to division (B)(1)(a) of this 23682  
section. The guidelines shall require the cost units under 23683  
division (C)(3) of this section to be designed so that each of 23684  
them may be compiled and reported in terms of average expenditure 23685  
per pupil receiving the service in the school district as a whole 23686  
and average expenditure per pupil receiving the service in each 23687  
building in the school district and in terms of a total cost for 23688  
each category of service and, as a breakdown of the total cost, a 23689  
cost for each of the following components: 23690

(a) The cost of each instructional services category required 23691  
by guidelines adopted under division (B)(1)(a) of this section 23692  
that is provided directly to students by a classroom teacher; 23693

(b) The cost of the instructional support services, such as 23694  
services provided by a speech-language pathologist, classroom 23695  
aide, multimedia aide, or librarian, provided directly to students 23696  
in conjunction with each instructional services category; 23697

(c) The cost of the administrative support services related 23698  
to each instructional services category, such as the cost of 23699  
personnel that develop the curriculum for the instructional 23700  
services category and the cost of personnel supervising or 23701  
coordinating the delivery of the instructional services category. 23702

(4) Support or extracurricular services costs for each 23703  
category of service directly provided to students and required by 23704  
guidelines adopted pursuant to division (B)(1)(b) of this section. 23705  
The guidelines shall require the cost units under division (C)(4) 23706  
of this section to be designed so that each of them may be 23707  
compiled and reported in terms of average expenditure per pupil 23708  
receiving the service in the school district as a whole and 23709

average expenditure per pupil receiving the service in each 23710  
building in the school district and in terms of a total cost for 23711  
each category of service and, as a breakdown of the total cost, a 23712  
cost for each of the following components: 23713

(a) The cost of each support or extracurricular services 23714  
category required by guidelines adopted under division (B)(1)(b) 23715  
of this section that is provided directly to students by a 23716  
licensed employee, such as services provided by a guidance 23717  
counselor or any services provided by a licensed employee under a 23718  
supplemental contract; 23719

(b) The cost of each such services category provided directly 23720  
to students by a nonlicensed employee, such as janitorial 23721  
services, cafeteria services, or services of a sports trainer; 23722

(c) The cost of the administrative services related to each 23723  
services category in division (C)(4)(a) or (b) of this section, 23724  
such as the cost of any licensed or nonlicensed employees that 23725  
develop, supervise, coordinate, or otherwise are involved in 23726  
administering or aiding the delivery of each services category. 23727

(D)(1) The guidelines adopted under this section shall 23728  
require school districts to collect information about individual 23729  
students, staff members, or both in connection with any data 23730  
required by division (B) or (C) of this section or other reporting 23731  
requirements established in the Revised Code. The guidelines may 23732  
also require school districts to report information about 23733  
individual staff members in connection with any data required by 23734  
division (B) or (C) of this section or other reporting 23735  
requirements established in the Revised Code. The guidelines shall 23736  
not authorize school districts to request social security numbers 23737  
of individual students. The guidelines shall prohibit the 23738  
reporting under this section of a student's name, address, and 23739  
social security number to the state board of education or the 23740  
department of education. The guidelines shall also prohibit the 23741

reporting under this section of any personally identifiable 23742  
information about any student, except for the purpose of assigning 23743  
the data verification code required by division (D)(2) of this 23744  
section, to any other person unless such person is employed by the 23745  
school district or the information technology center operated 23746  
under section 3301.075 of the Revised Code and is authorized by 23747  
the district or technology center to have access to such 23748  
information or is employed by an entity with which the department 23749  
contracts for the scoring or the development of state assessments. 23750  
The guidelines may require school districts to provide the social 23751  
security numbers of individual staff members and the county of 23752  
residence for a student. Nothing in this section prohibits the 23753  
state board of education or department of education from providing 23754  
a student's county of residence to the department of taxation to 23755  
facilitate the distribution of tax revenue. 23756

(2)(a) The guidelines shall provide for each school district 23757  
or community school to assign a data verification code that is 23758  
unique on a statewide basis over time to each student whose 23759  
initial Ohio enrollment is in that district or school and to 23760  
report all required individual student data for that student 23761  
utilizing such code. The guidelines shall also provide for 23762  
assigning data verification codes to all students enrolled in 23763  
districts or community schools on the effective date of the 23764  
guidelines established under this section. The assignment of data 23765  
verification codes for other entities, as described in division 23766  
(D)(2)(d) of this section, the use of those codes, and the 23767  
reporting and use of associated individual student data shall be 23768  
coordinated by the department in accordance with state and federal 23769  
law. 23770

School districts shall report individual student data to the 23771  
department through the information technology centers utilizing 23772  
the code. The entities described in division (D)(2)(d) of this 23773

section shall report individual student data to the department in 23774  
the manner prescribed by the department. 23775

(b)(i) Except as provided in sections 3301.941, 3310.11, 23776  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 23777  
in division (D)(2)(b)(ii) of this section, at no time shall the 23778  
state board or the department have access to information that 23779  
would enable any data verification code to be matched to 23780  
personally identifiable student data. 23781

(ii) For the purpose of making per-pupil payments to 23782  
community schools under division (C) of section 3314.08 of the 23783  
Revised Code, the department shall have access to information that 23784  
would enable any data verification code to be matched to 23785  
personally identifiable student data. 23786

(c) Each school district and community school shall ensure 23787  
that the data verification code is included in the student's 23788  
records reported to any subsequent school district, community 23789  
school, or state institution of higher education, as defined in 23790  
section 3345.011 of the Revised Code, in which the student 23791  
enrolls. Any such subsequent district or school shall utilize the 23792  
same identifier in its reporting of data under this section. 23793

(d) The director of any state agency that administers a 23794  
publicly funded program providing services to children who are 23795  
younger than compulsory school age, as defined in section 3321.01 23796  
of the Revised Code, including the directors of health, job and 23797  
family services, mental health and addiction services, and 23798  
developmental disabilities, shall request and receive, pursuant to 23799  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 23800  
verification code for a child who is receiving those services. 23801

(E) The guidelines adopted under this section may require 23802  
school districts to collect and report data, information, or 23803  
reports other than that described in divisions (A), (B), and (C) 23804

of this section for the purpose of complying with other reporting 23805  
requirements established in the Revised Code. The other data, 23806  
information, or reports may be maintained in the education 23807  
management information system but are not required to be compiled 23808  
as part of the profile formats required under division (G) of this 23809  
section or the annual statewide report required under division (H) 23810  
of this section. 23811

(F) Beginning with the school year that begins July 1, 1991, 23812  
the board of education of each school district shall annually 23813  
collect and report to the state board, in accordance with the 23814  
guidelines established by the board, the data required pursuant to 23815  
this section. A school district may collect and report these data 23816  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 23817

(G) The state board shall, in accordance with the procedures 23818  
it adopts, annually compile the data reported by each school 23819  
district pursuant to division (D) of this section. The state board 23820  
shall design formats for profiling each school district as a whole 23821  
and each school building within each district and shall compile 23822  
the data in accordance with these formats. These profile formats 23823  
shall: 23824

(1) Include all of the data gathered under this section in a 23825  
manner that facilitates comparison among school districts and 23826  
among school buildings within each school district; 23827

(2) Present the data on academic achievement levels as 23828  
assessed by the testing of student achievement maintained pursuant 23829  
to division (B)(1)(d) of this section. 23830

(H)(1) The state board shall, in accordance with the 23831  
procedures it adopts, annually prepare a statewide report for all 23832  
school districts and the general public that includes the profile 23833  
of each of the school districts developed pursuant to division (G) 23834  
of this section. Copies of the report shall be sent to each school 23835

district. 23836

(2) The state board shall, in accordance with the procedures 23837  
it adopts, annually prepare an individual report for each school 23838  
district and the general public that includes the profiles of each 23839  
of the school buildings in that school district developed pursuant 23840  
to division (G) of this section. Copies of the report shall be 23841  
sent to the superintendent of the district and to each member of 23842  
the district board of education. 23843

(3) Copies of the reports received from the state board under 23844  
divisions (H)(1) and (2) of this section shall be made available 23845  
to the general public at each school district's offices. Each 23846  
district board of education shall make copies of each report 23847  
available to any person upon request and payment of a reasonable 23848  
fee for the cost of reproducing the report. The board shall 23849  
annually publish in a newspaper of general circulation in the 23850  
school district, at least twice during the two weeks prior to the 23851  
week in which the reports will first be available, a notice 23852  
containing the address where the reports are available and the 23853  
date on which the reports will be available. 23854

(I) Any data that is collected or maintained pursuant to this 23855  
section and that identifies an individual pupil is not a public 23856  
record for the purposes of section 149.43 of the Revised Code. 23857

(J) As used in this section: 23858

(1) "School district" means any city, local, exempted 23859  
village, or joint vocational school district and, in accordance 23860  
with section 3314.17 of the Revised Code, any community school. As 23861  
used in division (L) of this section, "school district" also 23862  
includes any educational service center or other educational 23863  
entity required to submit data using the system established under 23864  
this section. 23865

(2) "Cost" means any expenditure for operating expenses made 23866

by a school district excluding any expenditures for debt 23867  
retirement except for payments made to any commercial lending 23868  
institution for any loan approved pursuant to section 3313.483 of 23869  
the Revised Code. 23870

(K) Any person who removes data from the information system 23871  
established under this section for the purpose of releasing it to 23872  
any person not entitled under law to have access to such 23873  
information is subject to section 2913.42 of the Revised Code 23874  
prohibiting tampering with data. 23875

(L)(1) In accordance with division (L)(2) of this section and 23876  
the rules adopted under division (L)(10) of this section, the 23877  
department of education may sanction any school district that 23878  
reports incomplete or inaccurate data, reports data that does not 23879  
conform to data requirements and descriptions published by the 23880  
department, fails to report data in a timely manner, or otherwise 23881  
does not make a good faith effort to report data as required by 23882  
this section. 23883

(2) If the department decides to sanction a school district 23884  
under this division, the department shall take the following 23885  
sequential actions: 23886

(a) Notify the district in writing that the department has 23887  
determined that data has not been reported as required under this 23888  
section and require the district to review its data submission and 23889  
submit corrected data by a deadline established by the department. 23890  
The department also may require the district to develop a 23891  
corrective action plan, which shall include provisions for the 23892  
district to provide mandatory staff training on data reporting 23893  
procedures. 23894

(b) Withhold up to ten per cent of the total amount of state 23895  
funds due to the district for the current fiscal year and, if not 23896  
previously required under division (L)(2)(a) of this section, 23897

require the district to develop a corrective action plan in	23898
accordance with that division;	23899
(c) Withhold an additional amount of up to twenty per cent of	23900
the total amount of state funds due to the district for the	23901
current fiscal year;	23902
(d) Direct department staff or an outside entity to	23903
investigate the district's data reporting practices and make	23904
recommendations for subsequent actions. The recommendations may	23905
include one or more of the following actions:	23906
(i) Arrange for an audit of the district's data reporting	23907
practices by department staff or an outside entity;	23908
(ii) Conduct a site visit and evaluation of the district;	23909
(iii) Withhold an additional amount of up to thirty per cent	23910
of the total amount of state funds due to the district for the	23911
current fiscal year;	23912
(iv) Continue monitoring the district's data reporting;	23913
(v) Assign department staff to supervise the district's data	23914
management system;	23915
(vi) Conduct an investigation to determine whether to suspend	23916
or revoke the license of any district employee in accordance with	23917
division (N) of this section;	23918
(vii) If the district is issued a report card under section	23919
3302.03 of the Revised Code, indicate on the report card that the	23920
district has been sanctioned for failing to report data as	23921
required by this section;	23922
(viii) If the district is issued a report card under section	23923
3302.03 of the Revised Code and incomplete or inaccurate data	23924
submitted by the district likely caused the district to receive a	23925
higher performance rating than it deserved under that section,	23926
issue a revised report card for the district;	23927

(ix) Any other action designed to correct the district's data reporting problems. 23928  
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 23930  
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section. 23936  
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(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose. 23948  
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(6) Prior to issuing a revised report card for a school 23959

district under division (L)(2)(d)(viii) of this section, the 23960  
department may hold a hearing to provide the district with an 23961  
opportunity to demonstrate that it made a good faith effort to 23962  
report data as required by this section. The hearing shall be 23963  
conducted by a referee appointed by the department. Based on the 23964  
information provided in the hearing, the referee shall recommend 23965  
whether the department should issue a revised report card for the 23966  
district. If the referee affirms the department's contention that 23967  
the district did not make a good faith effort to report data as 23968  
required by this section, the district shall bear the full cost of 23969  
conducting the hearing and of issuing any revised report card. 23970

(7) If the department determines that any inaccurate data 23971  
reported under this section caused a school district to receive 23972  
excess state funds in any fiscal year, the district shall 23973  
reimburse the department an amount equal to the excess funds, in 23974  
accordance with a payment schedule determined by the department. 23975  
The department may withhold state funds due to the district for 23976  
this purpose. 23977

(8) Any school district that has funds withheld under 23978  
division (L)(2) of this section may appeal the withholding in 23979  
accordance with Chapter 119. of the Revised Code. 23980

(9) In all cases of a disagreement between the department and 23981  
a school district regarding the appropriateness of an action taken 23982  
under division (L)(2) of this section, the burden of proof shall 23983  
be on the district to demonstrate that it made a good faith effort 23984  
to report data as required by this section. 23985

(10) The state board of education shall adopt rules under 23986  
Chapter 119. of the Revised Code to implement division (L) of this 23987  
section. 23988

(M) No information technology center or school district shall 23989  
acquire, change, or update its student administration software 23990

package to manage and report data required to be reported to the 23991  
department unless it converts to a student software package that 23992  
is certified by the department. 23993

(N) The state board of education, in accordance with sections 23994  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 23995  
license as defined under division (A) of section 3319.31 of the 23996  
Revised Code that has been issued to any school district employee 23997  
found to have willfully reported erroneous, inaccurate, or 23998  
incomplete data to the education management information system. 23999

(O) No person shall release or maintain any information about 24000  
any student in violation of this section. Whoever violates this 24001  
division is guilty of a misdemeanor of the fourth degree. 24002

(P) The department shall disaggregate the data collected 24003  
under division (B)(1)(n) of this section according to the race and 24004  
socioeconomic status of the students assessed. 24005

(Q) If the department cannot compile any of the information 24006  
required by division (H) of section 3302.03 of the Revised Code 24007  
based upon the data collected under this section, the department 24008  
shall develop a plan and a reasonable timeline for the collection 24009  
of any data necessary to comply with that division. 24010

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 24011  
Revised Code: 24012

(A) "Preschool program" means either of the following: 24013

(1) A child care program for preschool children that is 24014  
operated by a school district board of education or an eligible 24015  
nonpublic school. 24016

(2) A child care program for preschool children age three or 24017  
older that is operated by a county board of developmental 24018  
disabilities or a community school. 24019

(B) "Preschool child" or "child" means a child who has not 24020

entered kindergarten and is not of compulsory school age.	24021
(C) "Parent, guardian, or custodian" means the person or	24022
government agency that is or will be responsible for a child's	24023
school attendance under section 3321.01 of the Revised Code.	24024
(D) "Superintendent" means the superintendent of a school	24025
district or the chief administrative officer of a community school	24026
or an eligible nonpublic school.	24027
(E) "Director" means the director, head teacher, elementary	24028
principal, or site administrator who is the individual on site and	24029
responsible for supervision of a preschool program.	24030
(F) "Preschool staff member" means a preschool employee whose	24031
primary responsibility is care, teaching, or supervision of	24032
preschool children.	24033
(G) "Nonteaching employee" means a preschool program or	24034
school child program employee whose primary responsibilities are	24035
duties other than care, teaching, and supervision of preschool	24036
children or school children.	24037
(H) "Eligible nonpublic school" means a nonpublic school	24038
chartered as described in division (B) <del>(8)</del> (7) of section 5104.02 of	24039
the Revised Code or chartered by the state board of education for	24040
any combination of grades one through twelve, regardless of	24041
whether it also offers kindergarten.	24042
(I) "School child program" means a child care program for	24043
only school children that is operated by a school district board	24044
of education, county board of developmental disabilities,	24045
community school, or eligible nonpublic school.	24046
(J) "School child" means a child who is enrolled in or is	24047
eligible to be enrolled in a grade of kindergarten or above but is	24048
less than fifteen years old.	24049
(K) "School child program staff member" means an employee	24050

whose primary responsibility is the care, teaching, or supervision 24051  
of children in a school child program. 24052

(L) "Child care" means administering to the needs of infants, 24053  
toddlers, preschool children, and school children outside of 24054  
school hours by persons other than their parents or guardians, 24055  
custodians, or relatives by blood, marriage, or adoption for any 24056  
part of the twenty-four-hour day in a place or residence other 24057  
than a child's own home. 24058

(M) "Child day-care center," and "publicly funded child 24059  
care," ~~and "school-age child care center"~~ have the same meanings 24060  
as in section 5104.01 of the Revised Code. 24061

(N) "Community school" means either of the following: 24062

(1) A community school established under Chapter 3314. of the 24063  
Revised Code that is sponsored by an entity that is rated 24064  
"exemplary" under section 3314.016 of the Revised Code. 24065

(2) A community school established under Chapter 3314. of the 24066  
Revised Code that has received, on its most recent report card, 24067  
either of the following: 24068

(a) If the school offers any of grade levels four through 24069  
twelve, a grade of "C" or better for the overall value-added 24070  
progress dimension under division (C)(1)(e) of section 3302.03 of 24071  
the Revised Code and for the performance index score under 24072  
division (C)(1)(b) of section 3302.03 of the Revised Code; 24073

(b) If the school does not offer a grade level higher than 24074  
three, a grade of "C" or better for making progress in improving 24075  
literacy in grades kindergarten through three under division 24076  
(C)(1)(g) of section 3302.03 of the Revised Code. 24077

**Sec. 3301.53.** (A) The state board of education, in 24078  
consultation with the director of job and family services, shall 24079  
formulate and prescribe by rule adopted under Chapter 119. of the 24080

Revised Code minimum standards to be applied to preschool programs 24081  
operated by school district boards of education, county boards of 24082  
developmental disabilities, community schools, or eligible 24083  
nonpublic schools. The rules shall include the following: 24084

(1) Standards ensuring that the preschool program is located 24085  
in a safe and convenient facility that accommodates the enrollment 24086  
of the program, is of the quality to support the growth and 24087  
development of the children according to the program objectives, 24088  
and meets the requirements of section 3301.55 of the Revised Code; 24089

(2) Standards ensuring that supervision, discipline, and 24090  
programs will be administered according to established objectives 24091  
and procedures; 24092

(3) Standards ensuring that preschool staff members and 24093  
nonteaching employees are recruited, employed, assigned, 24094  
evaluated, and provided inservice education without discrimination 24095  
on the basis of age, color, national origin, race, or sex; and 24096  
that preschool staff members and nonteaching employees are 24097  
assigned responsibilities in accordance with written position 24098  
descriptions commensurate with their training and experience; 24099

(4) A requirement that boards of education intending to 24100  
establish a preschool program demonstrate a need for a preschool 24101  
program prior to establishing the program; 24102

(5) Requirements that children participating in preschool 24103  
programs have been immunized to the extent considered appropriate 24104  
by the state board to prevent the spread of communicable disease; 24105

(6) Requirements that the parents of preschool children 24106  
complete the emergency medical authorization form specified in 24107  
section 3313.712 of the Revised Code. 24108

(B) The state board of education in consultation with the 24109  
director of job and family services shall ensure that the rules 24110

adopted by the state board under sections 3301.52 to 3301.58 of 24111  
the Revised Code are consistent with and meet or exceed the 24112  
requirements of Chapter 5104. of the Revised Code with regard to 24113  
child day-care centers that serve preschool children. The state 24114  
board and the director of job and family services shall review all 24115  
such rules at least once every five years. 24116

(C) The state board of education, in consultation with the 24117  
director of job and family services, shall adopt rules for school 24118  
child programs that are consistent with and meet or exceed the 24119  
requirements of the rules adopted for ~~school-age child-care~~ child 24120  
day-care centers that serve school-age children under Chapter 24121  
5104. of the Revised Code. 24122

**Sec. 3301.68.** (A) The department of education shall establish 24123  
a consolidated school mandate report for school districts. The 24124  
report shall be distributed and monitored by the department. Each 24125  
district or school shall complete and file the report not later 24126  
than the thirtieth day of November each year. The report shall 24127  
require each district or school to denote "yes" to indicate 24128  
compliance or "no" to indicate noncompliance with the items 24129  
prescribed under division (B) of this section, and to provide any 24130  
other information that the department requests regarding those 24131  
items. If a district or school denotes "no" on any item, it shall 24132  
provide, within thirty days, to its board of education a written 24133  
explanation for why that item was not completed and a written plan 24134  
of action for accurately and efficiently addressing the problem. 24135

(B) The report shall contain the following items: 24137

(1) Training on the use of physical restraint or seclusion on 24138  
students pursuant to section 3319.46 of the Revised Code; 24139

(2) Training on harassment, intimidation, or bullying 24140  
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 24141

Revised Code;	24142
(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code, <del>and training on crisis prevention intervention;</del>	24143 24144 24145 24146
(4) <del>The establishment of a wellness committee;</del>	24147
<del>(5)</del> The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;	24148 24149 24150
<del>(6)</del> (5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code;	24151 24152 24153 24154
<del>(7)</del> (6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.	24155 24156 24157
(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.	24158 24159 24160 24161
<b>Sec. 3302.01.</b> As used in this chapter:	24162
(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:	24163 24164 24165 24166 24167
(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.	24168 24169 24170

(2) For the assessments prescribed by division (B)(1) of 24171  
section 3301.0710 and division (B)(2) of section 3301.0712 of the 24172  
Revised Code, the average for each of the subject areas of English 24173  
language arts and mathematics. 24174

The department of education shall assign weights such that 24175  
students who do not take an assessment receive a weight of zero 24176  
and students who take an assessment receive progressively larger 24177  
weights dependent upon the level of skill attained on the 24178  
assessment. The department shall assign additional weights to 24179  
students who have been permitted to pass over a subject in 24180  
accordance with a student acceleration policy adopted under 24181  
section 3324.10 of the Revised Code. If such a student attains the 24182  
proficient score prescribed under division (A)(2)(c) of section 24183  
3301.0710 of the Revised Code or higher on an assessment, the 24184  
department shall assign the student the weight prescribed for the 24185  
next higher scoring level. If such a student attains the advanced 24186  
score, prescribed under division (A)(2)(a) of section 3301.0710 of 24187  
the Revised Code, on an assessment, the department shall assign to 24188  
the student an additional proportional weight, as approved by the 24189  
state board. For each school year that such a student's score is 24190  
included in the performance index score and the student attains 24191  
the proficient score on an assessment, that additional weight 24192  
shall be assigned to the student on a subject-by-subject basis. 24193

Students shall be included in the "performance index score" 24194  
in accordance with division ~~(K)~~(J)(2) of section 3302.03 of the 24195  
Revised Code. 24196

(B) "Subgroup" means a subset of the entire student 24197  
population of the state, a school district, or a school building 24198  
and includes each of the following: 24199

(1) Major racial and ethnic groups; 24200

(2) Students with disabilities; 24201

(3) Economically disadvantaged students;	24202
(4) <del>Limited English proficient students</del> <u>learners</u> ;	24203
(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.	24204 24205 24206 24207 24208 24209 24210 24211
(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.	24212 24213 24214
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	24215 24216 24217 24218 24219 24220
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	24221 24222 24223
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	24224 24225 24226 24227 24228
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from	24229 24230 24231 24232

the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class.

(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education.

(J) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(K) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(L) "Entitled to attend school in the district" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

**Sec. 3302.03.** Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each

separate performance measure for each school district, and each 24263  
school building in a district, in accordance with this section. 24264  
The state board shall adopt rules pursuant to Chapter 119. of the 24265  
Revised Code to establish performance criteria for each letter 24266  
grade and prescribe a method by which the department assigns each 24267  
letter grade. For a school building to which any of the 24268  
performance measures do not apply, due to grade levels served by 24269  
the building, the state board shall designate the performance 24270  
measures that are applicable to the building and that must be 24271  
calculated separately and used to calculate the building's overall 24272  
grade. The department shall issue annual report cards reflecting 24273  
the performance of each school district, each building within each 24274  
district, and for the state as a whole using the performance 24275  
measures and letter grade system described in this section. The 24276  
department shall include on the report card for each district and 24277  
each building within each district the most recent two-year trend 24278  
data in student achievement for each subject and each grade. 24279

(A)(1) For the 2012-2013 school year, the department shall 24280  
issue grades as described in division (E) of this section for each 24281  
of the following performance measures: 24282

(a) Annual measurable objectives; 24283

(b) Performance index score for a school district or 24284  
building. Grades shall be awarded as a percentage of the total 24285  
possible points on the performance index system as adopted by the 24286  
state board. In adopting benchmarks for assigning letter grades 24287  
under division (A)(1)(b) of this section, the state board of 24288  
education shall designate ninety per cent or higher for an "A," at 24289  
least seventy per cent but not more than eighty per cent for a 24290  
"C," and less than fifty per cent for an "F." 24291

(c) The extent to which the school district or building meets 24292  
each of the applicable performance indicators established by the 24293

state board under section 3302.02 of the Revised Code and the 24294  
percentage of applicable performance indicators that have been 24295  
achieved. In adopting benchmarks for assigning letter grades under 24296  
division (A)(1)(c) of this section, the state board shall 24297  
designate ninety per cent or higher for an "A." 24298

(d) The four- and five-year adjusted cohort graduation rates. 24299

In adopting benchmarks for assigning letter grades under 24300  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 24301  
department shall designate a four-year adjusted cohort graduation 24302  
rate of ninety-three per cent or higher for an "A" and a five-year 24303  
cohort graduation rate of ninety-five per cent or higher for an 24304  
"A." 24305

(e) The overall score under the value-added progress 24306  
dimension of a school district or building, for which the 24307  
department shall use up to three years of value-added data as 24308  
available. The letter grade assigned for this growth measure shall 24309  
be as follows: 24310

(i) A score that is at least two standard errors of measure 24311  
above the mean score shall be designated as an "A." 24312

(ii) A score that is at least one standard error of measure 24313  
but less than two standard errors of measure above the mean score 24314  
shall be designated as a "B." 24315

(iii) A score that is less than one standard error of measure 24316  
above the mean score but greater than or equal to one standard 24317  
error of measure below the mean score shall be designated as a 24318  
"C." 24319

(iv) A score that is not greater than one standard error of 24320  
measure below the mean score but is greater than or equal to two 24321  
standard errors of measure below the mean score shall be 24322  
designated as a "D." 24323

(v) A score that is not greater than two standard errors of  
measure below the mean score shall be designated as an "F." 24324  
24325

Whenever the value-added progress dimension is used as a 24326  
graded performance measure, whether as an overall measure or as a 24327  
measure of separate subgroups, the grades for the measure shall be 24328  
calculated in the same manner as prescribed in division (A)(1)(e) 24329  
of this section. 24330

(f) The value-added progress dimension score for a school 24331  
district or building disaggregated for each of the following 24332  
subgroups: students identified as gifted, students with 24333  
disabilities, and students whose performance places them in the 24334  
lowest quintile for achievement on a statewide basis. Each 24335  
subgroup shall be a separate graded measure. 24336

(2) Not later than April 30, 2013, the state board of 24337  
education shall adopt a resolution describing the performance 24338  
measures, benchmarks, and grading system for the 2012-2013 school 24339  
year and, not later than June 30, 2013, shall adopt rules in 24340  
accordance with Chapter 119. of the Revised Code that prescribe 24341  
the methods by which the performance measures under division 24342  
(A)(1) of this section shall be assessed and assigned a letter 24343  
grade, including performance benchmarks for each letter grade. 24344

At least forty-five days prior to the state board's adoption 24345  
of rules to prescribe the methods by which the performance 24346  
measures under division (A)(1) of this section shall be assessed 24347  
and assigned a letter grade, the department shall conduct a public 24348  
presentation before the standing committees of the house of 24349  
representatives and the senate that consider education legislation 24350  
describing such methods, including performance benchmarks. 24351

(3) There shall not be an overall letter grade for a school 24352  
district or building for the 2012-2013 school year. 24353

(B)(1) For the 2013-2014 and 2014-2015 school years, the 24354

department shall issue grades as described in division (E) of this 24355  
section for each of the following performance measures: 24356

(a) Annual measurable objectives; 24357

(b) Performance index score for a school district or 24358  
building. Grades shall be awarded as a percentage of the total 24359  
possible points on the performance index system as created by the 24360  
department. In adopting benchmarks for assigning letter grades 24361  
under division (B)(1)(b) of this section, the state board shall 24362  
designate ninety per cent or higher for an "A," at least seventy 24363  
per cent but not more than eighty per cent for a "C," and less 24364  
than fifty per cent for an "F." 24365

(c) The extent to which the school district or building meets 24366  
each of the applicable performance indicators established by the 24367  
state board under section 3302.03 of the Revised Code and the 24368  
percentage of applicable performance indicators that have been 24369  
achieved. In adopting benchmarks for assigning letter grades under 24370  
division (B)(1)(c) of this section, the state board shall 24371  
designate ninety per cent or higher for an "A." 24372

(d) The four- and five-year adjusted cohort graduation rates; 24373

(e) The overall score under the value-added progress 24374  
dimension of a school district or building, for which the 24375  
department shall use up to three years of value-added data as 24376  
available. 24377

(f) The value-added progress dimension score for a school 24378  
district or building disaggregated for each of the following 24379  
subgroups: students identified as gifted in superior cognitive 24380  
ability and specific academic ability fields under Chapter 3324. 24381  
of the Revised Code, students with disabilities, and students 24382  
whose performance places them in the lowest quintile for 24383  
achievement on a statewide basis. Each subgroup shall be a 24384  
separate graded measure. 24385

(g) Whether a school district or building is making progress 24386  
in improving literacy in grades kindergarten through three, as 24387  
determined using a method prescribed by the state board. The state 24388  
board shall adopt rules to prescribe benchmarks and standards for 24389  
assigning grades to districts and buildings for purposes of 24390  
division (B)(1)(g) of this section. In adopting benchmarks for 24391  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 24392  
this section, the state board shall determine progress made based 24393  
on the reduction in the total percentage of students scoring below 24394  
grade level, or below proficient, compared from year to year on 24395  
the reading and writing diagnostic assessments administered under 24396  
section 3301.0715 of the Revised Code and the third grade English 24397  
language arts assessment under section 3301.0710 of the Revised 24398  
Code, as applicable. The state board shall designate for a "C" 24399  
grade a value that is not lower than the statewide average value 24400  
for this measure. No grade shall be issued under divisions 24401  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 24402  
in which less than five per cent of students have scored below 24403  
grade level on the diagnostic assessment administered to students 24404  
in kindergarten under division (B)(1) of section 3313.608 of the 24405  
Revised Code. 24406

(h) For a high mobility school district or building, an 24407  
additional value-added progress dimension score. For this measure, 24408  
the department shall use value-added data from the most recent 24409  
school year available and shall use assessment scores for only 24410  
those students to whom the district or building has administered 24411  
the assessments prescribed by section 3301.0710 of the Revised 24412  
Code for each of the two most recent consecutive school years. 24413

As used in this division, "high mobility school district or 24414  
building" means a school district or building where at least 24415  
twenty-five per cent of its total enrollment is made up of 24416  
students who have attended that school district or building for 24417

less than one year. 24418

(2) In addition to the graded measures in division (B)(1) of 24419  
this section, the department shall include on a school district's 24420  
or building's report card all of the following without an assigned 24421  
letter grade: 24422

(a) The percentage of students enrolled in a district or 24423  
building participating in advanced placement classes and the 24424  
percentage of those students who received a score of three or 24425  
better on advanced placement examinations; 24426

(b) The number of a district's or building's students who 24427  
have earned at least three college credits through dual enrollment 24428  
or advanced standing programs, such as the post-secondary 24429  
enrollment options program under Chapter 3365. of the Revised Code 24430  
and state-approved career-technical courses offered through dual 24431  
enrollment or statewide articulation, that appear on a student's 24432  
transcript or other official document, either of which is issued 24433  
by the institution of higher education from which the student 24434  
earned the college credit. The credits earned that are reported 24435  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 24436  
include any that are remedial or developmental and shall include 24437  
those that count toward the curriculum requirements established 24438  
for completion of a degree. 24439

(c) The percentage of students enrolled in a district or 24440  
building who have taken a national standardized test used for 24441  
college admission determinations and the percentage of those 24442  
students who are determined to be remediation-free in accordance 24443  
with standards adopted under division (F) of section 3345.061 of 24444  
the Revised Code; 24445

(d) The percentage of the district's or the building's 24446  
students who receive industry-recognized credentials as approved 24447  
under section 3313.6113 of the Revised Code. 24448

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C)(1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than

twenty-five students. For the 2018-2019 school year, the 24480  
department shall not include any subgroup data in the annual 24481  
measurable objectives that includes data from fewer than twenty 24482  
students. Beginning with the 2019-2020 school year, the department 24483  
shall not include any subgroup data in the annual measurable 24484  
objectives that includes data from fewer than fifteen students. 24485

(b) Performance index score for a school district or 24486  
building. Grades shall be awarded as a percentage of the total 24487  
possible points on the performance index system as created by the 24488  
department. In adopting benchmarks for assigning letter grades 24489  
under division (C)(1)(b) of this section, the state board shall 24490  
designate ninety per cent or higher for an "A," at least seventy 24491  
per cent but not more than eighty per cent for a "C," and less 24492  
than fifty per cent for an "F." 24493

(c) The extent to which the school district or building meets 24494  
each of the applicable performance indicators established by the 24495  
state board under section 3302.03 of the Revised Code and the 24496  
percentage of applicable performance indicators that have been 24497  
achieved. In adopting benchmarks for assigning letter grades under 24498  
division (C)(1)(c) of this section, the state board shall 24499  
designate ninety per cent or higher for an "A." 24500

(d) The four- and five-year adjusted cohort graduation rates; 24501

(e) The overall score under the value-added progress 24502  
dimension, or another measure of student academic progress if 24503  
adopted by the state board, of a school district or building, for 24504  
which the department shall use up to three years of value-added 24505  
data as available. 24506

In adopting benchmarks for assigning letter grades for 24507  
overall score on value-added progress dimension under division 24508  
(C)(1)(e) of this section, the state board shall prohibit the 24509  
assigning of a grade of "A" for that measure unless the district's 24510

or building's grade assigned for value-added progress dimension 24511  
for all subgroups under division (C)(1)(f) of this section is a 24512  
"B" or higher. 24513

For the metric prescribed by division (C)(1)(e) of this 24514  
section, the state board may adopt a student academic progress 24515  
measure to be used instead of the value-added progress dimension. 24516  
If the state board adopts such a measure, it also shall prescribe 24517  
a method for assigning letter grades for the new measure that is 24518  
comparable to the method prescribed in division (A)(1)(e) of this 24519  
section. 24520

(f) The value-added progress dimension score of a school 24521  
district or building disaggregated for each of the following 24522  
subgroups: students identified as gifted in superior cognitive 24523  
ability and specific academic ability fields under Chapter 3324. 24524  
of the Revised Code, students with disabilities, and students 24525  
whose performance places them in the lowest quintile for 24526  
achievement on a statewide basis, as determined by a method 24527  
prescribed by the state board. Each subgroup shall be a separate 24528  
graded measure. 24529

The state board may adopt student academic progress measures 24530  
to be used instead of the value-added progress dimension. If the 24531  
state board adopts such measures, it also shall prescribe a method 24532  
for assigning letter grades for the new measures that is 24533  
comparable to the method prescribed in division (A)(1)(e) of this 24534  
section. 24535

(g) Whether a school district or building is making progress 24536  
in improving literacy in grades kindergarten through three, as 24537  
determined using a method prescribed by the state board. The state 24538  
board shall adopt rules to prescribe benchmarks and standards for 24539  
assigning grades to a district or building for purposes of 24540  
division (C)(1)(g) of this section. The state board shall 24541  
designate for a "C" grade a value that is not lower than the 24542

statewide average value for this measure. No grade shall be issued 24543  
under division (C)(1)(g) of this section for a district or 24544  
building in which less than five per cent of students have scored 24545  
below grade level on the kindergarten diagnostic assessment under 24546  
division (B)(1) of section 3313.608 of the Revised Code. 24547

(h) For a high mobility school district or building, an 24548  
additional value-added progress dimension score. For this measure, 24549  
the department shall use value-added data from the most recent 24550  
school year available and shall use assessment scores for only 24551  
those students to whom the district or building has administered 24552  
the assessments prescribed by section 3301.0710 of the Revised 24553  
Code for each of the two most recent consecutive school years. 24554

As used in this division, "high mobility school district or 24555  
building" means a school district or building where at least 24556  
twenty-five per cent of its total enrollment is made up of 24557  
students who have attended that school district or building for 24558  
less than one year. 24559

(2) In addition to the graded measures in division (C)(1) of 24560  
this section, the department shall include on a school district's 24561  
or building's report card all of the following without an assigned 24562  
letter grade: 24563

(a) The percentage of students enrolled in a district or 24564  
building who have taken a national standardized test used for 24565  
college admission determinations and the percentage of those 24566  
students who are determined to be remediation-free in accordance 24567  
with the standards adopted under division (F) of section 3345.061 24568  
of the Revised Code; 24569

(b) The percentage of students enrolled in a district or 24570  
building participating in advanced placement classes and the 24571  
percentage of those students who received a score of three or 24572  
better on advanced placement examinations; 24573

(c) The percentage of a district's or building's students who 24574  
have earned at least three college credits through advanced 24575  
standing programs, such as the college credit plus program under 24576  
Chapter 3365. of the Revised Code and state-approved 24577  
career-technical courses offered through dual enrollment or 24578  
statewide articulation, that appear on a student's college 24579  
transcript issued by the institution of higher education from 24580  
which the student earned the college credit. The credits earned 24581  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 24582  
section shall not include any that are remedial or developmental 24583  
and shall include those that count toward the curriculum 24584  
requirements established for completion of a degree. 24585

(d) The percentage of the district's or building's students 24586  
who receive an honor's diploma under division (B) of section 24587  
3313.61 of the Revised Code; 24588

(e) The percentage of the district's or building's students 24589  
who receive industry-recognized credentials as approved under 24590  
section 3313.6113 of the Revised Code; 24591

(f) The percentage of students enrolled in a district or 24592  
building who are participating in an international baccalaureate 24593  
program and the percentage of those students who receive a score 24594  
of four or better on the international baccalaureate examinations; 24595

(g) The results of the college and career-ready assessments 24596  
administered under division (B)(1) of section 3301.0712 of the 24597  
Revised Code; 24598

(h) Whether the school district or building has implemented a 24599  
positive behavior intervention and supports framework in 24600  
compliance with the requirements of section 3319.46 of the Revised 24601  
Code, notated as a "yes" or "no" answer. 24602

(3) The state board shall adopt rules pursuant to Chapter 24603  
119. of the Revised Code that establish a method to assign an 24604

overall grade for a school district or school building for the 24605  
2017-2018 school year and each school year thereafter. The rules 24606  
shall group the performance measures in divisions (C)(1) and (2) 24607  
of this section into the following components: 24608

(a) Gap closing, which shall include the performance measure 24609  
in division (C)(1)(a) of this section; 24610

(b) Achievement, which shall include the performance measures 24611  
in divisions (C)(1)(b) and (c) of this section; 24612

(c) Progress, which shall include the performance measures in 24613  
divisions (C)(1)(e) and (f) of this section; 24614

(d) Graduation, which shall include the performance measure 24615  
in division (C)(1)(d) of this section; 24616

(e) Kindergarten through third-grade literacy, which shall 24617  
include the performance measure in division (C)(1)(g) of this 24618  
section; 24619

(f) Prepared for success, which shall include the performance 24620  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 24621  
this section. The state board shall develop a method to determine 24622  
a grade for the component in division (C)(3)(f) of this section 24623  
using the performance measures in divisions (C)(2)(a), (b), (c), 24624  
(d), (e), and (f) of this section. When available, the state board 24625  
may incorporate the performance measure under division (C)(2)(g) 24626  
of this section into the component under division (C)(3)(f) of 24627  
this section. When determining the overall grade for the prepared 24628  
for success component prescribed by division (C)(3)(f) of this 24629  
section, no individual student shall be counted in more than one 24630  
performance measure. However, if a student qualifies for more than 24631  
one performance measure in the component, the state board may, in 24632  
its method to determine a grade for the component, specify an 24633  
additional weight for such a student that is not greater than or 24634  
equal to 1.0. In determining the overall score under division 24635

(C)(3)(f) of this section, the state board shall ensure that the 24636  
pool of students included in the performance measures aggregated 24637  
under that division are all of the students included in the four- 24638  
and five-year adjusted graduation cohort. 24639

In the rules adopted under division (C)(3) of this section, 24640  
the state board shall adopt a method for determining a grade for 24641  
each component in divisions (C)(3)(a) to (f) of this section. The 24642  
state board also shall establish a method to assign an overall 24643  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 24644  
each component. The method the state board adopts for assigning an 24645  
overall grade shall give equal weight to the components in 24646  
divisions (C)(3)(b) and (c) of this section. 24647

At least forty-five days prior to the state board's adoption 24648  
of rules to prescribe the methods for calculating the overall 24649  
grade for the report card, as required by this division, the 24650  
department shall conduct a public presentation before the standing 24651  
committees of the house of representatives and the senate that 24652  
consider education legislation describing the format for the 24653  
report card, weights that will be assigned to the components of 24654  
the overall grade, and the method for calculating the overall 24655  
grade. 24656

(D) On or after July 1, 2015, the state board may develop a 24657  
measure of student academic progress for high school students 24658  
using only data from assessments in English language arts and 24659  
mathematics. If the state board develops this measure, each school 24660  
district and applicable school building shall be assigned a 24661  
separate letter grade for it not sooner than the 2017-2018 school 24662  
year. The district's or building's grade for that measure shall 24663  
not be included in determining the district's or building's 24664  
overall letter grade. 24665

(E) The letter grades assigned to a school district or 24666  
building under this section shall be as follows: 24667

(1) "A" for a district or school making excellent progress;	24668
(2) "B" for a district or school making above average progress;	24669 24670
(3) "C" for a district or school making average progress;	24671
(4) "D" for a district or school making below average progress;	24672 24673
(5) "F" for a district or school failing to meet minimum progress.	24674 24675
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	24676 24677 24678
(1) Performance of students by grade-level;	24679
(2) Performance of students by race and ethnic group;	24680
(3) Performance of students by gender;	24681
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	24682 24683
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	24684 24685 24686
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	24687 24688
(7) Performance of students grouped by those who are economically disadvantaged;	24689 24690
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	24691 24692 24693
(9) Performance of students grouped by those who are classified as <del>limited</del> English <del>proficient</del> <u>learners</u> ;	24694 24695

(10) Performance of students grouped by those who have disabilities;	24696 24697
(11) Performance of students grouped by those who are classified as migrants;	24698 24699
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	24700 24701 24702 24703 24704 24705 24706 24707 24708
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	24709 24710 24711
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	24712 24713 24714 24715 24716 24717
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card	24718 24719 24720 24721 24722 24723 24724 24725 24726

that is why data was not reported. 24727

(G) The department may include with the report cards any 24728  
additional education and fiscal performance data it deems 24729  
valuable. 24730

(H) The department shall include on each report card a list 24731  
of additional information collected by the department that is 24732  
available regarding the district or building for which the report 24733  
card is issued. When available, such additional information shall 24734  
include student mobility data disaggregated by race and 24735  
socioeconomic status, college enrollment data, and the reports 24736  
prepared under section 3302.031 of the Revised Code. 24737

The department shall maintain a site on the world wide web. 24738  
The report card shall include the address of the site and shall 24739  
specify that such additional information is available to the 24740  
public at that site. The department shall also provide a copy of 24741  
each item on the list to the superintendent of each school 24742  
district. The district superintendent shall provide a copy of any 24743  
item on the list to anyone who requests it. 24744

(I)(1)(a) Except as provided in division (I)(1)(b) of this 24745  
section, for any district that sponsors a conversion community 24746  
school under Chapter 3314. of the Revised Code, the department 24747  
shall combine data regarding the academic performance of students 24748  
enrolled in the community school with comparable data from the 24749  
schools of the district for the purpose of determining the 24750  
performance of the district as a whole on the report card issued 24751  
for the district under this section or section 3302.033 of the 24752  
Revised Code. 24753

(b) The department shall not combine data from any conversion 24754  
community school that a district sponsors if a majority of the 24755  
students enrolled in the conversion community school are enrolled 24756  
in a dropout prevention and recovery program that is operated by 24757

the school, as described in division (A)(4)(a) of section 3314.35 24758  
of the Revised Code. The department shall include as an addendum 24759  
to the district's report card the ratings and performance measures 24760  
that are required under section 3314.017 of the Revised Code for 24761  
any community school to which division (I)(1)(b) of this section 24762  
applies. This addendum shall include, at a minimum, the data 24763  
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 24764  
3314.017 of the Revised Code. 24765

(2) Any district that leases a building to a community school 24766  
located in the district or that enters into an agreement with a 24767  
community school located in the district whereby the district and 24768  
the school endorse each other's programs may elect to have data 24769  
regarding the academic performance of students enrolled in the 24770  
community school combined with comparable data from the schools of 24771  
the district for the purpose of determining the performance of the 24772  
district as a whole on the district report card. Any district that 24773  
so elects shall annually file a copy of the lease or agreement 24774  
with the department. 24775

(3) Any municipal school district, as defined in section 24776  
3311.71 of the Revised Code, that sponsors a community school 24777  
located within the district's territory, or that enters into an 24778  
agreement with a community school located within the district's 24779  
territory whereby the district and the community school endorse 24780  
each other's programs, may exercise either or both of the 24781  
following elections: 24782

(a) To have data regarding the academic performance of 24783  
students enrolled in that community school combined with 24784  
comparable data from the schools of the district for the purpose 24785  
of determining the performance of the district as a whole on the 24786  
district's report card; 24787

(b) To have the number of students attending that community 24788  
school noted separately on the district's report card. 24789

The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school.

Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

~~(J) The department shall include on each report card the percentage of teachers in the district or building who are properly certified or licensed teachers, as defined in section 3319.074 of the Revised Code, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.~~

~~(K)~~(1) In calculating English language arts, mathematics, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section

3301.0710 or division (B) of section 3301.0712 of the Revised Code 24821  
that is administered to the student's grade level; 24822

(b) Include cumulative totals from both the fall and spring 24823  
administrations of the third grade English language arts 24824  
achievement assessment; 24825

(c) Except as required by the No Child Left Behind Act of 24826  
2001, exclude for each district or building any ~~limited~~ English 24827  
~~proficient student~~ learner who has been enrolled in United States 24828  
schools for less than one full school year. 24829

~~(L)~~(K) Beginning with the 2015-2016 school year and at least 24830  
once every three years thereafter, the state board of education 24831  
shall review and may adjust the benchmarks for assigning letter 24832  
grades to the performance measures and components prescribed under 24833  
divisions (C)(3) and (D) of this section. 24834

**Sec. 3302.042.** (A) This section shall operate as a pilot 24835  
project that applies to any school that has been ranked according 24836  
to performance index score under section 3302.21 of the Revised 24837  
Code in the lowest five per cent of all public school buildings 24838  
statewide for three or more consecutive school years and is 24839  
operated by the Columbus city school district. The pilot project 24840  
shall commence once the department of education establishes 24841  
implementation guidelines for the pilot project in consultation 24842  
with the Columbus city school district. 24843

(B) Except as provided in division (D), (E), or (F) of this 24844  
section, if the parents or guardians of at least fifty per cent of 24845  
the students enrolled in a school to which this section applies, 24846  
or if the parents or guardians of at least fifty per cent of the 24847  
total number of students enrolled in that school and the schools 24848  
of lower grade levels whose students typically matriculate into 24849  
that school, by the thirty-first day of December of any school 24850  
year in which the school is subject to this section, sign and file 24851

with the school district treasurer a petition requesting the 24852  
district board of education to implement one of the following 24853  
reforms in the school, and if the validity and sufficiency of the 24854  
petition is certified in accordance with division (C) of this 24855  
section, the board shall implement the requested reform in the 24856  
next school year: 24857

(1) Reopen the school as a community school under Chapter 24858  
3314. of the Revised Code; 24859

(2) Replace at least seventy per cent of the school's 24860  
personnel who are related to the school's poor academic 24861  
performance or, at the request of the petitioners, retain not more 24862  
than thirty per cent of the personnel; 24863

(3) Contract with another school district or a nonprofit or 24864  
for-profit entity with a demonstrated record of effectiveness to 24865  
operate the school; 24866

(4) Turn operation of the school over to the department; 24867

(5) Any other major restructuring of the school that makes 24868  
fundamental reforms in the school's staffing or governance. 24869

(C) Not later than thirty days after receipt of a petition 24870  
under division (B) of this section, the district treasurer shall 24871  
verify the validity and sufficiency of the signatures on the 24872  
petition and certify to the district board whether the petition 24873  
contains the necessary number of valid signatures to require the 24874  
board to implement the reform requested by the petitioners. If the 24875  
treasurer certifies to the district board that the petition does 24876  
not contain the necessary number of valid signatures, any person 24877  
who signed the petition may file an appeal with the county auditor 24878  
within ten days after the certification. Not later than thirty 24879  
days after the filing of an appeal, the county auditor shall 24880  
conduct an independent verification of the validity and 24881  
sufficiency of the signatures on the petition and certify to the 24882

district board whether the petition contains the necessary number 24883  
of valid signatures to require the board to implement the 24884  
requested reform. If the treasurer or county auditor certifies 24885  
that the petition contains the necessary number of valid 24886  
signatures, the district board shall notify the superintendent of 24887  
public instruction and the state board of education of the 24888  
certification. 24889

(D) The district board shall not implement the reform 24890  
requested by the petitioners in any of the following 24891  
circumstances: 24892

(1) The district board has determined that the request is for 24893  
reasons other than improving student academic achievement or 24894  
student safety. 24895

(2) The state superintendent has determined that 24896  
implementation of the requested reform would not comply with the 24897  
model of differentiated accountability described in section 24898  
3302.041 of the Revised Code. 24899

(3) The petitioners have requested the district board to 24900  
implement the reform described in division (B)(4) of this section 24901  
and the department has not agreed to take over the school's 24902  
operation. 24903

(4) When all of the following have occurred: 24904

(a) After a public hearing on the matter, the district board 24905  
issued a written statement explaining the reasons that it is 24906  
unable to implement the requested reform and agreeing to implement 24907  
one of the other reforms described in division (B) of this 24908  
section. 24909

(b) The district board submitted its written statement to the 24910  
state superintendent and the state board along with evidence 24911  
showing how the alternative reform the district board has agreed 24912  
to implement will enable the school to improve its academic 24913

performance.	24914
(c) Both the state superintendent and the state board have approved implementation of the alternative reform.	24915 24916
(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.	24917 24918 24919
(F) If a school is restructured under this section, <del>section 3302.10 or 3302.12 of the Revised Code</del> , or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring.	24920 24921 24922 24923 24924
(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law.	24925 24926 24927 24928 24929 24930 24931 24932 24933
<b>Sec. 3302.061.</b> (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas:	24934 24935 24936 24937 24938 24939 24940
(1) Curriculum;	24941
(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised	24942 24943

Code;	24944
(3) Class scheduling;	24945
(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as end-of-course examinations, portfolios of student work, nationally or internationally normed assessments, the percentage of students enrolling in post-secondary education, or the percentage of students simultaneously obtaining a high school diploma and an associate's degree or certification to work in an industry or career field.	24946 24947 24948 24949 24950 24951 24952 24953 24954 24955
(5) Provision of student services, including services for students who are disabled, identified as gifted under Chapter 3324. of the Revised Code, <del>limited English proficient learners</del> , at risk of academic failure or dropping out, or at risk of suspension or expulsion;	24956 24957 24958 24959 24960
(6) Provision of health, counseling, or other social services to students;	24961 24962
(7) Preparation of students for transition to higher education or the workforce;	24963 24964
(8) Teacher recruitment, employment, and evaluation;	24965
(9) Compensation for school personnel;	24966
(10) Professional development;	24967
(11) School governance and the roles and responsibilities of principals;	24968 24969
(12) Use of financial or other resources.	24970
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an	24971 24972 24973

application seeking designation as an innovation school zone, it 24974  
shall so designate the participating schools that submitted the 24975  
application. 24976

(2) If the board disapproves an application, it shall provide 24977  
a written explanation of the basis for its decision to the school 24978  
or schools that submitted the application. The school or schools 24979  
may reapply for designation as an innovation school or innovation 24980  
school zone at any time. 24981

(C) The board may approve an application that allows an 24982  
innovation school or a school participating in an innovation 24983  
school zone to determine the compensation of board employees 24984  
working in the school, but the total compensation for all such 24985  
employees shall not exceed the financial resources allocated to 24986  
the school by the board. The school shall not be required to 24987  
comply with the salary schedule adopted by the board under section 24988  
3311.78, 3317.14, or 3317.141 of the Revised Code. The board may 24989  
approve an application that allows an innovation school or a 24990  
school participating in an innovation school zone to remove board 24991  
employees from the school, but no employee shall be terminated 24992  
except as provided in section 3311.82, 3319.081, or 3319.16 of the 24993  
Revised Code. 24994

(D) The board may do either of the following at any time: 24995

(1) Designate a school as an innovation school by creating an 24996  
innovation plan for that school and offering the school an 24997  
opportunity to participate in the plan's creation; 24998

(2) Designate as an innovation school zone two or more 24999  
schools that share common interests based on factors such as 25000  
geographical proximity or similar educational programs or that 25001  
serve the same classes of students as they advance to higher grade 25002  
levels, by creating an innovation plan for those schools and 25003  
offering the schools an opportunity to participate in the plan's 25004

creation. 25005

**Sec. 3302.18.** (A)(1) If a community learning center process 25006  
is initiated under section 3302.17 of the Revised Code for any 25007  
school building operated by a city, exempted village, or local 25008  
school district or a community school established under Chapter 25009  
3314. of the Revised Code, the district board of education or 25010  
community school governing authority shall create a school action 25011  
team for the school building. The team shall consist of twelve 25012  
members, as follows: 25013

(a) Seven individuals, consisting of parents or guardians of 25014  
students enrolled in the school and members of the community who 25015  
are not teachers or nonteaching employees, as elected by their 25016  
peers; 25017

(b) Five teachers and nonteaching employees who are assigned 25018  
to the school building and are not parents or guardians of 25019  
students enrolled in the school, as elected by their peers. 25020

(2) To assist a school action team initiated under section 25021  
3302.17 of the Revised Code, the district board, community school 25022  
governing authority, or community partner shall select an 25023  
individual who is employed by the district, school, or community 25024  
partner to serve as the resource coordinator for the community 25025  
learning center. The school action team shall make recommendations 25026  
to the board, governing authority, or community partner on 25027  
potential candidates. The resource coordinator shall not be 25028  
considered a member of a school action team. The resource 25029  
coordinator shall assist in the development and coordination of 25030  
programs and services for the community learning center. 25031

(B) All members of a school action team shall serve as voting 25032  
members. Terms of office shall be for three years, and vacancies 25033  
shall be filled in the same manner as the original appointment. 25034

Members shall serve without compensation.	25035
(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following:	25036 25037 25038
(1) Monitor and assist in the implementation of the school improvement plan, if adopted;	25039 25040
(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school;	25041 25042 25043 25044
(3) Advise on school budgets;	25045
(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;	25046 25047
(5) Continue to collect feedback and information from parents using an annual survey;	25048 25049
(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;	25050 25051
(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, <del>limited English proficient students</del> <u>learners</u> , economically disadvantaged students, and students with disabilities;	25052 25053 25054 25055 25056 25057
(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;	25058 25059
(9) Meet regularly with parents and community members to discuss policy matters affecting the school.	25060 25061
<b>Sec. 3310.02.</b> (A) The educational choice scholarship pilot program is hereby established. Under the program, the department	25062 25063

of education annually shall pay scholarships to attend chartered 25064  
nonpublic schools in accordance with section 3310.08 of the 25065  
Revised Code for up to the following number of eligible students: 25066

(1) Thirty thousand in the 2011-2012 school year; 25067

(2) Sixty thousand in the 2012-2013 school year and 25068  
thereafter. 25069

For any school year for which the number of applications for 25070  
scholarships timely submitted for the program exceeds ninety per 25071  
cent of the maximum number of scholarships permitted under 25072  
division (A) of this section, the department shall increase the 25073  
maximum number of scholarships permitted for the following school 25074  
year by five per cent. The department shall make the increased 25075  
number of scholarships available for each subsequent school year 25076  
until the department is again required to increase the number of 25077  
scholarships under division (A) of this section. 25078

If the number of students who apply for a scholarship exceeds 25079  
the maximum number of scholarships permitted under division (A) of 25080  
this section, priority shall be given to those students applying 25081  
for a scholarship under section 3310.03 of the Revised Code in 25082  
accordance with division (B) of this section. 25083

~~(B) If the number of students who apply for a scholarship 25084  
exceeds the number of scholarships available under division (A) of 25085  
this section for the applicable school year, the The department 25086  
shall award scholarships under section 3310.03 of the Revised Code 25087  
in the following order of priority: 25088~~

(1) First, to eligible students who received scholarships in 25089  
the prior school year; 25090

(2) Second, to eligible students with family incomes at or 25091  
below two hundred per cent of the federal poverty guidelines, as 25092  
defined in section 5101.46 of the Revised Code, who qualify under 25093

divisions (A) and (E) of section 3310.03 of the Revised Code. If 25094  
the number of students described in division (B)(2) of this 25095  
section who apply for a scholarship exceeds the number of 25096  
available scholarships after awards are made under division (B)(1) 25097  
of this section, the department shall select students described in 25098  
division (B)(2) of this section by lot to receive any remaining 25099  
scholarships. 25100

(3) Third, to other eligible students who qualify under 25101  
divisions (A) and (E) of section 3310.03 of the Revised Code. If 25102  
the number of students described in division (B)(3) of this 25103  
section who apply for a scholarship exceeds the number of 25104  
available scholarships after awards are made under divisions 25105  
(B)(1) and (2) of this section, the department shall select 25106  
students described in division (B)(3) of this section by lot to 25107  
receive any remaining scholarships. 25108

(4) Fourth, to eligible students with family incomes at or 25109  
below two hundred per cent of the federal poverty guidelines who 25110  
qualify under division (D) of section 3310.03 of the Revised Code. 25111  
If the number of students described in division (B)(4) of this 25112  
section who apply for a scholarship exceeds the number of 25113  
available scholarships after awards are made under divisions 25114  
(B)(1) to (3) of this section, the department shall select 25115  
students described in division (B)(4) of this section by lot to 25116  
receive any remaining scholarships. 25117

(5) Fifth, to other eligible students who qualify under 25118  
division (D) of section 3310.03 of the Revised Code. If the number 25119  
of students described in division (B)(5) of this section who apply 25120  
for a scholarship exceeds the number of available scholarships 25121  
after awards are made under divisions (B)(1) to (4) of this 25122  
section, the department shall select students described in 25123  
division (B)(5) of this section by lot to receive any remaining 25124  
scholarships. 25125

(6) Sixth, to eligible students with family incomes at or 25126  
below two hundred per cent of the federal poverty guidelines who 25127  
qualify under division (B) of section 3310.03 of the Revised Code. 25128  
If the number of students described in division (B)(6) of this 25129  
section who apply for a scholarship exceeds the number of 25130  
available scholarships after awards are made under divisions 25131  
(B)(1) to (5) of this section, the department shall select 25132  
students described in division (B)(6) of this section by lot to 25133  
receive any remaining scholarships. 25134

(7) Seventh, to other eligible students who qualify under 25135  
division (B) of section 3310.03 of the Revised Code. If the number 25136  
of students described in division (B)(7) of this section who apply 25137  
for a scholarship exceeds the number of available scholarships 25138  
after awards are made under divisions (B)(1) to (6) of this 25139  
section, the department shall select students described in 25140  
division (B)(7) of this section by lot to receive any remaining 25141  
scholarships. 25142

**Sec. 3310.03.** A student is an "eligible student" for purposes 25143  
of the educational choice scholarship pilot program if the 25144  
student's resident district is not a school district in which the 25145  
pilot project scholarship program is operating under sections 25146  
3313.974 to 3313.979 of the Revised Code and the student satisfies 25147  
one of the conditions in division (A), (B), (C), (D), ~~or~~ (E), or 25148  
(F) of this section: 25149

(A)(1) The student is enrolled in a school building operated 25150  
by the student's resident district that, on the report card issued 25151  
under section 3302.03 of the Revised Code published prior to the 25152  
first day of July of the school year for which a scholarship is 25153  
sought, did not receive a rating as described in division ~~(H)~~(J) 25154  
of this section, and to which any or a combination of any of the 25155  
following apply for two of the three most recent report cards 25156

published prior to the first day of July of the school year for 25157  
which a scholarship is sought: 25158

(a) The building was declared to be in a state of academic 25159  
emergency or academic watch under section 3302.03 of the Revised 25160  
Code as that section existed prior to March 22, 2013. 25161

(b) The building received a grade of "D" or "F" for the 25162  
performance index score under division (A)(1)(b) or (B)(1)(b) of 25163  
section 3302.03 of the Revised Code and for the value-added 25164  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 25165  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 25166  
2014-2015, or 2015-2016 school year; or if the building serves 25167  
only grades ten through twelve, the building received a grade of 25168  
"D" or "F" for the performance index score under division 25169  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 25170  
had a four-year adjusted cohort graduation rate of less than 25171  
seventy-five per cent. 25172

(c) The building received an overall grade of "D" or "F" 25173  
under division (C)(3) of section 3302.03 of the Revised Code or a 25174  
grade of "F" for the value-added progress dimension under division 25175  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 25176  
school year or any school year thereafter. 25177

(2) The student will be enrolling in any of grades 25178  
kindergarten through twelve in this state for the first time in 25179  
the school year for which a scholarship is sought, will be at 25180  
least five years of age by the first day of January of the school 25181  
year for which a scholarship is sought, and otherwise would be 25182  
assigned under section 3319.01 of the Revised Code in the school 25183  
year for which a scholarship is sought, to a school building 25184  
described in division (A)(1) of this section. 25185

(3) The student is enrolled in a community school established 25186  
under Chapter 3314. of the Revised Code but otherwise would be 25187

assigned under section 3319.01 of the Revised Code to a building 25188  
described in division (A)(1) of this section. 25189

(4) The student is enrolled in a school building operated by 25190  
the student's resident district or in a community school 25191  
established under Chapter 3314. of the Revised Code and otherwise 25192  
would be assigned under section 3319.01 of the Revised Code to a 25193  
school building described in division (A)(1) of this section in 25194  
the school year for which the scholarship is sought. 25195

(5) The student will be both enrolling in any of grades 25196  
kindergarten through twelve in this state for the first time and 25197  
at least five years of age by the first day of January of the 25198  
school year for which a scholarship is sought, or is enrolled in a 25199  
community school established under Chapter 3314. of the Revised 25200  
Code, and all of the following apply to the student's resident 25201  
district: 25202

(a) The district has in force an intradistrict open 25203  
enrollment policy under which no student in the student's grade 25204  
level is automatically assigned to a particular school building; 25205

(b) In the most recent rating published prior to the first 25206  
day of July of the school year for which scholarship is sought, 25207  
the district did not receive a rating described in division ~~(H)~~(J) 25208  
of this section, and in at least two of the three most recent 25209  
report cards published prior to the first day of July of that 25210  
school year, any or a combination of the following apply to the 25211  
district: 25212

(i) The district was declared to be in a state of academic 25213  
emergency under section 3302.03 of the Revised Code as it existed 25214  
prior to March 22, 2013. 25215

(ii) The district received a grade of "D" or "F" for the 25216  
performance index score under division (A)(1)(b) or (B)(1)(b) of 25217  
section 3302.03 of the Revised Code and for the value-added 25218

progress dimension under division (A)(1)(e) or (B)(1)(e) of 25219  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 25220  
2014-2015, or 2015-2016 school year. 25221

(c) The district received an overall grade of "D" or "F" 25222  
under division (C)(3) of section 3302.03 of the Revised Code or a 25223  
grade of "F" for the value-added progress dimension under division 25224  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 25225  
school year or any school year thereafter. 25226

(6) Beginning in the 2016-2017 school year, the student is 25227  
enrolled in or will be enrolling in a building in the school year 25228  
for which the scholarship is sought that serves any of grades nine 25229  
through twelve and that received a grade of "D" or "F" for the 25230  
four-year adjusted cohort graduation rate under division 25231  
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 25232  
Revised Code in two of the three most recent report cards 25233  
published prior to the first day of July of the school year for 25234  
which a scholarship is sought. 25235

(B)(1) The student is enrolled in a school building operated 25236  
by the student's resident district and to which both of the 25237  
following apply: 25238

(a) The building was ranked, for at least two of the three 25239  
most recent rankings prior to the first day of July of the school 25240  
year for which a scholarship is sought, in the lowest ten per cent 25241  
of all buildings operated by city, local, and exempted village 25242  
school districts according to performance index score as 25243  
determined by the department of education. 25244

(b) The building was not declared to be excellent or 25245  
effective, or the equivalent of such ratings as determined by the 25246  
department, under section 3302.03 of the Revised Code in the most 25247  
recent rating published prior to the first day of July of the 25248  
school year for which a scholarship is sought. 25249

(2) The student will be enrolling in any of grades 25250  
kindergarten through twelve in this state for the first time in 25251  
the school year for which a scholarship is sought, will be at 25252  
least five years of age, as defined in section 3321.01 of the 25253  
Revised Code, by the first day of January of the school year for 25254  
which a scholarship is sought, and otherwise would be assigned 25255  
under section 3319.01 of the Revised Code in the school year for 25256  
which a scholarship is sought, to a school building described in 25257  
division (B)(1) of this section. 25258

(3) The student is enrolled in a community school established 25259  
under Chapter 3314. of the Revised Code but otherwise would be 25260  
assigned under section 3319.01 of the Revised Code to a building 25261  
described in division (B)(1) of this section. 25262

(4) The student is enrolled in a school building operated by 25263  
the student's resident district or in a community school 25264  
established under Chapter 3314. of the Revised Code and otherwise 25265  
would be assigned under section 3319.01 of the Revised Code to a 25266  
school building described in division (B)(1) of this section in 25267  
the school year for which the scholarship is sought. 25268

(C) The student is enrolled in a nonpublic school at the time 25269  
the school is granted a charter by the state board of education 25270  
under section 3301.16 of the Revised Code and the student meets 25271  
the standards of division (B) of section 3310.031 of the Revised 25272  
Code. 25273

(D) For the 2016-2017 school year and each school year 25274  
thereafter, the student is in any of grades kindergarten through 25275  
three, is enrolled in a school building that is operated by the 25276  
student's resident district or will be enrolling in any of grades 25277  
kindergarten through twelve in this state for the first time in 25278  
the school year for which a scholarship is sought, and to which 25279  
both of the following apply: 25280

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 25281  
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(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought. 25287  
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(E) The student's resident district is subject to section 3302.10 of the Revised Code and the student either: 25293  
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(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code; 25295  
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(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought. 25298  
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(F) The student is enrolled in the eighth grade in a chartered nonpublic school without a state scholarship in the school year prior to the first school year for which a scholarship is sought but otherwise meets the eligibility criteria prescribed by this section. 25302  
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(G) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 25307  
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(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), (D), or (E) of this section.

(2) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, the student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school.

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

~~(G)~~(H)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time 25343  
scholarships pursuant to division (D) of this section with respect 25344  
to a school building that, in the most recent ratings of school 25345  
buildings under section 3302.03 of the Revised Code prior to the 25346  
first day of July of the school year, ceases to meet the criteria 25347  
in division (D) of this section. 25348

(4) The department shall cease awarding first-time 25349  
scholarships pursuant to division (E) of this section with respect 25350  
to a school district subject to section 3302.10 of the Revised 25351  
Code when the academic distress commission established for the 25352  
district ceases to exist. 25353

(5) However, students who have received scholarships in the 25354  
prior school year remain eligible students pursuant to division 25355  
~~(F)~~(G) of this section. 25356

~~(H)~~(I) The state board of education shall adopt rules 25357  
defining excused absences for purposes of division ~~(F)~~(G)(3) of 25358  
this section. 25359

~~(I)~~(J)(1) A student who satisfies only the conditions 25360  
prescribed in divisions (A)(1) to (4) of this section shall not be 25361  
eligible for a scholarship if the student's resident building 25362  
meets any of the following in the most recent rating under section 25363  
3302.03 of the Revised Code published prior to the first day of 25364  
July of the school year for which a scholarship is sought: 25365

(a) The building has an overall designation of excellent or 25366  
effective under section 3302.03 of the Revised Code as it existed 25367  
prior to March 22, 2013. 25368

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 25369  
school year, the building has a grade of "A" or "B" for the 25370  
performance index score under division (A)(1)(b) or (B)(1)(b) of 25371  
section 3302.03 of the Revised Code and for the value-added 25372  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 25373

section 3302.03 of the Revised Code; or if the building serves 25374  
only grades ten through twelve, the building received a grade of 25375  
"A" or "B" for the performance index score under division 25376  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 25377  
had a four-year adjusted cohort graduation rate of greater than or 25378  
equal to seventy-five per cent. 25379

(c) For the 2016-2017 school year or any school year 25380  
thereafter, the building has a grade of "A" or "B" under division 25381  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 25382  
for the value-added progress dimension under division (C)(1)(e) of 25383  
section 3302.03 of the Revised Code; or if the building serves 25384  
only grades ten through twelve, the building received a grade of 25385  
"A" or "B" for the performance index score under division 25386  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 25387  
four-year adjusted cohort graduation rate of greater than or equal 25388  
to seventy-five per cent. 25389

(2) A student who satisfies only the conditions prescribed in 25390  
division (A)(5) of this section shall not be eligible for a 25391  
scholarship if the student's resident district meets any of the 25392  
following in the most recent rating under section 3302.03 of the 25393  
Revised Code published prior to the first day of July of the 25394  
school year for which a scholarship is sought: 25395

(a) The district has an overall designation of excellent or 25396  
effective under section 3302.03 of the Revised Code as it existed 25397  
prior to March 22, 2013. 25398

(b) The district has a grade of "A" or "B" for the 25399  
performance index score under division (A)(1)(b) or (B)(1)(b) of 25400  
section 3302.03 of the Revised Code and for the value-added 25401  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 25402  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 25403  
2014-2015, and 2015-2016 school years. 25404

(c) The district has an overall grade of "A" or "B" under 25405  
division (C)(3) of section 3302.03 of the Revised Code and a grade 25406  
of "A" for the value-added progress dimension under division 25407  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 25408  
school year or any school year thereafter. 25409

**Sec. 3310.032.** (A) A student is an "eligible student" for 25410  
purposes of the expansion of the educational choice scholarship 25411  
pilot program under this section if the student's resident 25412  
district is not a school district in which the pilot project 25413  
scholarship program is operating under sections 3313.974 to 25414  
3313.979 of the Revised Code, the student is not eligible for an 25415  
educational choice scholarship under section 3310.03 of the 25416  
Revised Code, and the student's family income is at or below two 25417  
hundred per cent of the federal poverty guidelines, as defined in 25418  
section 5101.46 of the Revised Code. 25419

(B) In each fiscal year for which the general assembly 25420  
appropriates funds for purposes of this section, the department of 25421  
education shall pay scholarships to attend chartered nonpublic 25422  
schools in accordance with section 3310.08 of the Revised Code. 25423  
The number of scholarships awarded under this section shall not 25424  
exceed the number that can be funded with appropriations made by 25425  
the general assembly for this purpose. 25426

(C) Scholarships under this section shall be awarded as 25427  
follows: 25428

(1) For the 2013-2014 school year, to eligible students who 25429  
are entering kindergarten in that school year for the first time; 25430

(2) For each subsequent school year through the 2019-2020 25431  
school year, scholarships shall be awarded to eligible students in 25432  
the next grade level above the highest grade level awarded in the 25433  
preceding school year, in addition to the grade levels for which 25434  
students received scholarships in the preceding school year; 25435

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time. 25436  
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(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority: 25439  
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(1) First, to eligible students who received scholarships under this section in the prior school year; 25443  
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(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D)(1) of this section, the department shall select students described in division (D)(2) of this section by lot to receive any remaining scholarships. 25445  
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(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships. 25453  
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(E) Subject to divisions (E)(1) to (3) of this section, a student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions ~~(F)~~(G)(2) and (3) of section 3310.03 of the Revised Code. 25459  
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Once a scholarship is awarded under this section, the student 25466

shall remain eligible for that scholarship for the current school 25467  
year and subsequent school years even if the student's family 25468  
income rises above the amount specified in division (A) of this 25469  
section, provided the student remains enrolled in a chartered 25470  
nonpublic school, however: 25471

(1) If the student's family income is above two hundred per 25472  
cent but at or below three hundred per cent of the federal poverty 25473  
guidelines, the student shall receive a scholarship in the amount 25474  
of seventy-five per cent of the full scholarship amount. 25475

(2) If the student's family income is above three hundred per 25476  
cent but at or below four hundred per cent of the federal poverty 25477  
guidelines, the student shall receive a scholarship in the amount 25478  
of fifty per cent of the full scholarship amount. 25479

(3) If the student's family income is above four hundred per 25480  
cent of the federal poverty guidelines, the student is no longer 25481  
eligible to receive an educational choice scholarship. 25482

**Sec. 3310.035.** (A) A student who is eligible for an 25483  
educational choice scholarship under both sections 3310.03 and 25484  
3310.032 of the Revised Code, and applies for a scholarship for 25485  
the first time after September 29, 2013, shall receive a 25486  
scholarship under section 3310.03 of the Revised Code. 25487

(B) A student who is eligible under both sections 3310.03 and 25488  
3310.032 of the Revised Code and received a scholarship in the 25489  
previous school year shall continue to receive the scholarship 25490  
under the section from which the student received the scholarship 25491  
in the previous school year, so long as: 25492

(1) The number of students who apply for a scholarship does 25493  
not exceed the number of scholarships available under division (A) 25494  
of section 3310.02 of the Revised Code. 25495

(2) A student who receives a scholarship under section 25496

3310.03 of the Revised Code satisfies with the conditions 25497  
specified in divisions ~~(F)~~(G)(1) to (3) of that section, and a 25498  
student who receives a scholarship under section 3310.032 25499  
satisfies with the conditions specified in divisions ~~(E)~~(G)(2) and 25500  
(3) of section 3310.03 of the Revised Code. 25501

**Sec. 3310.08.** (A) The amount paid for an eligible student 25502  
under the educational choice scholarship pilot program and the 25503  
expansion of the program under section 3310.032 of the Revised 25504  
Code shall be the lesser of the tuition of the chartered nonpublic 25505  
school in which the student is enrolled, prior to the application 25506  
of any other sources of financial aid received by the student, or 25507  
the maximum amount prescribed in section 3310.09 of the Revised 25508  
Code. 25509

(B)(1) The department of education shall pay to the parent of 25510  
each eligible student for whom a scholarship is awarded under the 25511  
program, or to the student if at least eighteen years of age, 25512  
periodic partial payments of the scholarship. 25513

(2) The department shall proportionately reduce or terminate 25514  
the payments for any student who withdraws from a chartered 25515  
nonpublic school prior to the end of the school year. 25516

(C)(1) The department shall deduct from the payments made to 25517  
each school district under Chapter 3317., and if necessary, 25518  
sections 321.24 and 323.156 of the Revised Code, the amount paid 25519  
under division (B) of this section for each eligible student who 25520  
qualifies for a scholarship under section 3310.03 of the Revised 25521  
Code and who is entitled under section 3313.64 or 3313.65 of the 25522  
Revised Code to attend school in the district. In the case of a 25523  
student entitled to attend school in a school district under 25524  
division (B)(2)(a) of section 3313.64 or division (C) of section 25525  
3313.65 of the Revised Code, the department shall deduct the 25526  
payments from the school district in whose formula ADM the student 25527

is included, as that term is defined in section 3317.02 of the Revised Code. 25528  
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(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section. 25530  
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**Sec. 3310.16.** ~~(A) Except as provided in division (B) of this section, for~~ For the 2013-2014 2020-2021 school year and each school year thereafter, the department of education shall ~~conduct two application periods~~ accept, process, and award scholarships each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows: 25538  
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~~(1) The first~~ (A) A priority application period shall open ~~not sooner than~~ on the first day of ~~February~~ January prior to the first day of July of the school year for which a scholarship is sought and run ~~not less than seventy five days to the first day of~~ May of that year. The department shall award scholarships under this division not later than the thirty-first day of May prior to the first day of July of the school year for which a scholarship is sought. 25545  
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~~(2) The second application period shall open not sooner than the first day of July of the school year for which the scholarship is sought and run not less than thirty days.~~ 25553  
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~~(B) If the scholarships awarded under section 3310.032 of the Revised Code in the first application period for any school year use the entirety of the amount appropriated by the general~~ 25556  
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~~assembly for such scholarships for that school year, the 25559  
department need not conduct a second application period for 25560  
scholarships under that section. If, after the first application 25561  
period, there are funds remaining to award scholarships under 25562  
section 3310.032 of the Revised Code, the department shall conduct 25563  
a second application period in accordance with division (A)(2) of 25564  
this section. 25565~~

~~(C) Not later than the thirty first day of May of each school 25566  
year, the department shall determine whether funds remain 25567  
available for income based scholarships under the educational 25568  
choice scholarship program after the first application period The 25569  
department shall continue to award scholarships after the priority  
application period closes. If the department awards a scholarship  
after the beginning of the school year, the department shall  
prorate the amount of the scholarship based on how much of the  
school year remains. The department shall continue to award  
income-based scholarships under section 3310.032 of the Revised  
Code only so long as funds appropriated by the general assembly  
for such scholarships for that school year remain available. 25570  
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**Sec. 3311.78.** Notwithstanding any provision of the Revised 25578  
Code to the contrary, a municipal school district shall be subject 25579  
to this section instead of sections 3317.13, 3317.14, and 3317.141 25580  
of the Revised Code. 25581

(A) As used in this section, "principal" includes an 25582  
assistant principal. 25583

(B) The board of education of each municipal school district 25584  
annually shall adopt a differentiated salary schedule for teachers 25585  
based upon performance as described in division (D) of this 25586  
section. The board also annually shall adopt a differentiated 25587  
salary schedule for principals based upon performance as described 25588  
in division (D) of this section. 25589

For each teacher or principal hired on or after October 1, 25590  
2012, the board shall determine the teacher's or principal's 25591  
initial placement on the applicable salary schedule based on years 25592  
of experience and area of licensure and any other factors the 25593  
board considers appropriate. For each teacher hired prior to 25594  
October 1, 2012, the board shall initially place the teacher on 25595  
the applicable salary schedule so that the teacher's annual salary 25596  
on the schedule is comparable to the teacher's annual salary for 25597  
the school year immediately prior to the school year covered by 25598  
the schedule. For each principal hired prior to October 1, 2012, 25599  
the board shall initially place the principal on the applicable 25600  
salary schedule consistent with the principal's employment 25601  
contract. 25602

(C) The salary of a teacher shall not be reduced unless such 25603  
reduction is accomplished as part of a negotiated collective 25604  
bargaining agreement. The salary of a principal shall not be 25605  
reduced during the term of the principal's employment contract 25606  
unless such reduction is by mutual agreement of the board and the 25607  
principal or is part of a uniform plan affecting the entire 25608  
district. 25609

(D) For purposes of the schedules, the board shall measure a 25610  
teacher's or principal's performance by considering all of the 25611  
following: 25612

(1) The level of license issued under section 3319.22 of the 25613  
Revised Code that the teacher or principal holds; 25614

~~(2) In the case of a teacher, whether the teacher is a 25615  
properly certified or licensed teacher, as defined in section 25616  
3319.074 of the Revised Code; 25617~~

~~(3) Ratings received by the teacher or principal on 25618  
performance evaluations conducted under section 3311.80 or 3311.84 25619  
of the Revised Code; 25620~~

~~(4)~~(3) Any specialized training and experience in the 25621  
assigned position. 25622

(E) The salary schedules adopted under this section may 25623  
provide for additional compensation for teachers or principals who 25624  
perform duties, not contracted for under a supplemental contract, 25625  
that the board determines warrant additional compensation. Those 25626  
duties may include, but are not limited to, assignment to a school 25627  
building eligible for funding under Title I of the "Elementary and 25628  
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; 25629  
assignment to a building in "school improvement" status under the 25630  
"No Child Left Behind Act of 2001," as defined in section 3302.01 25631  
of the Revised Code; teaching in a grade level or subject area in 25632  
which the board has determined there is a shortage within the 25633  
district; assignment to a hard-to-staff school, as determined by 25634  
the board; or teaching in a school with an extended school day or 25635  
school year. 25636

(F) The chief executive officer of the district, or the chief 25637  
executive officer's designee, annually shall review the salary of 25638  
each teacher and principal and make a recommendation to the board. 25639  
Based on the recommendation, the board may increase a teacher's or 25640  
principal's salary based on the teacher's or principal's 25641  
performance and duties as provided for in divisions (D) and (E) of 25642  
this section. The performance-based increase for a teacher or 25643  
principal rated as accomplished shall be greater than the 25644  
performance-based increase for a teacher or principal rated as 25645  
skilled. Notwithstanding division (C) of this section, division 25646  
(C) of section 3319.02, and section 3319.12 of the Revised Code, 25647  
the board may decrease the teacher's or principal's salary if the 25648  
teacher or principal will perform fewer or different duties 25649  
described in division (E) of this section in the school year for 25650  
which the salary is decreased. 25651

(G) Notwithstanding any provision to the contrary in Chapter 25652

4117. of the Revised Code, the requirements of this section 25653  
prevail over any conflicting provisions of a collective bargaining 25654  
agreement entered into on or after October 1, 2012. However, the 25655  
board and the teachers' labor organization shall negotiate the 25656  
implementation of the differentiated salary schedule for teachers 25657  
and may negotiate additional factors regarding teacher salaries, 25658  
provided those factors are consistent with this section. 25659

**Sec. 3311.79.** (A) When assigning teachers to schools of a 25660  
municipal school district prior to the start of a school year, 25661  
teachers may apply for open positions. All applicants shall be 25662  
considered. Applicants may be interviewed by a building level team 25663  
comprised of the building principal, a representative of the 25664  
district teachers' labor organization, a parent, a staff member in 25665  
the same job classification as the posted position, and any other 25666  
members mutually agreed upon by the principal and the labor 25667  
organization representative. When openings occur, the principal 25668  
and labor organization representative shall mutually select the 25669  
members of the building level team. Interviews by the building 25670  
level team shall not be delayed due to the unavailability of duly 25671  
notified team members. The team shall make recommendations whether 25672  
to assign a teacher to an open position in the building based on 25673  
how suitably the teacher's credentials fulfill the needs of the 25674  
particular school. For this purpose, the building level team shall 25675  
consider the following credentials: 25676

(1) The level of license issued under section 3319.22 of the 25677  
Revised Code that the teacher holds; 25678

(2) The number of subject areas the teacher is licensed to 25679  
teach; 25680

(3) ~~Whether the teacher would be a properly certified or 25681  
licensed teacher, as defined in section 3319.074 of the Revised 25682  
Code, in the open position;~~ 25683

<del>(4)</del> The results of the teacher's performance evaluations conducted under section 3311.80 of the Revised Code;	25684 25685
<del>(5)</del> <u>(4)</u> Whether the teacher has recently taught and been evaluated in the subject areas the teacher would teach at the school;	25686 25687 25688
<del>(6)</del> <u>(5)</u> Any specialized training or experience the teacher possesses that are relevant to the open position;	25689 25690
<del>(7)</del> <u>(6)</u> Any other credentials established by the district chief executive officer or a building level team.	25691 25692
(B) The building level team shall make its recommendations to the district chief executive officer or the chief executive officer's designee for the chief executive officer's or designee's final approval of the assignment.	25693 25694 25695 25696
(C) In the event that open positions in one or more school buildings have not been filled through the procedures set forth in divisions (A) and (B) of this section, or if the building level team has not been able to reach a consensus on a candidate, by ten days prior to the first work day for teachers of the school year, the district chief executive officer or the chief executive officer's designee shall assign teachers to any of those open positions based on the best interests of the district. In making an assignment under this division, the chief executive officer or the chief executive officer's designee shall take into consideration all input from the building level team members.	25697 25698 25699 25700 25701 25702 25703 25704 25705 25706 25707
(D) In the event that a position opens after the first student day of the school year, the building level team interview and recommendation procedures set forth in divisions (A) and (B) of this section shall be used to fill the open position. If any positions remain open, or if the building level team has not been able to reach a consensus on a candidate, after a reasonable period of time as determined by the chief executive officer or the	25708 25709 25710 25711 25712 25713 25714

chief executive officer's designee, the chief executive officer or 25715  
the chief executive officer's designee shall assign teachers to 25716  
any of those open positions based on the best interests of the 25717  
district. In making an assignment under this division, the chief 25718  
executive officer or the chief executive officer's designee shall 25719  
take into consideration all input from the building level team 25720  
members. 25721

(E) In the event it becomes necessary to assign, reassign, or 25722  
transfer a teacher, whether voluntarily or involuntarily on the 25723  
part of the teacher, for the purpose of promoting the best 25724  
interests of the district, the chief executive officer or the 25725  
chief executive officer's designee shall first meet with the 25726  
teacher, the principals of the affected buildings, and a 25727  
representative of the district teachers' labor organization. The 25728  
assignment, reassignment, or transfer shall not be delayed due to 25729  
the unavailability of the meeting participants who have been duly 25730  
notified. 25731

(F) The district chief executive officer or a building level 25732  
team shall not use seniority or continuing contract status as the 25733  
primary factor in determining any teacher's assignment to a 25734  
school. 25735

(G) Notwithstanding any provision to the contrary in Chapter 25736  
4117. of the Revised Code, the requirements of this section 25737  
prevail over any conflicting provisions of a collective bargaining 25738  
agreement entered into on or after October 1, 2012. However, the 25739  
board and the teachers' labor organization shall negotiate 25740  
regarding the implementation of this section, including the 25741  
processes by which each building level team conducts its 25742  
interviews and makes recommendations, consistent with this 25743  
section. 25744

**Sec. 3312.01.** (A) The educational regional service system is 25745

hereby established. The system shall support state and regional 25746  
education initiatives and efforts to improve school effectiveness 25747  
and student achievement. Services, including special education and 25748  
related services, shall be provided under the system to school 25749  
districts, community schools established under Chapter 3314. of 25750  
the Revised Code, and chartered nonpublic schools. 25751

It is the intent of the general assembly that the educational 25752  
regional service system reduce the unnecessary duplication of 25753  
programs and services and provide for a more streamlined and 25754  
efficient delivery of educational services without reducing the 25755  
availability of the services needed by school districts and 25756  
schools. 25757

(B) The educational regional service system shall consist of 25758  
the following: 25759

(1) The advisory councils and subcommittees established under 25760  
sections 3312.03 and 3312.05 of the Revised Code; 25761

(2) A fiscal agent for each of the regions as configured 25762  
under section 3312.02 of the Revised Code; 25763

(3) Educational service centers, information technology 25764  
centers established under section 3301.075 of the Revised Code, 25765  
and other regional education service providers. 25766

(C) Educational service centers shall provide the services 25767  
that they are specifically required to provide by the Revised Code 25768  
and may enter into agreements pursuant to section 3313.843, 25769  
3313.844, or 3313.845 of the Revised Code for the provision of 25770  
other services, which may include any of the following: 25771

(1) Assistance in improving student performance; 25772

(2) Services to enable a school district or school to operate 25773  
more efficiently or economically; 25774

(3) Professional development for teachers or administrators; 25775

(4) Assistance in the recruitment and retention of teachers and administrators;	25776 25777
(5) <u>Applying for any state or federal grant on behalf of a school district;</u>	25778 25779
(6) Any other educational, administrative, or operational services.	25780 25781
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	25782 25783 25784 25785 25786 25787
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	25788 25789 25790 25791
(D) <u>An educational service center shall be considered a school district for the purposes of eligibility in applying for any state or federal grant.</u>	25792 25793 25794
(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.	25795 25796 25797
<del>(E)</del> (F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.	25798 25799 25800 25801 25802 25803 25804 25805

Sec. 3313.411. (A) As used in this section:	25806
(1) "College-preparatory boarding school" means a	25807
college-preparatory boarding school established under Chapter	25808
3328. of the Revised Code.	25809
(2) "Community school" means a community school established	25810
under Chapter 3314. of the Revised Code.	25811
(3) "High-performing community school" has the same meaning	25812
as in section 3313.413 of the Revised Code.	25813
(4) "STEM school" means a science, technology, engineering,	25814
and mathematics school established under Chapter 3326. of the	25815
Revised Code.	25816
(5) "Unused school facilities" means any real property that	25817
has been used by a school district for school operations,	25818
including, but not limited to, academic instruction or	25819
administration, since July 1, 1998, but has not been used in that	25820
capacity for <del>two years</del> <u>one year</u> .	25821
(B)(1) Except as provided in section 3313.412 of the Revised	25822
Code, on and after June 30, 2011, any school district board of	25823
education shall offer any unused school facilities it owns in its	25824
corporate capacity for lease or sale to the governing authorities	25825
of community schools, the boards of trustees of any	25826
college-preparatory boarding schools, and the governing bodies of	25827
any STEM schools, that are located within the territory of the	25828
district. Not later than sixty days after the district board makes	25829
the offer, interested governing authorities, boards of trustees,	25830
and governing bodies shall notify the district treasurer in	25831
writing of the intention to lease or purchase the property.	25832
The district board shall give priority to the governing	25833
authorities of high-performing community schools that are located	25834
within the territory of the district.	25835

(2) At the same time that a district board makes the offer 25836  
required under division (B)(1) of this section, the board also 25837  
may, but shall not be required to, offer that property for sale or 25838  
lease to the governing authorities of community schools with 25839  
plans, stipulated in their contracts entered into under section 25840  
3314.03 of the Revised Code, either to relocate their operations 25841  
to the territory of the district or to add facilities, as 25842  
authorized by division (B)(3) or (4) of section 3314.05 of the 25843  
Revised Code, to be located within the territory of the district. 25844

(C)(1) If, not later than sixty days after the district board 25845  
makes the offer, only one governing authority of a high-performing 25846  
community school offered the property under division (B) of this 25847  
section notifies the district treasurer in writing of the 25848  
intention to purchase the property pursuant to that division, the 25849  
district board shall sell the property to that party for the 25850  
appraised fair market value of the property as determined in an 25851  
appraisal of the property that is not more than one year old. 25852

If, not later than sixty days after the district board makes 25853  
the offer, more than one governing authority of a high-performing 25854  
community school offered the property under division (B) of this 25855  
section notifies the district treasurer in writing of the 25856  
intention to purchase the property pursuant to that division, the 25857  
board shall conduct a public auction in the manner required for 25858  
auctions of district property under division (A) of section 25859  
3313.41 of the Revised Code. Only the governing authorities of 25860  
high-performing community schools that notified the district 25861  
treasurer of the intention to purchase the property pursuant to 25862  
division (B) of this section are eligible to bid at the auction. 25863  
The district board is not obligated to accept any bid for the 25864  
property that is lower than the appraised fair market value of the 25865  
property as determined in an appraisal that is not more than one 25866  
year old. 25867

(2) If, not later than sixty days after the district board 25868  
makes the offer, no governing authority of a high-performing 25869  
community school notifies the district treasurer of its intention 25870  
to purchase the property pursuant to division (B) of this section, 25871  
the board shall then proceed with the offers from all other 25872  
start-up community schools, college-preparatory boarding schools, 25873  
and STEM schools made pursuant to that division. 25874

If more than one such entity notifies the district treasurer 25875  
of its intention to purchase the property pursuant to division (B) 25876  
of this section, the board shall conduct a public auction in the 25877  
manner required for auctions of district property under division 25878  
(A) of section 3313.41 of the Revised Code. Only the entities that 25879  
notified the district treasurer pursuant to division (B) of this 25880  
section are eligible to bid at the auction. 25881

(3) If more than one governing authority of a high-performing 25882  
community school notifies the district treasurer in writing of the 25883  
intention to lease the property pursuant to division (B) of this 25884  
section, the district board shall conduct a lottery to select from 25885  
among those governing authorities the one qualified governing 25886  
authority to which the district board shall lease the property. 25887

If no such governing authority of a high-performing community 25888  
school notifies the district treasurer of its intention to lease 25889  
the property pursuant to division (B) of this section, the board 25890  
shall then proceed with the offers from all other start-up 25891  
community schools, college-preparatory boarding schools, and STEM 25892  
schools made pursuant to that division. If more than one other 25893  
start-up community school, college-preparatory boarding school, or 25894  
STEM school notified the district treasurer of its intention to 25895  
lease the property pursuant to division (B) of this section, the 25896  
district board shall conduct a lottery to select from among those 25897  
parties the one qualified party to which the district board shall 25898  
lease the property. 25899

(4) The lease price offered by a district board to a community school, college-preparatory boarding school, or STEM school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

**Sec. 3313.5315.** Any student from a country or province outside the United States, who attends an elementary or secondary school in this state ~~that began operating a dormitory on its campus prior to 2014,~~ shall be permitted to participate in interscholastic athletics at that school on the same basis as

students who are residents of this state, so long as the student 25931  
holds an F-1 visa issued by the United States department of state. 25932  
Such a student shall not be denied the opportunity to participate 25933  
in interscholastic athletics solely because the student's parents 25934  
do not reside in this state. 25935

No school district, school, interscholastic conference, or 25936  
organization that regulates interscholastic conferences or events 25937  
shall have a rule, bylaw, or other regulation that conflicts with 25938  
this section. 25939

Sec. 3313.5316. A city, local, or exempted village school 25940  
district, interscholastic conference, or organization that 25941  
regulates interscholastic athletics shall have the same pupil 25942  
transfer rules for public schools and nonpublic schools. 25943

No district, interscholastic conference, or organization that 25944  
regulates interscholastic athletics shall adopt a rule, bylaw, or 25945  
other regulation contrary to this section. 25946

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 25947  
grade in the school year that starts July 1, 2009, and until June 25948  
30, 2013, unless the student is excused under division (C) of 25949  
section 3301.0711 of the Revised Code from taking the assessment 25950  
described in this section, for any student who does not attain at 25951  
least the equivalent level of achievement designated under 25952  
division (A)(3) of section 3301.0710 of the Revised Code on the 25953  
assessment prescribed under that section to measure skill in 25954  
English language arts expected at the end of third grade, each 25955  
school district, in accordance with the policy adopted under 25956  
section 3313.609 of the Revised Code, shall do one of the 25957  
following: 25958

(a) Promote the student to fourth grade if the student's 25959  
principal and reading teacher agree that other evaluations of the 25960

student's skill in reading demonstrate that the student is 25961  
academically prepared to be promoted to fourth grade; 25962

(b) Promote the student to fourth grade but provide the 25963  
student with intensive intervention services in fourth grade; 25964

(c) Retain the student in third grade. 25965

(2) Beginning with students who enter third grade in the 25966  
2013-2014 school year, unless the student is excused under 25967  
division (C) of section 3301.0711 of the Revised Code from taking 25968  
the assessment described in this section, no school district shall 25969  
promote to fourth grade any student who does not attain at least 25970  
the equivalent level of achievement designated under division 25971  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 25972  
prescribed under that section to measure skill in English language 25973  
arts expected at the end of third grade, unless one of the 25974  
following applies: 25975

(a) The student is a ~~limited an English proficient student~~ 25976  
learner who has been enrolled in United States schools for less 25977  
than three full school years and has had less than three years of 25978  
instruction in an English as a second language program. 25979

(b) The student is a child with a disability entitled to 25980  
special education and related services under Chapter 3323. of the 25981  
Revised Code and the student's individualized education program 25982  
exempts the student from retention under this division. 25983

(c) The student demonstrates an acceptable level of 25984  
performance on an alternative standardized reading assessment as 25985  
determined by the department of education. 25986

(d) All of the following apply: 25987

(i) The student is a child with a disability entitled to 25988  
special education and related services under Chapter 3323. of the 25989  
Revised Code. 25990

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 25991  
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 25994  
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(iv) The student previously was retained in any of grades kindergarten to three. 25999  
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 26001  
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 26005  
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students 26012  
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in grades one to three, and by the first day of November for 26022  
students in kindergarten. Each district shall use the diagnostic 26023  
assessment to measure reading ability for the appropriate grade 26024  
level adopted under section 3301.079 of the Revised Code, or a 26025  
comparable tool approved by the department of education, to 26026  
identify such students. The policies and procedures shall require 26027  
the students' classroom teachers to be involved in the assessment 26028  
and the identification of students reading below grade level. The 26029  
assessment may be administered electronically using live, two-way 26030  
video and audio connections whereby the teacher administering the 26031  
assessment may be in a separate location from the student. 26032

(2) For each student identified by the diagnostic assessment 26033  
prescribed under this section as having reading skills below grade 26034  
level, the district shall do both of the following: 26035

(a) Provide to the student's parent or guardian, in writing, 26036  
all of the following: 26037

(i) Notification that the student has been identified as 26038  
having a substantial deficiency in reading; 26039

(ii) A description of the current services that are provided 26040  
to the student; 26041

(iii) A description of the proposed supplemental 26042  
instructional services and supports that will be provided to the 26043  
student that are designed to remediate the identified areas of 26044  
reading deficiency; 26045

(iv) Notification that if the student attains a score in the 26046  
range designated under division (A)(3) of section 3301.0710 of the 26047  
Revised Code on the assessment prescribed under that section to 26048  
measure skill in English language arts expected at the end of 26049  
third grade, the student shall be retained unless the student is 26050  
exempt under division (A) of this section. The notification shall 26051  
specify that the assessment under section 3301.0710 of the Revised 26052

Code is not the sole determinant of promotion and that additional 26053  
evaluations and assessments are available to the student to assist 26054  
parents and the district in knowing when a student is reading at 26055  
or above grade level and ready for promotion. 26056

(b) Provide intensive reading instruction services and 26057  
regular diagnostic assessments to the student immediately 26058  
following identification of a reading deficiency until the 26059  
development of the reading improvement and monitoring plan 26060  
required by division (C) of this section. These intervention 26061  
services shall include research-based reading strategies that have 26062  
been shown to be successful in improving reading among 26063  
low-performing readers and instruction targeted at the student's 26064  
identified reading deficiencies. 26065

(3) For each student retained under division (A) of this 26066  
section, the district shall do all of the following: 26067

(a) Provide intense remediation services until the student is 26068  
able to read at grade level. The remediation services shall 26069  
include intensive interventions in reading that address the areas 26070  
of deficiencies identified under this section including, but not 26071  
limited to, not less than ninety minutes of reading instruction 26072  
per day, and may include any of the following: 26073

(i) Small group instruction; 26074

(ii) Reduced teacher-student ratios; 26075

(iii) More frequent progress monitoring; 26076

(iv) Tutoring or mentoring; 26077

(v) Transition classes containing third and fourth grade 26078  
students; 26079

(vi) Extended school day, week, or year; 26080

(vii) Summer reading camps. 26081

(b) Establish a policy for the mid-year promotion of a 26082

student retained under division (A) of this section who 26083  
demonstrates that the student is reading at or above grade level; 26084

(c) Provide each student with a teacher who satisfies one or 26085  
more of the criteria set forth in division (H) of this section. 26086

The district shall offer the option for students to receive 26087  
applicable services from one or more providers other than the 26088  
district. Providers shall be screened and approved by the district 26089  
or the department of education. If the student participates in the 26090  
remediation services and demonstrates reading proficiency in 26091  
accordance with standards adopted by the department prior to the 26092  
start of fourth grade, the district shall promote the student to 26093  
that grade. 26094

(4) For each student retained under division (A) of this 26095  
section who has demonstrated proficiency in a specific academic 26096  
ability field, each district shall provide instruction 26097  
commensurate with student achievement levels in that specific 26098  
academic ability field. 26099

As used in this division, "specific academic ability field" 26100  
has the same meaning as in section 3324.01 of the Revised Code. 26101

(C) For each student required to be provided intervention 26102  
services under this section, the district shall develop a reading 26103  
improvement and monitoring plan within sixty days after receiving 26104  
the student's results on the diagnostic assessment or comparable 26105  
tool administered under division (B)(1) of this section. The 26106  
district shall involve the student's parent or guardian and 26107  
classroom teacher in developing the plan. The plan shall include 26108  
all of the following: 26109

(1) Identification of the student's specific reading 26110  
deficiencies; 26111

(2) A description of the additional instructional services 26112  
and support that will be provided to the student to remediate the 26113

identified reading deficiencies;	26114
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;	26115 26116 26117
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;	26118 26119 26120
(5) A reading curriculum during regular school hours that does all of the following:	26121 26122
(a) Assists students to read at grade level;	26123
(b) Provides scientifically based and reliable assessment;	26124
(c) Provides initial and ongoing analysis of each student's reading progress.	26125 26126
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	26127 26128 26129 26130 26131 26132
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	26133 26134 26135 26136
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	26137 26138 26139 26140
(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public	26141 26142 26143

instruction. The superintendent of public instruction annually 26144  
shall report to the governor and general assembly the number and 26145  
percentage of students in grades kindergarten through four reading 26146  
below grade level based on the diagnostic assessments administered 26147  
under division (B) of this section and the achievement assessments 26148  
administered under divisions (A)(1)(a) and (b) of section 26149  
3301.0710 of the Revised Code in English language arts, aggregated 26150  
by school district and building; the types of intervention 26151  
services provided to students; and, if available, an evaluation of 26152  
the efficacy of the intervention services provided. 26153

(E) Any summer remediation services funded in whole or in 26154  
part by the state and offered by school districts to students 26155  
under this section shall meet the following conditions: 26156

(1) The remediation methods are based on reliable educational 26157  
research. 26158

(2) The school districts conduct assessment before and after 26159  
students participate in the program to facilitate monitoring 26160  
results of the remediation services. 26161

(3) The parents of participating students are involved in 26162  
programming decisions. 26163

(F) Any intervention or remediation services required by this 26164  
section shall include intensive, explicit, and systematic 26165  
instruction. 26166

(G) This section does not create a new cause of action or a 26167  
substantive legal right for any person. 26168

(H)(1) Except as provided under divisions (H)(2), (3), and 26169  
(4) of this section, each student described in division (B)(3) or 26170  
(C) of this section who enters third grade for the first time on 26171  
or after July 1, 2013, shall be assigned a teacher who has at 26172  
least one year of teaching experience and who satisfies one or 26173  
more of the following criteria: 26174

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	26175 26176 26177
(b) The teacher has completed a master's degree program with a major in reading.	26178 26179
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	26180 26181 26182 26183 26184 26185
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	26186 26187 26188
(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.	26189 26190 26191
(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.	26192 26193 26194
(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.	26195 26196 26197 26198 26199 26200 26201 26202
(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,	26203 26204 26205

but prior to July 1, 2016, may be assigned to a teacher who holds 26206  
an alternative credential approved by the department or who has 26207  
successfully completed training that is based on principles of 26208  
scientifically research-based reading instruction that has been 26209  
approved by the department. Beginning on July 1, 2014, the 26210  
alternative credentials and training described in division (H)(3) 26211  
of this section shall be aligned with the reading competencies 26212  
adopted by the state board of education under section 3301.077 of 26213  
the Revised Code. 26214

(4) Notwithstanding division (H)(1) of this section, a 26215  
student described in division (B)(3) or (C) of this section who 26216  
enters third grade for the first time on or after July 1, 2013, 26217  
may receive reading intervention or remediation services under 26218  
this section from an individual employed as a speech-language 26219  
pathologist who holds a license issued by the state speech and 26220  
hearing professionals board under Chapter 4753. of the Revised 26221  
Code and a professional pupil services license as a school 26222  
speech-language pathologist issued by the state board of 26223  
education. 26224

(5) A teacher, other than a student's teacher of record, may 26225  
provide any services required under this section, so long as that 26226  
other teacher meets the requirements of division (H) of this 26227  
section and the teacher of record and the school principal agree 26228  
to the assignment. Any such assignment shall be documented in the 26229  
student's reading improvement and monitoring plan. 26230

As used in this division, "teacher of record" means the 26231  
classroom teacher to whom a student is assigned. 26232

(I) Notwithstanding division (H) of this section, a teacher 26233  
may teach reading to any student who is an English language 26234  
learner, and has been in the United States for three years or 26235  
less, or to a student who has an individualized education program 26236  
developed under Chapter 3323. of the Revised Code if that teacher 26237

holds an alternative credential approved by the department or has 26238  
successfully completed training that is based on principles of 26239  
scientifically research-based reading instruction that has been 26240  
approved by the department. Beginning on July 1, 2014, the 26241  
alternative credentials and training described in this division 26242  
shall be aligned with the reading competencies adopted by the 26243  
state board of education under section 3301.077 of the Revised 26244  
Code. 26245

(J) If, on or after June 4, 2013, a school district or 26246  
community school cannot furnish the number of teachers needed who 26247  
satisfy one or more of the criteria set forth in division (H) of 26248  
this section for the 2013-2014 school year, the school district or 26249  
community school shall develop and submit a staffing plan by June 26250  
30, 2013. The staffing plan shall include criteria that will be 26251  
used to assign a student described in division (B)(3) or (C) of 26252  
this section to a teacher, credentials or training held by 26253  
teachers currently teaching at the school, and how the school 26254  
district or community school will meet the requirements of this 26255  
section. The school district or community school shall post the 26256  
staffing plan on its web site for the applicable school year. 26257

Not later than March 1, 2014, and on the first day of March 26258  
in each year thereafter, a school district or community school 26259  
that has submitted a plan under this division shall submit to the 26260  
department a detailed report of the progress the district or 26261  
school has made in meeting the requirements under this section. 26262

A school district or community school may request an 26263  
extension of a staffing plan beyond the 2013-2014 school year. 26264  
Extension requests must be submitted to the department not later 26265  
than the thirtieth day of April prior to the start of the 26266  
applicable school year. The department may grant extensions valid 26267  
through the 2015-2016 school year. 26268

Until June 30, 2015, the department annually shall review all 26269

staffing plans and report to the state board not later than the 26270  
thirtieth day of June of each year the progress of school 26271  
districts and community schools in meeting the requirements of 26272  
this section. 26273

(K) The department of education shall designate one or more 26274  
staff members to provide guidance and assistance to school 26275  
districts and community schools in implementing the third grade 26276  
guarantee established by this section, including any standards or 26277  
requirements adopted to implement the guarantee and to provide 26278  
information and support for reading instruction and achievement. 26279

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 26280  
school year, each school district shall report to the department 26281  
of education, in the manner prescribed by the department, the 26282  
types of prevention-focused programs, services, and supports used 26283  
to assist students in developing the knowledge and skills to 26284  
engage in healthy behaviors and decision-making and to increase 26285  
their awareness of the dangers and consequences of risky 26286  
behaviors, including substance abuse, suicide, bullying, and other 26287  
harmful behaviors. The district shall report the following 26288  
information regarding such programs, services, and supports for 26289  
each building operated by the district and for each of grades 26290  
kindergarten through twelve served by the building: 26291

(1) Curriculum and instruction provided during the school 26292  
day; 26293

(2) Programs and supports provided outside of the classroom 26294  
or outside of the school day; 26295

(3) Professional development for teachers, administrators, 26296  
and other staff; 26297

(4) Partnerships with community coalitions and organizations 26298  
to provide prevention services and resources to students and their 26299

<u>families;</u>	26300
<u>(5) School efforts to engage parents and the community;</u>	26301
<u>(6) Activities designed to communicate with and learn from</u>	26302
<u>other schools or professionals with expertise in prevention</u>	26303
<u>education.</u>	26304
<u>(B) The department may use information reported under this</u>	26305
<u>section, and any other information collected by the department</u>	26306
<u>pursuant to law, as a factor in the distribution of any funding</u>	26307
<u>available for prevention-focused programs, services, and supports.</u>	26308
<b>Sec. 3313.61.</b> (A) A diploma shall be granted by the board of	26309
education of any city, exempted village, or local school district	26310
that operates a high school to any person to whom all of the	26311
following apply:	26312
(1) The person has successfully completed the curriculum in	26313
any high school or the individualized education program developed	26314
for the person by any high school pursuant to section 3323.08 of	26315
the Revised Code, or has qualified under division (D) or (F) of	26316
section 3313.603 of the Revised Code, provided that no school	26317
district shall require a student to remain in school for any	26318
specific number of semesters or other terms if the student	26319
completes the required curriculum early;	26320
(2) Subject to section 3313.614 of the Revised Code, the	26321
person has met the assessment requirements of division (A)(2)(a)	26322
or (b) of this section, as applicable.	26323
(a) If the person entered the ninth grade prior to July 1,	26324
2014, the person either:	26325
(i) Has attained at least the applicable scores designated	26326
under division (B)(1) of section 3301.0710 of the Revised Code on	26327
all the assessments required by that division unless the person	26328
was excused from taking any such assessment pursuant to section	26329

3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person; 26330  
26331

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 26332  
26333

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section. 26334  
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(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section. 26340  
26341

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division. 26342  
26343  
26344

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following: 26345  
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26348

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code; 26349  
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26351  
26352

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 26353  
26354  
26355

(a) If the person entered the ninth grade prior to July 1, 2014, the person either: 26356  
26357

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on 26358  
26359

all the assessments required by that division; 26360

(ii) Has satisfied the alternative conditions prescribed in 26361  
section 3313.615 of the Revised Code. 26362

(b) If the person entered the ninth grade on or after July 1, 26363  
2014, the person has met the requirement prescribed under section 26364  
3313.618 of the Revised Code. 26365

(3) Has met additional criteria established by the state 26366  
board for the granting of such a diploma. 26367

An honors diploma shall not be granted to a student who is 26368  
subject to the requirements prescribed in division (C) of section 26369  
3313.603 of the Revised Code but elects the option of division (D) 26370  
or (F) of that section. Except as provided in divisions (C), (E), 26371  
and (J) of this section, no honors diploma shall be granted to 26372  
anyone failing to comply with this division and no more than one 26373  
honors diploma shall be granted to any student under this 26374  
division. 26375

The state board shall adopt rules prescribing the granting of 26376  
honors diplomas under this division. These rules may prescribe the 26377  
granting of honors diplomas that recognize a student's achievement 26378  
as a whole or that recognize a student's achievement in one or 26379  
more specific subjects or both. The rules may prescribe the 26380  
granting of an honors diploma recognizing technical expertise for 26381  
a career-technical student. In any case, the rules shall designate 26382  
two or more criteria for the granting of each type of honors 26383  
diploma the board establishes under this division and the number 26384  
of such criteria that must be met for the granting of that type of 26385  
diploma. The number of such criteria for any type of honors 26386  
diploma shall be at least one less than the total number of 26387  
criteria designated for that type and no one or more particular 26388  
criteria shall be required of all persons who are to be granted 26389  
that type of diploma. 26390

(C) Any district board administering any of the assessments 26391  
required by section 3301.0710 of the Revised Code to any person 26392  
requesting to take such assessment pursuant to division (B)(8)(b) 26393  
of section 3301.0711 of the Revised Code shall award a diploma to 26394  
such person if the person attains at least the applicable scores 26395  
designated under division (B)(1) of section 3301.0710 of the 26396  
Revised Code on all the assessments administered and if the person 26397  
has previously attained the applicable scores on all the other 26398  
assessments required by division (B)(1) of that section or has 26399  
been exempted or excused from attaining the applicable score on 26400  
any such assessment pursuant to division (H) or (L) of this 26401  
section or from taking any such assessment pursuant to section 26402  
3313.532 of the Revised Code. 26403

(D) Each diploma awarded under this section shall be signed 26404  
by the president and treasurer of the issuing board, the 26405  
superintendent of schools, and the principal of the high school. 26406  
Each diploma shall bear the date of its issue, be in such form as 26407  
the district board prescribes, and be paid for out of the 26408  
district's general fund. 26409

(E) A person who is a resident of Ohio and is eligible under 26410  
state board of education minimum standards to receive a high 26411  
school diploma based in whole or in part on credits earned while 26412  
an inmate of a correctional institution operated by the state or 26413  
any political subdivision thereof, shall be granted such diploma 26414  
by the correctional institution operating the programs in which 26415  
such credits were earned, and by the board of education of the 26416  
school district in which the inmate resided immediately prior to 26417  
the inmate's placement in the institution. The diploma granted by 26418  
the correctional institution shall be signed by the director of 26419  
the institution, and by the person serving as principal of the 26420  
institution's high school and shall bear the date of issue. 26421

(F) Persons who are not residents of Ohio but who are inmates 26422

of correctional institutions operated by the state or any 26423  
political subdivision thereof, and who are eligible under state 26424  
board of education minimum standards to receive a high school 26425  
diploma based in whole or in part on credits earned while an 26426  
inmate of the correctional institution, shall be granted a diploma 26427  
by the correctional institution offering the program in which the 26428  
credits were earned. The diploma granted by the correctional 26429  
institution shall be signed by the director of the institution and 26430  
by the person serving as principal of the institution's high 26431  
school and shall bear the date of issue. 26432

(G) The state board of education shall provide by rule for 26433  
the administration of the assessments required by sections 26434  
3301.0710 and 3301.0712 of the Revised Code to inmates of 26435  
correctional institutions. 26436

(H) Any person to whom all of the following apply shall be 26437  
exempted from attaining the applicable score on the assessment in 26438  
social studies designated under division (B)(1) of section 26439  
3301.0710 of the Revised Code, any American history end-of-course 26440  
examination and any American government end-of-course examination 26441  
required under division (B) of section 3301.0712 of the Revised 26442  
Code if such an exemption is prescribed by rule of the state board 26443  
under division (D)(3) of section 3301.0712 of the Revised Code, or 26444  
the test in citizenship designated under former division (B) of 26445  
section 3301.0710 of the Revised Code as it existed prior to 26446  
September 11, 2001: 26447

(1) The person is not a citizen of the United States; 26448

(2) The person is not a permanent resident of the United 26449  
States; 26450

(3) The person indicates no intention to reside in the United 26451  
States after the completion of high school. 26452

(I) Notwithstanding division (D) of section 3311.19 and 26453

division (D) of section 3311.52 of the Revised Code, this section 26454  
and section 3313.611 of the Revised Code do not apply to the board 26455  
of education of any joint vocational school district or any 26456  
cooperative education school district established pursuant to 26457  
divisions (A) to (C) of section 3311.52 of the Revised Code. 26458

(J) Upon receipt of a notice under division (D) of section 26459  
3325.08 or division (D) of section 3328.25 of the Revised Code 26460  
that a student has received a diploma under either section, the 26461  
board of education receiving the notice may grant a high school 26462  
diploma under this section to the student, except that such board 26463  
shall grant the student a diploma if the student meets the 26464  
graduation requirements that the student would otherwise have had 26465  
to meet to receive a diploma from the district. The diploma 26466  
granted under this section shall be of the same type the notice 26467  
indicates the student received under section 3325.08 or 3328.25 of 26468  
the Revised Code. 26469

(K) As used in this division, "~~limited English proficient~~ 26470  
~~student learner~~" has the same meaning as in division (C)(3) of 26471  
section 3301.0711 of the Revised Code. 26472

Notwithstanding division (C)(3) of section 3301.0711 of the 26473  
Revised Code, no ~~limited English proficient student learner~~ who 26474  
has not either attained the applicable scores designated under 26475  
division (B)(1) of section 3301.0710 of the Revised Code on all 26476  
the assessments required by that division, or met the requirement 26477  
prescribed by section 3313.618 of the Revised Code, shall be 26478  
awarded a diploma under this section. 26479

(L) Any student described by division (A)(1) of this section 26480  
may be awarded a diploma without meeting the requirement 26481  
prescribed by section 3313.618 of the Revised Code provided an 26482  
individualized education program specifically exempts the student 26483  
from meeting such requirement. This division does not negate the 26484  
requirement for a student to take the assessments prescribed by 26485

section 3301.0710 or under division (B) of section 3301.0712 of 26486  
the Revised Code, or alternate assessments required by division 26487  
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 26488  
of assessing student progress as required by federal law. 26489

**Sec. 3313.611.** (A) The state board of education shall adopt, 26490  
by rule, standards for awarding high school credit equivalent to 26491  
credit for completion of high school academic and vocational 26492  
education courses to applicants for diplomas under this section. 26493  
The standards may permit high school credit to be granted to an 26494  
applicant for any of the following: 26495

(1) Work experiences or experiences as a volunteer; 26496

(2) Completion of academic, vocational, or self-improvement 26497  
courses offered to persons over the age of twenty-one by a 26498  
chartered public or nonpublic school; 26499

(3) Completion of academic, vocational, or self-improvement 26500  
courses offered by an organization, individual, or educational 26501  
institution other than a chartered public or nonpublic school; 26502

(4) Other life experiences considered by the board to provide 26503  
knowledge and learning experiences comparable to that gained in a 26504  
classroom setting. 26505

(B) The board of education of any city, exempted village, or 26506  
local school district that operates a high school shall grant a 26507  
diploma of adult education to any applicant if all of the 26508  
following apply: 26509

(1) The applicant is a resident of the district; 26510

(2) The applicant is over the age of twenty-one and has not 26511  
been issued a diploma as provided in section 3313.61 of the 26512  
Revised Code; 26513

(3) Subject to section 3313.614 of the Revised Code, the 26514  
applicant has met the assessment requirements of division 26515

(B)(3)(a) or (b) of this section, as applicable.	26516
(a) Prior to July 1, 2014, the applicant either:	26517
(i) Has attained the applicable scores designated under	26518
division (B)(1) of section 3301.0710 of the Revised Code on all of	26519
the assessments required by that division or was excused or	26520
exempted from any such assessment pursuant to section 3313.532 or	26521
was exempted from attaining the applicable score on any such	26522
assessment pursuant to division (H) or (L) of section 3313.61 of	26523
the Revised Code;	26524
(ii) Has satisfied the alternative conditions prescribed in	26525
section 3313.615 of the Revised Code.	26526
(b) On or after July 1, 2014, has met the requirement	26527
prescribed by section 3313.618 of the Revised Code, except and	26528
only to the extent that the applicant is excused from some portion	26529
of that section pursuant to section 3313.532 of the Revised Code	26530
or division (H) or (L) of section 3313.61 of the Revised Code.	26531
(4) The district board determines, in accordance with the	26532
standards adopted under division (A) of this section, that the	26533
applicant has attained sufficient high school credits, including	26534
equivalent credits awarded under such standards, to qualify as	26535
having successfully completed the curriculum required by the	26536
district for graduation.	26537
(C) If a district board determines that an applicant is not	26538
eligible for a diploma under division (B) of this section, it	26539
shall inform the applicant of the reason the applicant is	26540
ineligible and shall provide a list of any courses required for	26541
the diploma for which the applicant has not received credit. An	26542
applicant may reapply for a diploma under this section at any	26543
time.	26544
(D) If a district board awards an adult education diploma	26545
under this section, the president and treasurer of the board and	26546

the superintendent of schools shall sign it. Each diploma shall 26547  
bear the date of its issuance, be in such form as the district 26548  
board prescribes, and be paid for from the district's general 26549  
fund, except that the state board may by rule prescribe standard 26550  
language to be included on each diploma. 26551

(E) As used in this division, "~~limited English proficient~~ 26552  
~~student~~ learner" has the same meaning as in division (C)(3) of 26553  
section 3301.0711 of the Revised Code. 26554

Notwithstanding division (C)(3) of section 3301.0711 of the 26555  
Revised Code, no ~~limited English proficient student~~ learner who 26556  
has not either attained the applicable scores designated under 26557  
division (B)(1) of section 3301.0710 of the Revised Code on all 26558  
the assessments required by that division, or has not met the 26559  
requirement prescribed by section 3313.618 of the Revised Code, 26560  
shall be awarded a diploma under this section. 26561

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 26562  
board of education shall grant a high school diploma to any person 26563  
unless, subject to section 3313.614 of the Revised Code, the 26564  
person has met the assessment requirements of division (A)(1) or 26565  
(2) of this section, as applicable. 26566

(1) If the person entered the ninth grade prior to July 1, 26567  
2014, the person has attained at least the applicable scores 26568  
designated under division (B)(1) of section 3301.0710 of the 26569  
Revised Code on all the assessments required by that division, or 26570  
has satisfied the alternative conditions prescribed in section 26571  
3313.615 of the Revised Code. 26572

(2) If the person entered the ninth grade on or after July 1, 26573  
2014, the person has met the requirement prescribed by section 26574  
3313.618 or 3313.619 of the Revised Code. 26575

(B) This section does not apply to any of the following: 26576

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school.

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body.

(C) As used in this division, "~~limited English proficient student~~ learner" has the same meaning as in division (C)(3) of

section 3301.0711 of the Revised Code. 26608

Notwithstanding division (C)(3) of section 3301.0711 of the 26609  
Revised Code, no ~~limited~~ English ~~proficient-student~~ learner who 26610  
has not either attained the applicable scores designated under 26611  
division (B)(1) of section 3301.0710 of the Revised Code on all 26612  
the assessments required by that division, or met the requirement 26613  
prescribed by section 3313.618 or 3313.619 of the Revised Code, 26614  
shall be awarded a diploma under this section. 26615

(D) The state board shall not impose additional requirements 26616  
or assessments for the granting of a high school diploma under 26617  
this section that are not prescribed by this section. 26618

(E) The department of education shall furnish the assessment 26619  
administered by a nonpublic school pursuant to division (B)(1) of 26620  
section 3301.0712 of the Revised Code. 26621

Sec. 3313.617. Not later than June 30, 2020, each board of 26622  
education of a school district and governing authority of a 26623  
chartered nonpublic school shall adopt a policy regarding students 26624  
who are at risk of not qualifying for a high school diploma. The 26625  
policy shall require the district or school to do all of the 26626  
following: 26627

(A) Develop criteria for identifying at-risk students, which 26628  
shall include a student's lack of adequate progress in meeting the 26629  
terms of a graduation plan developed or updated under division (E) 26630  
of this section. The criteria also may include other factors, such 26631  
as if a student has issues regarding excessive absences or 26632  
misconduct. 26633

(B) Develop procedures for identifying at-risk students. The 26634  
procedures shall include a method for determining if a student is 26635  
not making adequate progress in meeting the terms of a graduation 26636  
plan developed or updated under division (E) of this section. The 26637

procedures shall allow for a student to be identified as at risk 26638  
in each of grades nine through twelve. The procedures also may 26639  
include the identification of students in other grades. 26640

(C) Develop a notification process in which the district or 26641  
school shall notify an at-risk student's parent, guardian, or 26642  
custodian in each year in which the student has been identified as 26643  
at risk. The notification process shall at least include providing 26644  
a written notification to the at-risk student's parent, guardian, 26645  
or custodian, which shall include all of the following: 26646

(1) A statement that the student is at risk of not qualifying 26647  
for a high school diploma; 26648

(2) A description of the district's or school's curriculum 26649  
requirements, or the student's individualized education program, 26650  
and, as appropriate, the graduation conditions prescribed under 26651  
section 3313.618 or 3313.619 of the Revised Code; 26652

(3) A description of any additional instructional or support 26653  
services available to the at-risk student through the district or 26654  
school. 26655

(D) Assist at-risk students with additional instructional or 26656  
support services to help the students qualify for a high school 26657  
diploma. The instructional and support services may include any of 26658  
the following: 26659

(1) Mentoring programs; 26660

(2) Tutoring programs; 26661

(3) High school credit through demonstrations of subject area 26662  
competency under division (J) of section 3313.603 of the Revised 26663  
Code; 26664

(4) Adjusted curriculum options; 26665

(5) Career-technical programs; 26666

(6) Mental health services; 26667

<u>(7) Physical health care services;</u>	26668
<u>(8) Family engagement and support services.</u>	26669
<u>(E)(1) Develop a graduation plan for each student enrolled in</u>	26670
<u>grades nine through twelve in the district or school. The</u>	26671
<u>graduation plan shall address the student's academic pathway to</u>	26672
<u>meet the curriculum requirements specified by the district or</u>	26673
<u>school and satisfy the graduation conditions, as appropriate,</u>	26674
<u>under section 3313.618 or 3313.619 of the Revised Code.</u>	26675
<u>(2) The graduation plan shall be developed jointly by the</u>	26676
<u>student and a representative of the district or school and updated</u>	26677
<u>each school year in which the student is enrolled in the district</u>	26678
<u>or school, until the student qualifies for a high school diploma.</u>	26679
<u>The district or school shall invite a student's parent, guardian,</u>	26680
<u>or custodian to assist in developing and updating the graduation</u>	26681
<u>plan.</u>	26682
<u>(3) A district or school shall include a student's lack of</u>	26683
<u>progress in meeting the terms of a graduation plan developed or</u>	26684
<u>updated under this division as both a criterion for identifying</u>	26685
<u>at-risk students under division (A) of this section and a</u>	26686
<u>procedure for identifying at-risk students under division (B) of</u>	26687
<u>this section.</u>	26688
<u>(4) A graduation plan developed under this section shall</u>	26689
<u>supplement a school district's policy on career advising adopted</u>	26690
<u>under section 3313.6020 of the Revised Code.</u>	26691
<u>(5) A school district may use the individualized education</u>	26692
<u>program developed for a student pursuant to section 3323.08 of the</u>	26693
<u>Revised Code in lieu of developing a graduation plan under this</u>	26694
<u>division, if the individualized education program contains</u>	26695
<u>academic goals substantively similar to a graduation plan.</u>	26696
<b>Sec. 3313.618.</b> (A) In addition to the applicable curriculum	26697

requirements specified by the board of education of a school 26698  
district or governing authority of a chartered nonpublic school, 26699  
each student entering ninth grade for the first time on or after 26700  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 26701  
one of the following conditions or the conditions prescribed under 26702  
division (B) of this section in order to qualify for a high school 26703  
diploma: 26704

(1) Be remediation-free, in accordance with standards adopted 26705  
under division (F) of section 3345.061 of the Revised Code, on 26706  
each of the nationally standardized assessments in English, 26707  
mathematics, and reading; 26708

(2) Attain a score specified under division (B)(5)(c) of 26709  
section 3301.0712 of the Revised Code on the end-of-course 26710  
examinations prescribed under division (B) of section 3301.0712 of 26711  
the Revised Code. 26712

(3) Attain a score that demonstrates workforce readiness and 26713  
employability on a nationally recognized job skills assessment 26714  
selected by the state board of education under division (G) of 26715  
section 3301.0712 of the Revised Code and obtain either an 26716  
industry-recognized credential, ~~as described under division~~ 26717  
~~(B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license 26718  
issued by a state agency or board for practice in a vocation that 26719  
requires an examination for issuance of that license. 26720

The For the purposes of this division, the 26721  
industry-recognized credentials and licenses shall be as approved 26722  
under section 3313.6113 of the Revised Code. 26723

A student may choose to qualify for a high school diploma by 26724  
satisfying any of the separate requirements prescribed by 26725  
divisions (A)(1) to (3) of this section. If the student's school 26726  
district or school does not administer the examination prescribed 26727  
by one of those divisions that the student chooses to take to 26728

satisfy the requirements of this section, the school district or 26729  
school may require that student to arrange for the applicable 26730  
scores to be sent directly to the district or school by the 26731  
company or organization that administers the examination. 26732

(B) In addition to the curriculum requirements specified by 26733  
the district board or school governing authority, each student 26734  
entering ninth grade for the first time on or after July 1, 2019, 26735  
shall satisfy the following conditions in order to qualify for a 26736  
high school diploma: 26737

(1) Attain a competency score as determined under division 26738  
(B)(10) of section 3301.0712 of the Revised Code on each of the 26739  
Algebra I and English language arts II end-of-course examinations 26740  
prescribed under division (B)(2) of section 3301.0712 of the 26741  
Revised Code. 26742

School districts shall offer remedial support to any student 26743  
who fails to attain a competency score on one or both of the 26744  
Algebra I and English language arts II end-of-course examinations. 26745

Following the first administration of the exam, if a student 26746  
fails to attain a competency score on one or both of the Algebra I 26747  
and English language arts II end-of-course examinations that 26748  
student must retake the respective examination at least once. 26749

If a student fails to attain a competency score on a retake 26750  
examination, the student may demonstrate competency in the failed 26751  
subject area through one of the following options: 26752

(a) Earn course credit taken through the college credit plus 26753  
program established under Chapter 3365. of the Revised Code in the 26754  
failed subject area; 26755

(b) Complete two of the following options, one of which must 26756  
be foundational: 26757

(i) Foundational options to demonstrate competency, which 26758

include earning a score of proficient or higher on four state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential approved under section 3313.6113 of the Revised Code, completing a pre-apprenticeship or apprenticeship in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department of education, on the nationally recognized job skills assessment selected by the state board under division (G) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

For any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division.

(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under 26790  
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 26791

(C) The state board of education shall not create or require 26792  
any additional assessment for the granting of any type of high 26793  
school diploma other than as prescribed by this section. Except as 26794  
provided in sections 3313.6111 ~~and~~, 3313.6112, and 3313.6114 of 26795  
the Revised Code, the state board or the superintendent of public 26796  
instruction shall not create any endorsement or designation that 26797  
may be affiliated with a high school diploma. 26798

**Sec. 3313.6110.** (A) A person who has completed the final year 26799  
of instruction at home, as authorized under section 3321.04 of the 26800  
Revised Code, and has successfully fulfilled the high school 26801  
curriculum applicable to that person may be granted a high school 26802  
diploma by the person's parent, guardian, or other person having 26803  
charge or care of a child, as defined in division (A)(1) of 26804  
section 3321.01 of the Revised Code. 26805

(B) Beginning with diplomas issued on or after July 1, 2015, 26806  
each diploma granted under division (A) of this section shall be 26807  
accompanied by the official letter of excuse issued by the 26808  
district superintendent for the student's final year of home 26809  
education. 26810

(C) A person who has graduated from a nonchartered nonpublic 26811  
school in Ohio and who has successfully fulfilled that school's 26812  
high school curriculum may be granted a high school diploma by the 26813  
governing authority of that school. 26814

(D) Notwithstanding anything in the Revised Code to the 26815  
contrary, a diploma granted under this section shall serve as 26816  
proof of the successful completion of that person's applicable 26817  
high school curriculum and satisfactory to fulfill any legal 26818  
requirement to show such proof. 26819

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy ~~or~~, an OhioMeansJobs-readiness seal, or a state diploma seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for diplomas and transcripts issued by school districts and chartered nonpublic schools under sections 3313.6111 ~~and~~, 3113.6112, and 3313.6114 of the Revised Code.

**Sec. 3313.6114.** (A) The state board of education shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding

school established under Chapter 3328. of the Revised Code, or 26850  
chartered nonpublic school shall attach or affix the state seals 26851  
prescribed under division (C) of this section to the diploma and 26852  
transcript of a student enrolled in the district or school who 26853  
meets the requirements established under that division. 26854

(C) The state board shall establish all of the following 26855  
state diploma seals: 26856

(1) An industry-recognized credential seal. A student shall 26857  
meet the requirement for this seal by earning an 26858  
industry-recognized credential approved under section 3313.6113 of 26859  
the Revised Code that is aligned to a job that is determined to be 26860  
in demand in this state and its regions under section 6301.11 of 26861  
the Revised Code. 26862

(2) A college-ready seal. A student shall meet the 26863  
requirement for this seal by attaining a score that is 26864  
remediation-free, in accordance with standards adopted under 26865  
division (F) of section 3345.061 of the Revised Code, on a 26866  
nationally standardized assessment prescribed under division 26867  
(B)(1) of section 3301.0712 of the Revised Code. 26868

(3) A military enlistment seal. A student shall meet the 26869  
requirement for this seal by doing either of the following: 26870

(a) Providing evidence that the student has enlisted in a 26871  
branch of the armed services of the United States as defined in 26872  
section 5910.01 of the Revised Code; 26873

(b) Participating in a junior reserve officer training 26874  
program approved by the congress of the United States under title 26875  
10 of the United States Code. 26876

(4) A citizenship seal. A student shall meet the requirement 26877  
for this seal by doing any of the following: 26878

(a) Demonstrating at least a proficient level of skill as 26879

prescribed under division (B)(5)(a) of section 3301.0712 of the 26880  
Revised Code on both the American history and American government 26881  
end-of-course examinations prescribed under division (B)(2) of 26882  
section 3301.0712 of the Revised Code; 26883

(b) Attaining a score level prescribed under division 26884  
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 26885  
least the equivalent of a proficient level of skill in appropriate 26886  
advanced placement or international baccalaureate examinations in 26887  
lieu of the American history and American government end-of-course 26888  
examinations; 26889

(c) Attaining a final course grade that is the equivalent of 26890  
a "B" or higher in appropriate courses taken through the college 26891  
credit plus program established under Chapter 3365. of the Revised 26892  
Code in lieu of the American history and American government 26893  
end-of-course examinations. 26894

(5) A science seal. A student shall meet the requirement for 26895  
this seal by doing any of the following: 26896

(a) Demonstrating at least a proficient level of skill as 26897  
prescribed under division (B)(5)(a) of section 3301.0712 of the 26898  
Revised Code on the science end-of-course examination prescribed 26899  
under division (B)(2) of section 3301.0712 of the Revised Code; 26900

(b) Attaining a score level prescribed under division 26901  
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 26902  
least the equivalent of a proficient level of skill in an 26903  
appropriate advanced placement or international baccalaureate 26904  
examination in lieu of the science end-of-course examination; 26905

(c) Attaining a final course grade that is the equivalent of 26906  
a "B" or higher in an appropriate course taken through the college 26907  
credit plus program established under Chapter 3365. of the Revised 26908  
Code in lieu of the science end-of-course examination. 26909

(6) An honors diploma seal. A student shall meet the 26910

requirement for this seal by meeting the additional criteria for 26911  
an honors diploma under division (B) of section 3313.61 of the 26912  
Revised Code. 26913

(7) A technology seal. A student shall meet the requirement 26914  
for this seal by doing any of the following: 26915

(a) Subject to division (B)(5)(d) of section 3301.0712 of the 26916  
Revised Code, attaining a score level that is at least the 26917  
equivalent of a proficient level of skill in an appropriate 26918  
advanced placement or international baccalaureate examination; 26919

(b) Attaining a final course grade that is the equivalent of 26920  
a "B" or higher in an appropriate course taken through the college 26921  
credit plus program established under Chapter 3365. of the Revised 26922  
Code; 26923

(c) Completing a course offered through the student's 26924  
district or school that meets guidelines developed by the 26925  
department of education. However, a district or school shall not 26926  
be required to offer a course that meets guidelines developed by 26927  
the department. 26928

(8) A community service seal. A student shall meet the 26929  
requirement for this seal by completing a community service 26930  
project that is aligned with guidelines adopted by the student's 26931  
district board or school governing authority. 26932

(9) A fine and performing arts seal. A student shall meet the 26933  
requirement for this seal by demonstrating skill in the fine or 26934  
performing arts according to an evaluation that is aligned with 26935  
guidelines adopted by the student's district board or school 26936  
governing authority. 26937

(10) A student engagement seal. A student shall meet the 26938  
requirement for this seal by participating in extracurricular 26939  
activities such as athletics, clubs, or student government to a 26940  
meaningful extent, as determined by guidelines adopted by the 26941

student's district board or school governing authority. 26942

(D) Each district or school shall develop guidelines for at 26943  
least one of the state seals prescribed under divisions (C)(8) to 26944  
(10) of this section. 26945

(E) Each district or school shall maintain appropriate 26946  
records to identify students who have met the requirements 26947  
prescribed under division (C) of this section for earning the 26948  
state seals established under that division. 26949

(F) The department shall prepare and deliver to each district 26950  
or school an appropriate mechanism for assigning a state diploma 26951  
seal established under division (C) of this section. 26952

(G) A student shall not be charged a fee to be assigned a 26953  
state seal prescribed under division (C) of this section on the 26954  
student's diploma and transcript. 26955

**Sec. 3313.671.** (A)(1) Except as otherwise provided in 26956  
division (B) of this section, no pupil, at the time of initial 26957  
entry or at the beginning of each school year, to an elementary or 26958  
high school for which the state board of education prescribes 26959  
minimum standards pursuant to division (D) of section 3301.07 of 26960  
the Revised Code, shall be permitted to remain in school for more 26961  
than fourteen days unless the pupil presents written evidence 26962  
satisfactory to the person in charge of admission, that the pupil 26963  
has been immunized by a method of immunization approved by the 26964  
department of health pursuant to section 3701.13 of the Revised 26965  
Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, 26966  
rubeola, and rubella or is in the process of being immunized. 26967

(2) Except as provided in division (B) of this section, no 26968  
pupil who begins kindergarten at an elementary school subject to 26969  
the state board of education's minimum standards shall be 26970  
permitted to remain in school for more than fourteen days unless 26971

the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization or is in the process of being immunized against both of the following:

(a) During or after the school year beginning in 1999, hepatitis B;

(b) During or after the school year beginning in 2006, chicken pox.

(3) Except as provided in division (B) of this section, during and after the school year beginning in 2016, no pupil who is the age or older than the age at which immunization against meningococcal disease is recommended by the state department of health shall be permitted to remain in a school subject to the state board of education's minimum standards for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization, or is in the process of being immunized, against meningococcal disease.

(4) As used in divisions (A)(1), (2), and (3) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the pupil's building principal or chief administrative officer of each subsequent dose required to obtain immunization at the intervals prescribed by the director of health. Any student previously admitted under the "in process of being immunized" provision and who has not complied with the immunization intervals prescribed by the director of health shall be excluded from school on the

fifteenth day of the following school year. Any student so 27004  
excluded shall be readmitted upon showing evidence to the 27005  
student's building principal or chief administrative officer of 27006  
progress on the director of health's interval schedule. 27007

(B)(1) A pupil who has had natural rubeola, and presents a 27008  
signed statement from the pupil's parent, guardian, or physician 27009  
to that effect, is not required to be immunized against rubeola. 27010

(2) A pupil who has had natural mumps, and presents a signed 27011  
statement from the pupil's parent, guardian, or physician to that 27012  
effect, is not required to be immunized against mumps. 27013

(3) A pupil who has had natural chicken pox, and presents a 27014  
signed statement from the pupil's parent, guardian, or physician 27015  
to that effect, is not required to be immunized against chicken 27016  
pox. 27017

(4) A pupil who presents a written statement of the pupil's 27018  
parent or guardian in which the parent or guardian declines to 27019  
have the pupil immunized for reasons of conscience, including 27020  
religious convictions, is not required to be immunized. 27021

(5) A child whose physician certifies in writing that such 27022  
immunization against any disease is medically contraindicated is 27023  
not required to be immunized against that disease. 27024

(C) As used in this division, "chicken pox epidemic" means 27025  
the occurrence of cases of chicken pox in numbers greater than 27026  
expected in the school's population or for a particular period of 27027  
time. 27028

Notwithstanding division (B) of this section, a school may 27029  
deny admission to a pupil otherwise exempted from the chicken pox 27030  
immunization requirement if the director of the state department 27031  
of health notifies the school's principal or chief administrative 27032  
officer that a chicken pox epidemic exists in the school's 27033  
population. The denial of admission shall cease when the director 27034

notifies the principal or officer that the epidemic no longer  
exists. 27035  
27036

The board of education or governing body of each school 27037  
subject to this section shall adopt a policy that prescribes 27038  
methods whereby the academic standing of a pupil who is denied 27039  
admission during a chicken pox epidemic may be preserved. 27040

(D) Boards of health, legislative authorities of municipal 27041  
corporations, and boards of township trustees on application of 27042  
the board of education of the district or proper authority of any 27043  
school affected by this section, shall provide at the public 27044  
expense, without delay, the means of immunization against mumps, 27045  
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 27046  
and hepatitis B to pupils who are not so provided by their parents 27047  
or guardians. 27048

(E) The department of health shall specify the age at which 27049  
immunization against meningococcal disease, as required by 27050  
division (A)(3) of this section, is recommended, and approve a 27051  
method of immunization against meningococcal disease. 27052

(F) Notwithstanding division (B)(4) of this section, a 27053  
nonpublic school may deny admission to or refuse to enroll a pupil 27054  
whose parent or guardian declines to have the pupil immunized for 27055  
reasons of conscience, including religious convictions. 27056

**Sec. 3313.813.** (A) As used in this section: 27057

(1) "Outdoor education center" means a public or nonprofit 27058  
private entity that provides to pupils enrolled in any public or 27059  
chartered nonpublic elementary or secondary school an outdoor 27060  
educational curriculum that the school considers to be part of its 27061  
educational program. 27062

(2) "Outside-school-hours care center" has the meaning 27063  
established in 7 C.F.R. 226.2. 27064

(B) The state board of education shall establish standards 27065  
for a school lunch program, school breakfast program, child and 27066  
adult care food program, special food service program for 27067  
children, summer food service program for children, special milk 27068  
program for children, food service equipment assistance program, 27069  
and commodity distribution program established under the "National 27070  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 27071  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 27072  
U.S.C. 1771, as amended. Any board of education of a school 27073  
district, nonprofit private school, outdoor education center, 27074  
child care institution, outside-school-hours care center, or 27075  
summer camp desiring to participate in such a program or required 27076  
to participate under this section shall, if eligible to 27077  
participate under the "National School Lunch Act," as amended, or 27078  
the "Child Nutrition Act of 1966," as amended, make application to 27079  
the state board of education for assistance. The board shall 27080  
administer the allocation and distribution of all state and 27081  
federal funds for these programs. 27082

(C) The state board of education shall require the board of 27083  
education of each school district to establish and maintain a 27084  
school breakfast, lunch, and summer food service program pursuant 27085  
to the "National School Lunch Act" and the "Child Nutrition Act of 27086  
1966," as described in divisions (C)(1) to (4) of this section. 27087

(1) The state board shall require the board of education in 27088  
each school district to establish a breakfast program in every 27089  
school where at least one-fifth of the pupils in the school are 27090  
eligible under federal requirements for free breakfasts and to 27091  
establish a lunch program in every school where at least one-fifth 27092  
of the pupils are eligible for free lunches. The board of 27093  
education required to establish a breakfast program under this 27094  
division may make a charge in accordance with federal requirements 27095  
for each reduced price breakfast or paid breakfast to cover the 27096

cost incurred in providing that meal. 27097

(2) The state board shall require the board of education in 27098  
each school district to establish a breakfast program in every 27099  
school in which the parents of at least one-half of the children 27100  
enrolled in the school have requested that the breakfast program 27101  
be established. The board of education required to establish a 27102  
program under this division may make a charge in accordance with 27103  
federal requirements for each meal to cover all or part of the 27104  
costs incurred in establishing such a program. 27105

A breakfast program established under division (C)(1) or (2) 27106  
of this section shall be operated in accordance with section 27107  
3313.818 of the Revised Code in any school meeting the conditions 27108  
prescribed by that section. 27109

(3) The state board shall require the board of education in 27110  
each school district to establish one of the following for summer 27111  
intervention services described in division (D) of section 27112  
3301.0711 or provided under section 3313.608 of the Revised Code, 27113  
and any other summer intervention program required by law: 27114

(a) An extension of the school breakfast program pursuant to 27115  
the "National School Lunch Act" and the "Child Nutrition Act of 27116  
1966"; 27117

(b) An extension of the school lunch program pursuant to 27118  
those acts; 27119

(c) A summer food service program pursuant to those acts. 27120

(4)(a) If the board of education of a school district 27121  
determines that, for financial reasons, it cannot comply with 27122  
division (C)(1) or (3) of this section, the district board may 27123  
choose not to comply with either or both divisions, except as 27124  
provided in divisions (C)(4)(b) and (c) of this section. The 27125  
district board publicly shall communicate to the residents of the 27126  
district, in the manner it determines appropriate, its decision 27127

not to comply. 27128

(b) If a district board chooses not to comply with division 27129  
(C)(1) of this section, the state board nevertheless shall require 27130  
the district board to establish a breakfast program in every 27131  
school where at least one-third of the pupils in the school are 27132  
eligible under federal requirements for free breakfasts and to 27133  
establish a lunch program in every school where at least one-third 27134  
of the pupils are eligible for free lunches. The district board 27135  
may make a charge in accordance with federal requirements for each 27136  
reduced price breakfast or paid breakfast to cover the cost 27137  
incurred in providing that meal. 27138

(c) If the board of education of a school district chooses 27139  
not to comply with division (C)(3) of this section, the state 27140  
board nevertheless shall require the district board to permit an 27141  
approved summer food service program sponsor to use school 27142  
facilities located in a school building attendance area where at 27143  
least one-half of the pupils are eligible for free lunches. 27144

The department of education shall post in a prominent 27145  
location on the department's web site a list of approved summer 27146  
food service program sponsors that may use school facilities under 27147  
this division. 27148

Subject to the provisions of sections 3313.75 and 3313.77 of 27149  
the Revised Code, a school district may charge the summer food 27150  
service program sponsor a reasonable fee for the use of school 27151  
facilities that may include the actual cost of custodial services, 27152  
charges for the use of school equipment, and a prorated share of 27153  
the utility costs as determined by the district board. A school 27154  
district shall require the summer food service program sponsor to 27155  
indemnify and hold harmless the district from any potential 27156  
liability resulting from the operation of the summer food service 27157  
program under this division. For this purpose, the district shall 27158  
either add the summer food service program sponsor, as an 27159

additional insured party, to the district's existing liability 27160  
insurance policy or require the summer food service program 27161  
sponsor to submit evidence of a separate liability insurance 27162  
policy, for an amount approved by the district board. The summer 27163  
food service program sponsor shall be responsible for any costs 27164  
incurred in obtaining coverage under either option. 27165

(d) If a school district cannot for good cause comply with 27166  
the requirements of division (C)(2) or (4)(b) or (c) of this 27167  
section at the time the state board determines that a district is 27168  
subject to these requirements, the state board shall grant a 27169  
reasonable extension of time. Good cause for an extension of time 27170  
shall include, but need not be limited to, economic impossibility 27171  
of compliance with the requirements at the time the state board 27172  
determines that a district is subject to them. 27173

(D)(1) The state board shall accept the application of any 27174  
outdoor education center in the state making application for 27175  
participation in a program pursuant to division (B) of this 27176  
section. 27177

(2) For purposes of participation in any program pursuant to 27178  
this section, the board shall certify any outdoor education center 27179  
making application as an educational unit that is part of the 27180  
educational system of the state, if the center: 27181

(a) Meets the definition of an outdoor education center; 27182

(b) Provides its outdoor education curriculum to pupils on an 27183  
overnight basis so that pupils are in residence at the center for 27184  
more than twenty-four consecutive hours; 27185

(c) Operates under public or nonprofit private ownership in a 27186  
single building or complex of buildings. 27187

(3) The board shall approve any outdoor education center 27188  
certified under this division for participation in the program for 27189  
which the center is making application on the same basis as any 27190

other applicant for that program. 27191

(E) Any school district board of education or chartered 27192  
nonpublic school that participates in a breakfast program pursuant 27193  
to this section may offer breakfast to pupils in their classrooms 27194  
during the school day. However, any school that is subject to 27195  
section 3313.818 of the Revised Code shall offer breakfast to 27196  
pupils in accordance with that section. 27197

(F) Notwithstanding anything in this section to the contrary, 27198  
in each fiscal year in which the general assembly appropriates 27199  
funds for purposes of this division, the board of education of 27200  
each school district and each chartered nonpublic school that 27201  
participates in a breakfast program pursuant to this section shall 27202  
provide a breakfast free of charge to each pupil who is eligible 27203  
under federal requirements for a reduced price breakfast. 27204

Sec. 3313.818. (A)(1) The department of education shall 27205  
establish a program under which public schools that meet the 27206  
conditions prescribed in this section shall offer breakfast to all 27207  
students either before or during the school day. Each of the 27208  
following shall apply: 27209

(a) In the first school year after the effective date of this 27210  
section, the program shall apply to any public school in which 27211  
seventy per cent or more of the students enrolled in the school 27212  
during the previous school year were eligible under federal 27213  
requirements for free or reduced-price breakfasts or lunches. 27214

(b) In the second school year after the effective date of 27215  
this section, the program shall apply to any public school in 27216  
which sixty per cent or more of the students enrolled in the 27217  
school during the previous school year were eligible under federal 27218  
requirements for free or reduced-price breakfasts or lunches. 27219

(c) In the third school year after the enactment date of this 27220

section and every school year thereafter, the program shall apply 27221  
to any public school in which fifty per cent or more of the 27222  
students enrolled in the school during the previous school year 27223  
were eligible under federal requirements for free or reduced-price 27224  
breakfasts or lunches. 27225

(2) The district superintendent or building principal, in 27226  
consultation with the building staff, shall determine the model 27227  
for serving breakfast under the program. Each breakfast served 27228  
under the program shall comply with federal meal patterns and 27229  
nutritional standards and with section 3313.814 of the Revised 27230  
Code. A school district board of education may make a charge in 27231  
accordance with federal requirements for each meal to cover all or 27232  
part of the costs incurred in operating the program. 27233

(B) The department shall publish a list of public schools 27234  
that meet the conditions of division (A) of this section. The 27235  
department shall offer technical assistance to school districts 27236  
and schools regarding the implementation of a school breakfast 27237  
program that complies with this section and the submission of 27238  
claims for reimbursement under the federal school breakfast 27239  
program. 27240

(C)(1) The department shall monitor each school participating 27241  
in the program and ensure that each participating school complies 27242  
with the requirements of this section. 27243

(2) If the board of education of a school district determines 27244  
that, for financial reasons, a school under the board's control 27245  
cannot comply with the requirements of this section or the board 27246  
already has a successful breakfast program or partnership in 27247  
place, the district board may choose not to comply with those 27248  
requirements. 27249

(D) Not later than the thirty-first day of December of each 27250  
school year, the department shall provide statistical reports on 27251

its web site that specify the number and percentage of students 27252  
participating in school breakfast programs disaggregated by school 27253  
district and individual schools, including community schools, 27254  
established under Chapter 3314. of the Revised Code, and STEM 27255  
schools, established under Chapter 3326. of the Revised Code. 27256

(E) Not later than the thirty-first day of December of each 27257  
school year, the department shall prepare a report on the 27258  
implementation and effectiveness of the program established under 27259  
this section and submit the report to the general assembly, in 27260  
accordance with section 101.68 of the Revised Code, and to the 27261  
governor. The report shall include: 27262

(1) The number of students and participation rates in the 27263  
free and reduced-price breakfast programs under this section for 27264  
each school building; 27265

(2) The type of breakfast model used by each school building 27266  
participating in the breakfast program; 27267

(3) The number of students and participation rates in free or 27268  
reduced-price lunch for each school building. 27269

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 27270  
3311.52 of the Revised Code, this section does not apply to any 27271  
cooperative education school district. 27272

(B)(1) The board of education of each city, exempted village, 27273  
or local school district with an average daily student enrollment 27274  
of sixteen thousand or less, reported for the district on the most 27275  
recent report card issued under section 3302.03 of the Revised 27276  
Code, shall enter into an agreement with the governing board of an 27277  
educational service center, under which the educational service 27278  
center governing board will provide services to the district. 27279

(2) The board of education of a city, exempted village, or 27280  
local school district with an average daily student enrollment of 27281

more than sixteen thousand may enter into an agreement with the 27282  
governing board of an educational service center, under which the 27283  
educational service center governing board will provide services 27284  
to the district. 27285

(3) Services provided under an agreement entered into under 27286  
division (B)(1) or (2) of this section shall be specified in the 27287  
agreement, and may include any of the following: supervisory 27288  
teachers; in-service and continuing education programs for 27289  
district personnel; curriculum services; research and development 27290  
programs; academic instruction for which the governing board 27291  
employs teachers pursuant to section 3319.02 of the Revised Code; 27292  
assistance in the provision of special accommodations and classes 27293  
for students with disabilities; or any other services the district 27294  
board and service center governing board agree can be better 27295  
provided by the service center and are not provided under an 27296  
agreement entered into under section 3313.845 of the Revised Code. 27297  
Services included in the agreement shall be provided to the 27298  
district in the manner specified in the agreement. The district 27299  
board of education shall reimburse the educational service center 27300  
governing board pursuant to division (H) of this section. 27301

(C) Any agreement entered into pursuant to this section shall 27302  
be filed with the department of education by the first day of July 27303  
of the school year for which the agreement is in effect. 27304

(D)(1) An agreement for services from an educational service 27305  
center entered into under this section may be terminated by the 27306  
school district board of education, at its option, by notifying 27307  
the governing board of the service center by March 1, 2012, or by 27308  
the first day of January of any odd-numbered year thereafter, that 27309  
the district board intends to terminate the agreement in that 27310  
year, and that termination shall be effective on the thirtieth day 27311  
of June of that year. The failure of a district board to notify an 27312  
educational service center of its intent to terminate an agreement 27313

by March 1, 2012, shall result in renewal of the existing 27314  
agreement for the following school year. Thereafter, the failure 27315  
of a district board to notify an educational service center of its 27316  
intent to terminate an agreement by the first day of January of an 27317  
odd-numbered year shall result in renewal of the existing 27318  
agreement for the following two school years. 27319

(2) If the school district that terminates an agreement for 27320  
services under division (D)(1) of this section is also subject to 27321  
the requirement of division (B)(1) of this section, the district 27322  
board shall enter into a new agreement with any educational 27323  
service center so that the new agreement is effective on the first 27324  
day of July of that same year. 27325

(3) If all moneys owed by a school district to an educational 27326  
service center under an agreement for services terminated under 27327  
division (D)(1) of this section have been paid in full by the 27328  
effective date of the termination, the governing board of the 27329  
service center shall submit an affidavit to the department 27330  
certifying that fact not later than fifteen days after the 27331  
termination's effective date. Notwithstanding anything in the 27332  
Revised Code to the contrary, until the department receives such 27333  
an affidavit, it shall not make any payments to any other 27334  
educational service center with which the district enters into an 27335  
agreement under this section for services that the educational 27336  
service center provides to the district. 27337

(E) An educational service center may apply to any state or 27338  
federal agency for competitive grants. It may also apply to any 27339  
private entity for additional funds. 27340

(F) Not later than January 1, 2014, each educational service 27341  
center shall post on its web site a list of all of the services 27342  
that it provides and the corresponding cost for each of those 27343  
services. 27344

(G)(1) For purposes of calculating any state operating 27345  
subsidy to be paid to an educational service center for the 27346  
operation of that service center and any services required under 27347  
Title XXXVIII of the Revised Code to be provided by the service 27348  
center to a school district, the service center's student count 27349  
shall be the sum of the total student counts of all the school 27350  
districts with which the educational service center has entered 27351  
into an agreement under this section. 27352

(2) When a district enters into a new agreement with a new 27353  
educational service center, the department of education shall 27354  
ensure that the state operating subsidy for services provided to 27355  
the district is paid to the new educational service center and 27356  
that the educational service center with which the district 27357  
previously had an agreement is no longer paid a state operating 27358  
subsidy for providing services to that district. 27359

(H) Pursuant to division (B) of section 3317.023 of the 27360  
Revised Code, the department annually shall deduct from each 27361  
school district that enters into an agreement with an educational 27362  
service center under this section, and pay to the service center, 27363  
an amount equal to six dollars and fifty cents times the school 27364  
district's total student count. The district board of education, 27365  
or the district superintendent acting on behalf of the district 27366  
board, may agree to pay an amount in excess of six dollars and 27367  
fifty cents per student in total student count. If a majority of 27368  
the boards of education, or superintendents acting on behalf of 27369  
the boards, of the districts that entered into an agreement under 27370  
this section approve an amount in excess of six dollars and fifty 27371  
cents per student in total student count, each district shall pay 27372  
the excess amount to the service center. 27373

(I)(1) An educational service center may enter into a 27374  
contract to purchase supplies, materials, equipment, and services, 27375  
which may include those specified in division (B) of this section 27376

or Chapter 3312. of the Revised Code, or the delivery of such 27377  
services, on behalf of a school district or political subdivision 27378  
that has entered into an agreement with the service center under 27379  
this section or section 3313.844, 3313.845, or 3313.846 of the 27380  
Revised Code. 27381

(2) Purchases made by a school district or political 27382  
subdivision that has entered into an agreement with the service 27383  
center as described in this division are exempt from competitive 27384  
bidding required by law for the purchase of supplies, materials, 27385  
equipment, or services. No political subdivision shall make any 27386  
purchase under this division when the political subdivision has 27387  
received bids for such purchase, unless the same terms, 27388  
conditions, and specifications at a lower price can be made for 27389  
such purchase under this division. 27390

(J) Any school district, community school, or STEM school 27391  
that has entered into an agreement with an educational service 27392  
center under this section or section 3313.844 or 3313.845 of the 27393  
Revised Code shall be in compliance with federal law and exempt 27394  
from competitive bidding requirements for personnel-based services 27395  
pursuant to the authority granted to the Ohio department of 27396  
education under federal law, provided the service center has met 27397  
the following conditions: 27398

(1) It is in compliance with division (F) of this section. 27399

(2) It has been designated "high performing" under rule of 27400  
the state board of education. 27401

(3) It has been found to be substantially in compliance with 27402  
audit rules and guidelines in its most recent audit by the auditor 27403  
of state. 27404

(K) For purposes of this section, a school district's "total 27405  
student count" means the average daily student enrollment reported 27406  
on the most recent report card issued for the district pursuant to 27407

section 3302.03 of the Revised Code. 27408

**Sec. 3313.978.** (A) Annually by the first day of November, the 27409  
superintendent of public instruction shall notify the pilot 27410  
project school district of the number of initial scholarships that 27411  
the state superintendent will be awarding in each of grades 27412  
kindergarten through twelve. 27413

The state superintendent shall provide information about the 27414  
scholarship program to all students residing in the district, 27415  
shall accept applications from any such students ~~until such date~~ 27416  
~~as shall be established by the state superintendent as a deadline~~ 27417  
~~for applications during the application periods established under~~ 27418  
division (H) of this section, and shall establish criteria for the 27419  
selection of students to receive scholarships from among all those 27420  
applying prior to the deadline, which criteria shall give 27421  
preference to students from low-income families. The state 27422  
superintendent shall notify students of their selection prior to 27423  
~~the fifteenth day of January~~ a date established by the state 27424  
superintendent. 27425

(1) A student receiving a pilot project scholarship may 27426  
utilize it at an alternative public school by notifying the 27427  
district superintendent, at any time before the beginning of the 27428  
school year, of the name of the public school in an adjacent 27429  
school district to which the student has been accepted pursuant to 27430  
section 3327.06 of the Revised Code. 27431

(2) A student may decide to utilize a pilot project 27432  
scholarship at a registered private school in the district if all 27433  
of the following conditions are met: 27434

(a) By the fifteenth day of February of the preceding school 27435  
year, or at any time prior to the start of the school year, the 27436  
parent makes an application on behalf of the student to a 27437  
registered private school. 27438

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;

(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the

alternative school the scholarship recipient attends or four 27470  
thousand six hundred fifty dollars. 27471

In the case of basic scholarships for students in grades nine 27472  
through twelve, the scholarship amount shall not exceed the lesser 27473  
of the net tuition charges of the alternative school the 27474  
scholarship recipient attends or six thousand dollars. 27475

The net tuition and fees charged to a student shall be the 27476  
tuition amount specified by the alternative school minus all other 27477  
financial aid, discounts, and adjustments received for the 27478  
student. In cases where discounts are offered for multiple 27479  
students from the same family, and not all students in the same 27480  
family are scholarship recipients, the net tuition amount 27481  
attributable to the scholarship recipient shall be the lowest net 27482  
tuition to which the family is entitled. 27483

(2) The state superintendent shall provide for an increase in 27484  
the basic scholarship amount in the case of any student who is a 27485  
mainstreamed student with a disability and shall further increase 27486  
such amount in the case of any separately educated student with a 27487  
disability. Such increases shall take into account the 27488  
instruction, related services, and transportation costs of 27489  
educating such students. 27490

(3) In the case of tutorial assistance grants, the grant 27491  
amount shall not exceed the lesser of the provider's actual 27492  
charges for such assistance or: 27493

(a) Before fiscal year 2007, a percentage established by the 27494  
state superintendent, not to exceed twenty per cent, of the amount 27495  
of the pilot project school district's average basic scholarship 27496  
amount; 27497

(b) In fiscal year 2007 and thereafter, four hundred dollars. 27498

(D)(1) Annually by the first day of November, the state 27499  
superintendent shall estimate the maximum per-pupil scholarship 27500

amounts for the ensuing school year. The state superintendent 27501  
shall make this estimate available to the general public at the 27502  
offices of the district board of education together with the forms 27503  
required by division (D)(2) of this section. 27504

(2) Annually by the fifteenth day of January, the chief 27505  
administrator of each registered private school located in the 27506  
pilot project district and the principal of each public school in 27507  
such district shall complete a parental information form and 27508  
forward it to the president of the board of education. The 27509  
parental information form shall be prescribed by the department of 27510  
education and shall provide information about the grade levels 27511  
offered, the numbers of students, tuition amounts, achievement 27512  
test results, and any sectarian or other organizational 27513  
affiliations. 27514

(E)(1) Only for the purpose of administering the pilot 27515  
project scholarship program, the department may request from any 27516  
of the following entities the data verification code assigned 27517  
under division (D)(2) of section 3301.0714 of the Revised Code to 27518  
any student who is seeking a scholarship under the program: 27519

(a) The school district in which the student is entitled to 27520  
attend school under section 3313.64 or 3313.65 of the Revised 27521  
Code; 27522

(b) If applicable, the community school in which the student 27523  
is enrolled; 27524

(c) The independent contractor engaged to create and maintain 27525  
data verification codes. 27526

(2) Upon a request by the department under division (E)(1) of 27527  
this section for the data verification code of a student seeking a 27528  
scholarship or a request by the student's parent for that code, 27529  
the school district or community school shall submit that code to 27530  
the department or parent in the manner specified by the 27531

department. If the student has not been assigned a code, because 27532  
the student will be entering kindergarten during the school year 27533  
for which the scholarship is sought, the district shall assign a 27534  
code to that student and submit the code to the department or 27535  
parent by a date specified by the department. If the district does 27536  
not assign a code to the student by the specified date, the 27537  
department shall assign a code to the student. 27538

The department annually shall submit to each school district 27539  
the name and data verification code of each student residing in 27540  
the district who is entering kindergarten, who has been awarded a 27541  
scholarship under the program, and for whom the department has 27542  
assigned a code under this division. 27543

(3) The department shall not release any data verification 27544  
code that it receives under division (E) of this section to any 27545  
person except as provided by law. 27546

(F) Any document relative to the pilot project scholarship 27547  
program that the department holds in its files that contains both 27548  
a student's name or other personally identifiable information and 27549  
the student's data verification code shall not be a public record 27550  
under section 149.43 of the Revised Code. 27551

(G)(1) The department annually shall compile the scores 27552  
attained by scholarship students enrolled in registered private 27553  
schools on the assessments administered to the students pursuant 27554  
to division (A)(11) of section 3313.976 of the Revised Code. The 27555  
scores shall be aggregated as follows: 27556

(a) By school district, which shall include all scholarship 27557  
students residing in the pilot project school district who are 27558  
enrolled in a registered private school and were required to take 27559  
an assessment pursuant to division (A)(11) of section 3313.976 of 27560  
the Revised Code; 27561

(b) By registered private school, which shall include all 27562

scholarship students enrolled in that school who were required to 27563  
take an assessment pursuant to division (A)(11) of section 27564  
3313.976 of the Revised Code. 27565

(2) The department shall disaggregate the student performance 27566  
data described in division (G)(1) of this section according to the 27567  
following categories: 27568

(a) Grade level; 27569

(b) Race and ethnicity; 27570

(c) Gender; 27571

(d) Students who have participated in the scholarship program 27572  
for three or more years; 27573

(e) Students who have participated in the scholarship program 27574  
for more than one year and less than three years; 27575

(f) Students who have participated in the scholarship program 27576  
for one year or less; 27577

(g) Economically disadvantaged students. 27578

(3) The department shall post the student performance data 27579  
required under divisions (G)(1) and (2) of this section on its web 27580  
site and shall include that data in the information about the 27581  
scholarship program provided to students under division (A) of 27582  
this section. In reporting student performance data under this 27583  
division, the department shall not include any data that is 27584  
statistically unreliable or that could result in the 27585  
identification of individual students. For this purpose, the 27586  
department shall not report performance data for any group that 27587  
contains less than ten students. 27588

(4) The department shall provide the parent of each 27589  
scholarship student enrolled in a registered private school with 27590  
information comparing the student's performance on the assessments 27591  
administered pursuant to division (A)(11) of section 3313.976 of 27592

the Revised Code with the average performance of similar students 27593  
enrolled in the building operated by the pilot project school 27594  
district that the scholarship student would otherwise attend. In 27595  
calculating the performance of similar students, the department 27596  
shall consider age, grade, race and ethnicity, gender, and 27597  
socioeconomic status. 27598

(H)(1) Except as provided in division (H)(2) of this section, 27599  
for scholarships awarded the 2020-2021 school year and for each 27600  
school year thereafter, the department shall conduct two 27601  
application periods each year for the pilot project scholarship 27602  
program, as follows: 27603

(a) The first application period shall open not sooner than 27604  
the first day of February prior to the first day of July of the 27605  
school year for which a scholarship is sought and run not less 27606  
than seventy-five days. 27607

(b) The second application period shall open not sooner than 27608  
the first day of July of the school year for which the scholarship 27609  
is sought and run not less than thirty days. 27610

(2) If the pilot scholarships awarded in the first 27611  
application period for any school year use the entirety of the 27612  
amount appropriated by the general assembly for such scholarships 27613  
for that school year, the department need not conduct a second 27614  
application period for scholarships. If, after the first 27615  
application period, there are funds remaining to award, the 27616  
department shall conduct a second application period in accordance 27617  
with division (H)(1)(b) of this section. 27618

(3) Not later than the thirtieth day of June of each school 27619  
year, the department shall determine whether funds remain 27620  
available for scholarships under the pilot project scholarship 27621  
program after the first application period. 27622

(4) For scholarships awarded for any school year prior to the 27623

2020-2021 school year, the state superintendent shall establish a 27624  
deadline for a single application period. 27625

**Sec. 3314.016.** This section applies to any entity that 27626  
sponsors a community school, regardless of whether section 27627  
3314.021 or 3314.027 of the Revised Code exempts the entity from 27628  
the requirement to be approved for sponsorship under divisions 27629  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 27630  
office of Ohio school sponsorship established under section 27631  
3314.029 of the Revised Code shall be rated under division (B) of 27632  
this section, but divisions (A) and (C) of this section do not 27633  
apply to the office. 27634

(A) An entity that sponsors a community school shall be 27635  
permitted to enter into contracts under section 3314.03 of the 27636  
Revised Code to sponsor additional community schools only if the 27637  
entity meets all of the following criteria: 27638

(1) The entity is in compliance with all provisions of this 27639  
chapter requiring sponsors of community schools to report data or 27640  
information to the department of education. 27641

(2) The entity is not rated as "ineffective" under division 27642  
(B)(6) of this section. 27643

(3) Except as set forth in sections 3314.021 and 3314.027 of 27644  
the Revised Code, the entity has received approval from and 27645  
entered into an agreement with the department of education 27646  
pursuant to section 3314.015 of the Revised Code. 27647

(B)(1) The department shall develop and implement an 27648  
evaluation system that annually rates and assigns an overall 27649  
rating to each entity that sponsors a community school. The 27650  
department, not later than the first day of February of each year, 27651  
shall post on the department's web site the framework for the 27652  
evaluation system, including technical documentation that the 27653

department intends to use to rate sponsors for the next school 27654  
year. The department shall solicit public comment on the 27655  
evaluation system for thirty consecutive days. Not later than the 27656  
first day of April of each year, the department shall compile and 27657  
post on the department's web site all public comments that were 27658  
received during the public comment period. The evaluation system 27659  
shall be posted on the department's web site by the fifteenth day 27660  
of July of each school year. Any changes to the evaluation system 27661  
after that date shall take effect the following year. The 27662  
evaluation system shall be based on the following components: 27663

(a) Academic performance of students enrolled in community 27664  
schools sponsored by the same entity. The academic performance 27665  
component shall be derived from the performance measures 27666  
prescribed for the state report cards under section 3302.03 or 27667  
3314.017 of the Revised Code, and shall be based on the 27668  
performance of the schools for the school year for which the 27669  
evaluation is conducted. In addition to the academic performance 27670  
for a specific school year, the academic performance component 27671  
shall also include year-to-year changes in the overall sponsor 27672  
portfolio. For a community school for which no graded performance 27673  
measures are applicable or available, the department shall use 27674  
nonreport card performance measures specified in the contract 27675  
between the community school and the sponsor under division (A)(4) 27676  
of section 3314.03 of the Revised Code. 27677

(b) Adherence by a sponsor to the quality practices 27678  
prescribed by the department under division (B)(3) of this 27679  
section. For a sponsor that was rated "effective" or "exemplary" 27680  
on its most recent rating, the department may evaluate that 27681  
sponsor's adherence to quality practices once over a period of 27682  
three years. If the department elects to evaluate a sponsor once 27683  
over a period of three years, the most recent rating for a 27684  
sponsor's adherence to quality practices shall be used when 27685

determining an annual overall rating conducted under this section. 27686

(c) Compliance with all applicable laws and administrative 27687  
rules by an entity that sponsors a community school. 27688

(2) In calculating an academic performance component, the 27689  
department shall exclude all community schools that have been in 27690  
operation for not more than two full school years and all 27691  
community schools described in division (A)(4)(b) of section 27692  
3314.35 of the Revised Code. However, the academic performance of 27693  
the community schools described in division (A)(4)(b) of section 27694  
3314.35 of the Revised Code shall be reported, but shall not be 27695  
used as a factor when determining a sponsoring entity's rating 27696  
under this section. 27697

(3) The department, in consultation with entities that 27698  
sponsor community schools, shall prescribe quality practices for 27699  
community school sponsors and develop an instrument to measure 27700  
adherence to those quality practices. The quality practices shall 27701  
be based on standards developed by the national association of 27702  
charter school authorizers or any other nationally organized 27703  
community school organization. 27704

(4)(a) The department may permit peer review of a sponsor's 27705  
adherence to the quality practices prescribed under division 27706  
(B)(3) of this section. Peer reviewers shall be limited to 27707  
individuals employed by sponsors rated "effective" or "exemplary" 27708  
on the most recent ratings conducted under this section. 27709

(b) The department shall require individuals participating in 27710  
peer review under division (B)(4)(a) of this section to complete 27711  
training approved or established by the department. 27712

(c) The department may enter into an agreement with another 27713  
entity to provide training to individuals conducting peer review 27714  
of sponsors. Prior to entering into an agreement with an entity, 27715  
the department shall review and approve of the entity's training 27716

program. 27717

(5) Not later than July 1, 2013, the state board of education 27718  
shall adopt rules in accordance with Chapter 119. of the Revised 27719  
Code prescribing standards for measuring compliance with 27720  
applicable laws and rules under division (B)(1)(c) of this 27721  
section. 27722

(6) The department annually shall rate all entities that 27723  
sponsor community schools as either "exemplary," "effective," 27724  
"ineffective," or "poor," based on the components prescribed by 27725  
division (B) of this section, where each component is weighted 27726  
equally. A separate rating shall be given by the department for 27727  
each component of the evaluation system. 27728

The department shall publish the ratings between the first 27729  
day of October and the fifteenth day of November. 27730

Prior to the publication of the final ratings, the department 27731  
shall designate and provide notice of a period of at least ten 27732  
business days during which each sponsor may review the information 27733  
used by the department to determine the sponsor's rating on the 27734  
components prescribed by divisions (B)(1)(b) and (c) of this 27735  
section. If the sponsor believes there is an error in the 27736  
department's evaluation, the sponsor may request adjustments to 27737  
the rating of either of those components based on documentation 27738  
previously submitted as part of an evaluation. The sponsor shall 27739  
provide to the department any necessary evidence or information to 27740  
support the requested adjustments. The department shall review the 27741  
evidence and information, determine whether an adjustment is 27742  
valid, and promptly notify the sponsor of its determination and 27743  
reasons. If any adjustments to the data could result in a change 27744  
to the rating on the applicable component or to the overall 27745  
rating, the department shall recalculate the ratings prior to 27746  
publication. 27747

The department shall provide training on an annual basis 27748  
regarding the evaluation system prescribed under this section. The 27749  
training shall, at a minimum, describe methodology, timelines, and 27750  
data required for the evaluation system. The first training 27751  
session shall occur not later than March 2, 2016. Beginning in 27752  
2018, the training shall be made available to each entity that 27753  
sponsors a community school by the fifteenth day of July of each 27754  
year and shall include guidance on any changes made to the 27755  
evaluation system. 27756

(7)(a) Entities with an overall rating of "exemplary" for at 27757  
least two consecutive years may take advantage of the following 27758  
incentives: 27759

(i) Renewal of the written agreement with the department, not 27760  
to exceed ten years, provided that the entity consents to 27761  
continued evaluation of adherence to quality practices as 27762  
described in division (B)(1)(b) of this section; 27763

(ii) The ability to extend the term of the contract between 27764  
the sponsoring entity and the community school beyond the term 27765  
described in the written agreement with the department; 27766

(iii) An exemption from the preliminary agreement and 27767  
contract adoption and execution deadline requirements prescribed 27768  
in division (D) of section 3314.02 of the Revised Code; 27769

(iv) An exemption from the automatic contract expiration 27770  
requirement, should a new community school fail to open by the 27771  
thirtieth day of September of the calendar year in which the 27772  
community school contract is executed; 27773

(v) No limit on the number of community schools the entity 27774  
may sponsor; 27775

(vi) No territorial restrictions on sponsorship. 27776

An entity may continue to sponsor any community schools with 27777

which it entered into agreements under division (B)(7)(a)(v) or 27778  
(vi) of this section while rated "exemplary," notwithstanding the 27779  
fact that the entity later receives a lower overall rating. 27780

(b) Entities with an overall rating of "exemplary" or 27781  
"effective" for at least three consecutive years shall be 27782  
evaluated by the department once every three years. 27783

(c)(i) Entities that receive an overall rating of 27784  
"ineffective" shall be prohibited from sponsoring any new or 27785  
additional community schools during the time in which the sponsor 27786  
is rated as "ineffective" and shall be subject to a quality 27787  
improvement plan based on correcting the deficiencies that led to 27788  
the "ineffective" rating, with timelines and benchmarks that have 27789  
been established by the department. 27790

(ii) Entities that receive an overall rating of "ineffective" 27791  
on their three most recent ratings shall have all sponsorship 27792  
authority revoked. Within thirty days after receiving its third 27793  
rating of "ineffective," the entity may appeal the revocation of 27794  
its sponsorship authority to the superintendent of public 27795  
instruction, who shall appoint an independent hearing officer to 27796  
conduct a hearing in accordance with Chapter 119. of the Revised 27797  
Code. The hearing shall be conducted within thirty days after 27798  
receipt of the notice of appeal. Within forty-five days after the 27799  
hearing is completed, the state board of education shall determine 27800  
whether the revocation is appropriate based on the hearing 27801  
conducted by the independent hearing officer, and if determined 27802  
appropriate, the revocation shall be confirmed. 27803

~~(e)~~(d) Entities that receive an overall rating of "poor" 27804  
shall have all sponsorship authority revoked. Within thirty days 27805  
after receiving a rating of "poor," the entity may appeal the 27806  
revocation of its sponsorship authority to the superintendent of 27807  
public instruction, who shall appoint an independent hearing 27808  
officer to conduct a hearing in accordance with Chapter 119. of 27809

the Revised Code. The hearing shall be conducted within thirty 27810  
days after receipt of the notice of appeal. Within forty-five days 27811  
after the hearing is completed, the state board of education shall 27812  
determine whether the revocation is appropriate based on the 27813  
hearing conducted by the independent hearing officer, and if 27814  
determined appropriate, the revocation shall be confirmed. 27815

(8) For the 2014-2015 school year and each school year 27816  
thereafter, student academic performance prescribed under division 27817  
(B)(1)(a) of this section shall include student academic 27818  
performance data from community schools that primarily serve 27819  
students enrolled in a dropout prevention and recovery program. 27820

(C) If the governing authority of a community school enters 27821  
into a contract with a sponsor prior to the date on which the 27822  
sponsor is prohibited from sponsoring additional schools under 27823  
division (A) of this section and the school has not opened for 27824  
operation as of that date, that contract shall be void and the 27825  
school shall not open until the governing authority secures a new 27826  
sponsor by entering into a contract with the new sponsor under 27827  
section 3314.03 of the Revised Code. However, the department's 27828  
office of Ohio school sponsorship, established under section 27829  
3314.029 of the Revised Code, may assume the sponsorship of the 27830  
school until the earlier of the expiration of two school years or 27831  
until a new sponsor is secured by the school's governing 27832  
authority. A community school sponsored by the department under 27833  
this division shall not be included when calculating the maximum 27834  
number of directly authorized community schools permitted under 27835  
division (A)(3) of section 3314.029 of the Revised Code. 27836

(D) When an entity's authority to sponsor schools is revoked 27837  
pursuant to division (B)(7)(b) or (c) of this section, the office 27838  
of Ohio school sponsorship shall assume sponsorship of any schools 27839  
with which the original sponsor has contracted for the remainder 27840  
of that school year. The office may continue sponsoring those 27841

schools until the earlier of: 27842

(1) The expiration of two school years from the time that 27843  
sponsorship is revoked; 27844

(2) When a new sponsor is secured by the governing authority 27845  
pursuant to division (C)(1) of section 3314.02 of the Revised 27846  
Code. 27847

Any community school sponsored under this division shall not 27848  
be counted for purposes of directly authorized community schools 27849  
under division (A)(3) of section 3314.029 of the Revised Code. 27850

(E) The department shall recalculate the rating for the 27851  
2017-2018 school year for each sponsor of a community school that 27852  
receives recalculated ratings pursuant to division (H) of section 27853  
3314.017 of the Revised Code. 27854

**Sec. 3314.017.** (A) The state board of education shall 27855  
prescribe by rules, adopted in accordance with Chapter 119. of the 27856  
Revised Code, an academic performance rating and report card 27857  
system that satisfies the requirements of this section for 27858  
community schools that primarily serve students enrolled in 27859  
dropout prevention and recovery programs as described in division 27860  
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 27861  
lieu of the system prescribed under sections 3302.03 and 3314.012 27862  
of the Revised Code beginning with the 2012-2013 school year. Each 27863  
such school shall comply with the testing and reporting 27864  
requirements of the system as prescribed by the state board. 27865

(B) Nothing in this section shall at any time relieve a 27866  
school from its obligations under the "No Child Left Behind Act of 27867  
2001" to make "adequate yearly progress," as both that act and 27868  
that term are defined in section 3302.01 of the Revised Code, or a 27869  
school's amenability to the provisions of section 3302.04 or 27870  
3302.041 of the Revised Code. The department of education shall 27871

continue to report each school's performance as required by the 27872  
act and to enforce applicable sanctions under section 3302.04 or 27873  
3302.041 of the Revised Code. 27874

(C) The rules adopted by the state board shall prescribe the 27875  
following performance indicators for the rating and report card 27876  
system required by this section: 27877

(1) Graduation rate for each of the following student 27878  
cohorts: 27879

(a) The number of students who graduate in four years or less 27880  
with a regular high school diploma divided by the number of 27881  
students who form the adjusted cohort for the graduating class; 27882

(b) The number of students who graduate in five years with a 27883  
regular high school diploma divided by the number of students who 27884  
form the adjusted cohort for the four-year graduation rate; 27885

(c) The number of students who graduate in six years with a 27886  
regular high school diploma divided by the number of students who 27887  
form the adjusted cohort for the four-year graduation rate; 27888

(d) The number of students who graduate in seven years with a 27889  
regular high school diploma divided by the number of students who 27890  
form the adjusted cohort for the four-year graduation rate; 27891

(e) The number of students who graduate in eight years with a 27892  
regular high school diploma divided by the number of students who 27893  
form the adjusted cohort for the four-year graduation rate. 27894

(2) The percentage of twelfth-grade students currently 27895  
enrolled in the school who have attained the designated passing 27896  
score on all of the ~~applicable~~ state high school achievement 27897  
assessments required under division (B)(1) ~~or (2)~~ of section 27898  
3301.0710 of the Revised Code or the cumulative performance score 27899  
on the end-of-course examinations prescribed under division (B)(2) 27900  
of section 3301.0712 of the Revised Code, whichever applies, and 27901

other students enrolled in the school, regardless of grade level, 27902  
who are within three months of their twenty-second birthday and 27903  
have attained the designated passing score on all of the 27904  
applicable state high school achievement assessments or the 27905  
cumulative performance score on the end-of-course examinations, 27906  
whichever applies, by their twenty-second birthday; 27907

(3) Annual measurable objectives as defined in section 27908  
3302.01 of the Revised Code; 27909

(4) Growth in student achievement in reading, or mathematics, 27910  
or both as measured by separate nationally norm-referenced 27911  
assessments that have developed appropriate standards for students 27912  
enrolled in dropout prevention and recovery programs, adopted or 27913  
approved by the state board. 27914

(D)(1) The state board's rules shall prescribe the expected 27915  
performance levels and benchmarks for each of the indicators 27916  
prescribed by division (C) of this section based on the data 27917  
gathered by the department under division (F) of this section. 27918  
Based on a school's level of attainment or nonattainment of the 27919  
expected performance levels and benchmarks for each of the 27920  
indicators, the department shall rate each school in one of the 27921  
following categories: 27922

(a) Exceeds standards; 27923

(b) Meets standards; 27924

(c) Does not meet standards. 27925

(2) The state board's rules shall establish all of the 27926  
following: 27927

(a) Not later than June 30, 2013, performance levels and 27928  
benchmarks for the indicators described in divisions (C)(1) to (3) 27929  
of this section; 27930

(b) Not later than December 31, 2014, both of the following: 27931

(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;	27932 27933
(ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	27934 27935 27936
(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.	27937 27938 27939 27940
(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.	27941 27942
(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.	27943 27944
(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.	27945 27946
(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	27947 27948 27949 27950
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	27951 27952 27953 27954
(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:	27955 27956 27957 27958 27959 27960
(a) The graduation rates as described in divisions (C)(1)(a)	27961

to (c) of this section;	27962
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	27963 27964 27965 27966
(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;	27967 27968 27969
(d) Annual measurable objectives described in division (C)(3) of this section.	27970 27971
(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:	27972 27973 27974 27975
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27976 27977 27978
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27979 27980 27981 27982 27983
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27984 27985 27986
(d) Both of the following without an assigned rating:	27987
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	27988 27989 27990
(ii) Student outcome data, including postsecondary credit	27991

earned, nationally recognized career or technical certification, 27992  
military enlistment, job placement, and attendance rate. 27993

(3) Beginning with the 2014-2015 school year, and annually 27994  
thereafter, the department shall issue a report card for each 27995  
community school described in division (A)(4)(a) of section 27996  
3314.35 of the Revised Code that includes all of the following 27997  
performance measures, including a performance rating for each 27998  
measure as described in divisions (D)(1)(a) to (c) of this 27999  
section: 28000

(a) The graduation rates as described in division (C)(1) of 28001  
this section; 28002

(b) The percentage of twelfth-grade students and other 28003  
students who have attained a designated passing score on high 28004  
school achievement assessments as described in division (C)(2) of 28005  
this section; 28006

(c) Annual measurable objectives described in division (C)(3) 28007  
of this section, including a performance rating as described in 28008  
divisions (D)(1)(a) to (c) of this section; 28009

(d) Growth in annual student achievement in reading and 28010  
mathematics as described in division (C)(4) of this section; 28011

(e) An overall performance designation for the school 28012  
calculated under rules adopted under division (D)(2) of this 28013  
section. 28014

The department shall also include student outcome data, 28015  
including postsecondary credit earned, nationally recognized 28016  
career or technical certification, military enlistment, job 28017  
placement, attendance rate, and progress on closing achievement 28018  
gaps for each school. This information shall not be included in 28019  
the calculation of a school's performance rating. 28020

(F) In developing the rating and report card system required 28021

by this section, during the 2012-2013 and 2013-2014 school years, 28022  
the department shall gather and analyze data as determined 28023  
necessary from each community school described in division 28024  
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 28025  
shall cooperate with the department by supplying requested data 28026  
and administering required assessments, including sample 28027  
assessments for purposes of measuring student achievement growth 28028  
as described in division (C)(4) of this section. The department 28029  
shall consult with stakeholder groups in performing its duties 28030  
under this division. 28031

The department shall also identify one or more states that 28032  
have established or are in the process of establishing similar 28033  
academic performance rating systems for dropout prevention and 28034  
recovery programs and consult with the departments of education of 28035  
those states in developing the system required by this section. 28036

(G) Not later than December 31, 2014, the state board shall 28037  
review the performance levels and benchmarks for performance 28038  
indicators in the report card issued under this section and may 28039  
revise them based on the data collected under division (F) of this 28040  
section. 28041

(H) For the purposes of division (F) of section 3314.351 of 28042  
the Revised Code, the department shall recalculate the ratings for 28043  
each school under division (E)(3) of this section for the 28044  
2017-2018 school year and calculate the ratings under that 28045  
division for the 2018-2019 school year using the indicators 28046  
prescribed by division (C) of this section, as it exists on and 28047  
after the effective date of this amendment. 28048

**Sec. 3314.02.** (A) As used in this chapter: 28049

(1) "Sponsor" means the board of education of a school 28050  
district or the governing board of an educational service center 28051  
that agrees to the conversion of all or part of a school or 28052

building under division (B) of this section, or an entity listed 28053  
in division (C)(1) of this section, which has been approved by the 28054  
department of education to sponsor community schools or is 28055  
exempted by section 3314.021 or 3314.027 of the Revised Code from 28056  
obtaining approval, and with which the governing authority of a 28057  
community school enters into a contract under section 3314.03 of 28058  
the Revised Code. 28059

(2) "Pilot project area" means the school districts included 28060  
in the territory of the former community school pilot project 28061  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 28062  
the 122nd general assembly. 28063

(3) "Challenged school district" means any of the following: 28064

(a) A school district that is part of the pilot project area; 28065

(b) A school district that meets one of the following 28066  
conditions: 28067

(i) On March 22, 2013, the district was in a state of 28068  
academic emergency or in a state of academic watch under section 28069  
3302.03 of the Revised Code, as that section existed prior to 28070  
March 22, 2013; 28071

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 28072  
2015-2016 school years, the district received a grade of "D" or 28073  
"F" for the performance index score and a grade of "F" for the 28074  
value-added progress dimension under section 3302.03 of the 28075  
Revised Code; 28076

(iii) For the 2016-2017 school year and for any school year 28077  
thereafter, the district has received an overall grade of "D" or 28078  
"F" under division (C)(3) of section 3302.03 of the Revised Code, 28079  
or, for at least two of the three most recent school years, the 28080  
district received a grade of "F" for the value-added progress 28081  
dimension under division (C)(1)(e) of that section. 28082

(c) A big eight school district;	28083
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	28084 28085 28086
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	28087 28088
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	28089 28090 28091 28092
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	28093 28094 28095
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	28096 28097 28098 28099 28100
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	28101 28102 28103 28104
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section	28105 28106 28107 28108 28109 28110 28111 28112 28113

3314.086 of the Revised Code. 28114

A community school that operates mainly as an internet- or 28115  
computer-based community school and provides career-technical 28116  
education under section 3314.086 of the Revised Code shall be 28117  
considered an internet- or computer-based community school, even 28118  
if it provides some classroom-based instruction, so long as it 28119  
provides instruction via the methods described in this division. 28120

(8) "Operator" or "management company" means either of the 28121  
following: 28122

(a) An individual or organization that manages the daily 28123  
operations of a community school pursuant to a contract between 28124  
the operator or management company and the school's governing 28125  
authority; 28126

(b) A nonprofit organization that provides programmatic 28127  
oversight and support to a community school under a contract with 28128  
the school's governing authority and that retains the right to 28129  
terminate its affiliation with the school if the school fails to 28130  
meet the organization's quality standards. 28131

(9) "Alliance municipal school district" has the same meaning 28132  
as in section 3311.86 of the Revised Code. 28133

(B)(1) Any person or group of individuals may initially 28134  
propose under this division the conversion of all or a portion of 28135  
a public school to a community school. The proposal shall be made 28136  
to the board of education of the city, local, exempted village, or 28137  
joint vocational school district in which the public school is 28138  
proposed to be converted. 28139

(2) Any person or group of individuals may initially propose 28140  
under this division the conversion of all or a portion of a 28141  
building operated by an educational service center to a community 28142  
school. The proposal shall be made to the governing board of the 28143  
service center. 28144

On or after July 1, 2017, except as provided in section 28145  
3314.027 of the Revised Code, any educational service center that 28146  
sponsors a community school shall be approved by and enter into a 28147  
written agreement with the department as described in section 28148  
3314.015 of the Revised Code. 28149

(3) Upon receipt of a proposal, and after an agreement has 28150  
been entered into pursuant to section 3314.015 of the Revised 28151  
Code, a board may enter into a preliminary agreement with the 28152  
person or group proposing the conversion of the public school or 28153  
service center building, indicating the intention of the board to 28154  
support the conversion to a community school. A proposing person 28155  
or group that has a preliminary agreement under this division may 28156  
proceed to finalize plans for the school, establish a governing 28157  
authority for the school, and negotiate a contract with the board. 28158  
Provided the proposing person or group adheres to the preliminary 28159  
agreement and all provisions of this chapter, the board shall 28160  
negotiate in good faith to enter into a contract in accordance 28161  
with section 3314.03 of the Revised Code and division (C) of this 28162  
section. 28163

(4) The sponsor of a conversion community school proposed to 28164  
open in an alliance municipal school district shall be subject to 28165  
approval by the department of education for sponsorship of that 28166  
school using the criteria established under division (A) of 28167  
section 3311.87 of the Revised Code. 28168

Division (B)(4) of this section does not apply to a sponsor 28169  
that, on or before September 29, 2015, was exempted under section 28170  
3314.021 or 3314.027 of the Revised Code from the requirement to 28171  
be approved for sponsorship under divisions (A)(2) and (B)(1) of 28172  
section 3314.015 of the Revised Code. 28173

(5) A school established in accordance with division (B) of 28174  
this section that later enters into a sponsorship contract with an 28175  
entity that is not a school district or educational service center 28176

shall, at the time of entering into the new contract, be deemed a 28177  
community school established in accordance with division (C) of 28178  
this section. 28179

(C)(1) Any person or group of individuals may propose under 28180  
this division the establishment of a new start-up school to be 28181  
located in a challenged school district. The proposal may be made 28182  
to any of the following entities: 28183

(a) The board of education of the district in which the 28184  
school is proposed to be located; 28185

(b) The board of education of any joint vocational school 28186  
district with territory in the county in which is located the 28187  
majority of the territory of the district in which the school is 28188  
proposed to be located; 28189

(c) The board of education of any other city, local, or 28190  
exempted village school district having territory in the same 28191  
county where the district in which the school is proposed to be 28192  
located has the major portion of its territory; 28193

(d) The governing board of any educational service center, 28194  
regardless of the location of the proposed school, may sponsor a 28195  
new start-up school in any challenged school district in the state 28196  
if all of the following are satisfied: 28197

(i) If applicable, it satisfies the requirements of division 28198  
(E) of section 3311.86 of the Revised Code; 28199

(ii) It is approved to do so by the department; 28200

(iii) It enters into an agreement with the department under 28201  
section 3314.015 of the Revised Code. 28202

(e) A sponsoring authority designated by the board of 28203  
trustees of any of the thirteen state universities listed in 28204  
section 3345.011 of the Revised Code or the board of trustees 28205  
itself as long as a mission of the proposed school to be specified 28206

in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B)(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the

standards for community schools sponsored by the mayor not later 28238  
than one hundred eighty days after July 15, 2013, and shall submit 28239  
them to the department upon their establishment. The department 28240  
shall approve the mayor to sponsor community schools in the 28241  
district, upon receipt of an application by the mayor to do so. 28242  
Not later than ninety days after the department's approval of the 28243  
mayor as a community school sponsor, the department shall enter 28244  
into the sponsor agreement with the mayor. 28245

Any entity described in division (C)(1) of this section may 28246  
enter into a preliminary agreement pursuant to division (C)(2) of 28247  
this section with the proposing person or group, provided that 28248  
entity has been approved by and entered into a written agreement 28249  
with the department pursuant to section 3314.015 of the Revised 28250  
Code. 28251

(2) A preliminary agreement indicates the intention of an 28252  
entity described in division (C)(1) of this section to sponsor the 28253  
community school. A proposing person or group that has such a 28254  
preliminary agreement may proceed to finalize plans for the 28255  
school, establish a governing authority as described in division 28256  
(E) of this section for the school, and negotiate a contract with 28257  
the entity. Provided the proposing person or group adheres to the 28258  
preliminary agreement and all provisions of this chapter, the 28259  
entity shall negotiate in good faith to enter into a contract in 28260  
accordance with section 3314.03 of the Revised Code. 28261

(3) A new start-up school that is established in a school 28262  
district described in either division (A)(3)(b) or (d) of this 28263  
section may continue in existence once the school district no 28264  
longer meets the conditions described in either division, provided 28265  
there is a valid contract between the school and a sponsor. 28266

(4) A copy of every preliminary agreement entered into under 28267  
this division shall be filed with the superintendent of public 28268  
instruction. 28269

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually verify that a finding for recovery has not been issued by the auditor of state against any individual or individuals who propose to create a community school or any member of the governing authority, the operator, or any employee of each community school.

(3) No person shall serve on the governing authorities of more than five start-up community schools at the same time.

(4)(a) For a community school established under this chapter that is not sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall be an owner, employee, or consultant of the community school's sponsor or operator, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(b) For a community school established under this chapter that is sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall:

(i) Be an officer of the district board or service center governing board that serves as the community school's sponsor, unless at least one year has elapsed since the conclusion of the

person's membership on the governing authority; 28332

(ii) Serve as an employee of, or a consultant for, the 28333  
department, division, or section of the sponsoring district or 28334  
service center that is directly responsible for sponsoring 28335  
community schools, or have supervisory authority over such a 28336  
department, division, or section, unless at least one year has 28337  
elapsed since the conclusion of the person's membership on the 28338  
governing authority. 28339

(5) The governing authority of a start-up or conversion 28340  
community school may provide by resolution for the compensation of 28341  
its members. However, no individual who serves on the governing 28342  
authority of a start-up or conversion community school shall be 28343  
compensated more than one hundred twenty-five dollars per meeting 28344  
of that governing authority and no such individual shall be 28345  
compensated more than a total amount of five thousand dollars per 28346  
year for all governing authorities upon which the individual 28347  
serves. Each member of the governing authority may be paid 28348  
compensation for attendance at an approved training program, 28349  
provided that such compensation shall not exceed sixty dollars a 28350  
day for attendance at a training program three hours or less in 28351  
length and one hundred twenty-five dollars a day for attendance at 28352  
a training program longer than three hours in length. 28353

(6) No person who is the employee of a school district or 28354  
educational service center shall serve on the governing authority 28355  
of any community school sponsored by that school district or 28356  
service center. 28357

(7) Each member of the governing authority of a community 28358  
school shall annually file a disclosure statement setting forth 28359  
the names of any immediate relatives or business associates 28360  
employed by any of the following within the previous three years: 28361

(a) The sponsor or operator of that community school; 28362

(b) A school district or educational service center that has contracted with that community school; 28363  
28364

(c) A vendor that is or has engaged in business with that community school. 28365  
28366

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school. 28367  
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(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date. 28370  
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(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district. 28379  
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(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a 28388  
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contract with any additional community school, unless the 28394  
governing board of the service center has entered into an 28395  
agreement with the department authorizing the service center to 28396  
sponsor a community school in any challenged school district in 28397  
the state. 28398

Sec. 3314.0211. (A) No community school to which either of 28399  
the following applies shall be eligible to merge with one or more 28400  
other community schools under this section: 28401

(1) The school has met the performance criteria for required 28402  
closure specified in division (A) of section 3314.35 or division 28403  
(A) of section 3314.351 of the Revised Code for at least one of 28404  
the two most recent school years. 28405

(2) The school has been notified of the sponsor's intent to 28406  
terminate or not renew the school's contract pursuant to section 28407  
3314.07 of the Revised Code. 28408

(B) Two or more community schools may merge upon the adoption 28409  
of a resolution by the governing authority of each school involved 28410  
in the merger. Any merger shall take effect on the first day of 28411  
July of the year specified in the resolution. 28412

(C) Not less than sixty days prior to the effective date of a 28413  
merger under division (B) of this section, each community school 28414  
involved in the merger shall do both of the following: 28415

(1) Provide a copy of the resolution to the school's sponsor; 28416

(2) Notify the department of education of all of the 28417  
following: 28418

(a) The impending merger; 28419

(b) The effective date of the merger; 28420

(c) The school that will be designated as the surviving 28421  
school in accordance with section 1702.41 of the Revised Code; 28422

<u>(d) The entity that will sponsor the surviving school.</u>	28423
<u>(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code.</u>	28424 28425 28426 28427
<u>(E) No sponsor shall do either of the following:</u>	28428
<u>(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;</u>	28429 28430
<u>(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.</u>	28431 28432 28433
<u>Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.</u>	28434 28435 28436
<u>(F)(1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.</u>	28437 28438 28439
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	28440 28441 28442 28443 28444 28445
<u>(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.</u>	28446 28447 28448
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed	28449 28450 28451 28452

with the superintendent under this section. 28453

(A) Each contract entered into between a sponsor and the 28454  
governing authority of a community school shall specify the 28455  
following: 28456

(1) That the school shall be established as either of the 28457  
following: 28458

(a) A nonprofit corporation established under Chapter 1702. 28459  
of the Revised Code, if established prior to April 8, 2003; 28460

(b) A public benefit corporation established under Chapter 28461  
1702. of the Revised Code, if established after April 8, 2003. 28462

(2) The education program of the school, including the 28463  
school's mission, the characteristics of the students the school 28464  
is expected to attract, the ages and grades of students, and the 28465  
focus of the curriculum; 28466

(3) The academic goals to be achieved and the method of 28467  
measurement that will be used to determine progress toward those 28468  
goals, which shall include the statewide achievement assessments; 28469

(4) Performance standards, including but not limited to all 28470  
applicable report card measures set forth in section 3302.03 or 28471  
3314.017 of the Revised Code, by which the success of the school 28472  
will be evaluated by the sponsor; 28473

(5) The admission standards of section 3314.06 of the Revised 28474  
Code and, if applicable, section 3314.061 of the Revised Code; 28475

(6)(a) Dismissal procedures; 28476

(b) A requirement that the governing authority adopt an 28477  
attendance policy that includes a procedure for automatically 28478  
withdrawing a student from the school if the student without a 28479  
legitimate excuse fails to participate in seventy-two consecutive 28480  
hours of the learning opportunities offered to the student. 28481

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	28482 28483
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	28484 28485 28486 28487 28488 28489
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	28490 28491
(a) A detailed description of each facility used for instructional purposes;	28492 28493
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	28494 28495
(c) The annual mortgage principal and interest payments that are paid by the school;	28496 28497
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	28498 28499 28500
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	28501 28502 28503 28504 28505 28506
(11) That the school will comply with the following requirements:	28507 28508
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	28509 28510 28511

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 28512  
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 28515  
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 28519  
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 28536  
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(f) The school will comply with sections 3313.61, 3313.611, ~~and~~ 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a 28538  
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high school diploma may be met by completing the curriculum 28544  
adopted by the governing authority of the community school rather 28545  
than the curriculum specified in Title XXXVIII of the Revised Code 28546  
or any rules of the state board of education. Beginning with 28547  
students who enter ninth grade for the first time on or after July 28548  
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 28549  
Revised Code that a person must successfully complete the 28550  
curriculum of a high school prior to receiving a high school 28551  
diploma shall be met by completing the requirements prescribed in 28552  
division (C) of section 3313.603 of the Revised Code, unless the 28553  
person qualifies under division (D) or (F) of that section. Each 28554  
school shall comply with the plan for awarding high school credit 28555  
based on demonstration of subject area competency, and beginning 28556  
with the 2017-2018 school year, with the updated plan that permits 28557  
students enrolled in seventh and eighth grade to meet curriculum 28558  
requirements based on subject area competency adopted by the state 28559  
board of education under divisions (J)(1) and (2) of section 28560  
3313.603 of the Revised Code. Beginning with the 2018-2019 school 28561  
year, the school shall comply with the framework for granting 28562  
units of high school credit to students who demonstrate subject 28563  
area competency through work-based learning experiences, 28564  
internships, or cooperative education developed by the department 28565  
under division (J)(3) of section 3313.603 of the Revised Code. 28566

(g) The school governing authority will submit within four 28567  
months after the end of each school year a report of its 28568  
activities and progress in meeting the goals and standards of 28569  
divisions (A)(3) and (4) of this section and its financial status 28570  
to the sponsor and the parents of all students enrolled in the 28571  
school. 28572

(h) The school, unless it is an internet- or computer-based 28573  
community school, will comply with section 3313.801 of the Revised 28574  
Code as if it were a school district. 28575

(i) If the school is the recipient of moneys from a grant 28576  
awarded under the federal race to the top program, Division (A), 28577  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 28578  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 28579  
school will pay teachers based upon performance in accordance with 28580  
section 3317.141 and will comply with section 3319.111 of the 28581  
Revised Code as if it were a school district. 28582

(j) If the school operates a preschool program that is 28583  
licensed by the department of education under sections 3301.52 to 28584  
3301.59 of the Revised Code, the school shall comply with sections 28585  
3301.50 to 3301.59 of the Revised Code and the minimum standards 28586  
for preschool programs prescribed in rules adopted by the state 28587  
board under section 3301.53 of the Revised Code. 28588

(k) The school will comply with sections 3313.6021 and 28589  
3313.6023 of the Revised Code as if it were a school district 28590  
unless it is either of the following: 28591

(i) An internet- or computer-based community school; 28592

(ii) A community school in which a majority of the enrolled 28593  
students are children with disabilities as described in division 28594  
(A)(4)(b) of section 3314.35 of the Revised Code. 28595

(12) Arrangements for providing health and other benefits to 28596  
employees; 28597

(13) The length of the contract, which shall begin at the 28598  
beginning of an academic year. No contract shall exceed five years 28599  
unless such contract has been renewed pursuant to division (E) of 28600  
this section. 28601

(14) The governing authority of the school, which shall be 28602  
responsible for carrying out the provisions of the contract; 28603

(15) A financial plan detailing an estimated school budget 28604  
for each year of the period of the contract and specifying the 28605

total estimated per pupil expenditure amount for each such year.	28606
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	28607 28608 28609
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	28610 28611 28612 28613 28614 28615 28616 28617 28618 28619 28620
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	28621 28622 28623
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	28624 28625 28626 28627 28628 28629
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	28630 28631
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	28632 28633
(c) Permit the enrollment of students who reside in any other district in the state.	28634 28635

(20) A provision recognizing the authority of the department 28636  
of education to take over the sponsorship of the school in 28637  
accordance with the provisions of division (C) of section 3314.015 28638  
of the Revised Code; 28639

(21) A provision recognizing the sponsor's authority to 28640  
assume the operation of a school under the conditions specified in 28641  
division (B) of section 3314.073 of the Revised Code; 28642

(22) A provision recognizing both of the following: 28643

(a) The authority of public health and safety officials to 28644  
inspect the facilities of the school and to order the facilities 28645  
closed if those officials find that the facilities are not in 28646  
compliance with health and safety laws and regulations; 28647

(b) The authority of the department of education as the 28648  
community school oversight body to suspend the operation of the 28649  
school under section 3314.072 of the Revised Code if the 28650  
department has evidence of conditions or violations of law at the 28651  
school that pose an imminent danger to the health and safety of 28652  
the school's students and employees and the sponsor refuses to 28653  
take such action. 28654

(23) A description of the learning opportunities that will be 28655  
offered to students including both classroom-based and 28656  
non-classroom-based learning opportunities that is in compliance 28657  
with criteria for student participation established by the 28658  
department under division (H)(2) of section 3314.08 of the Revised 28659  
Code; 28660

(24) The school will comply with sections 3302.04 and 28661  
3302.041 of the Revised Code, except that any action required to 28662  
be taken by a school district pursuant to those sections shall be 28663  
taken by the sponsor of the school. However, the sponsor shall not 28664  
be required to take any action described in division (F) of 28665  
section 3302.04 of the Revised Code. 28666

(25) Beginning in the 2006-2007 school year, the school will 28667  
open for operation not later than the thirtieth day of September 28668  
each school year, unless the mission of the school as specified 28669  
under division (A)(2) of this section is solely to serve dropouts. 28670  
In its initial year of operation, if the school fails to open by 28671  
the thirtieth day of September, or within one year after the 28672  
adoption of the contract pursuant to division (D) of section 28673  
3314.02 of the Revised Code if the mission of the school is solely 28674  
to serve dropouts, the contract shall be void. 28675

(26) Whether the school's governing authority is planning to 28676  
seek designation for the school as a STEM school equivalent under 28677  
section 3326.032 of the Revised Code; 28678

(27) That the school's attendance and participation policies 28679  
will be available for public inspection; 28680

(28) That the school's attendance and participation records 28681  
shall be made available to the department of education, auditor of 28682  
state, and school's sponsor to the extent permitted under and in 28683  
accordance with the "Family Educational Rights and Privacy Act of 28684  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 28685  
regulations promulgated under that act, and section 3319.321 of 28686  
the Revised Code; 28687

(29) If a school operates using the blended learning model, 28688  
as defined in section 3301.079 of the Revised Code, all of the 28689  
following information: 28690

(a) An indication of what blended learning model or models 28691  
will be used; 28692

(b) A description of how student instructional needs will be 28693  
determined and documented; 28694

(c) The method to be used for determining competency, 28695  
granting credit, and promoting students to a higher grade level; 28696

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	28697 28698
(e) A statement describing how student progress will be monitored;	28699 28700
(f) A statement describing how private student data will be protected;	28701 28702
(g) A description of the professional development activities that will be offered to teachers.	28703 28704
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	28705 28706 28707 28708
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	28709 28710 28711 28712
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	28713 28714 28715 28716 28717
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	28718 28719 28720
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	28721 28722 28723
(1) The process by which the governing authority of the school will be selected in the future;	28724 28725
(2) The management and administration of the school;	28726

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at

least an annual basis;	28758
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	28759 28760 28761 28762
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	28763 28764 28765
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	28766 28767 28768 28769 28770 28771 28772
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	28773 28774 28775
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	28776 28777 28778 28779 28780 28781 28782 28783 28784 28785
(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised	28786 28787 28788

Code or permanently closes prior to the expiration of the 28789  
contract, the contract shall be void and the school shall not 28790  
enter into a contract with any other sponsor. A school shall not 28791  
be considered permanently closed because the operations of the 28792  
school have been suspended pursuant to section 3314.072 of the 28793  
Revised Code. 28794

**Sec. 3314.06.** The governing authority of each community 28795  
school established under this chapter shall adopt admission 28796  
procedures that specify the following: 28797

(A) That, except as otherwise provided in this section, 28798  
admission to the school shall be open to any individual age five 28799  
to twenty-two entitled to attend school pursuant to section 28800  
3313.64 or 3313.65 of the Revised Code in a school district in the 28801  
state. 28802

Additionally, except as otherwise provided in this section, 28803  
admission to the school may be open on a tuition basis to any 28804  
individual age five to twenty-two who is not a resident of this 28805  
state. The school shall not receive state funds under section 28806  
3314.08 of the Revised Code for any student who is not a resident 28807  
of this state. 28808

An individual younger than five years of age may be admitted 28809  
to the school in accordance with division (A)(2) of section 28810  
3321.01 of the Revised Code. The school shall receive funds for an 28811  
individual admitted under that division in the manner provided 28812  
under section 3314.08 of the Revised Code. 28813

If the school operates a program that uses the Montessori 28814  
method endorsed by the American Montessori society, the Montessori 28815  
accreditation council for teacher education, or the association 28816  
Montessori internationale as its primary method of instruction, 28817  
admission to the school may be open to individuals younger than 28818  
five years of age, ~~but~~. The department of education shall pay the 28819

school an amount equal to the formula amount, as defined in 28820  
section 3317.02 of the Revised Code, for each of these students 28821  
younger than four years of age. However, the school shall not 28822  
receive any other funds under this chapter for those individuals. 28823  
Notwithstanding anything to the contrary in this chapter, 28824  
individuals younger than five years of age who are enrolled in a 28825  
Montessori program shall be offered at least four hundred 28826  
fifty-five hours of learning opportunities per school year. 28827

If the school operates a preschool program that is licensed 28828  
by the department of education under sections 3301.52 to 3301.59 28829  
of the Revised Code, admission to the school may be open to 28830  
individuals who are younger than five years of age, but the school 28831  
shall not receive funds under this chapter for those individuals. 28832

(B)(1) That admission to the school may be limited to 28833  
students who have attained a specific grade level or are within a 28834  
specific age group; to students that meet a definition of 28835  
"at-risk," as defined in the contract; to residents of a specific 28836  
geographic area within the district, as defined in the contract; 28837  
or to separate groups of autistic students and nondisabled 28838  
students, as authorized in section 3314.061 of the Revised Code 28839  
and as defined in the contract. 28840

(2) For purposes of division (B)(1) of this section, 28841  
"at-risk" students may include those students identified as gifted 28842  
students under section 3324.03 of the Revised Code. 28843

(C) Whether enrollment is limited to students who reside in 28844  
the district in which the school is located or is open to 28845  
residents of other districts, as provided in the policy adopted 28846  
pursuant to the contract. 28847

(D)(1) That there will be no discrimination in the admission 28848  
of students to the school on the basis of race, creed, color, 28849  
disability, or sex except that: 28850

(a) The governing authority may do either of the following 28851  
for the purpose described in division (G) of this section: 28852

(i) Establish a single-gender school for either sex; 28853

(ii) Establish single-gender schools for each sex under the 28854  
same contract, provided substantially equal facilities and 28855  
learning opportunities are offered for both boys and girls. Such 28856  
facilities and opportunities may be offered for each sex at 28857  
separate locations. 28858

(b) The governing authority may establish a school that 28859  
simultaneously serves a group of students identified as autistic 28860  
and a group of students who are not disabled, as authorized in 28861  
section 3314.061 of the Revised Code. However, unless the total 28862  
capacity established for the school has been filled, no student 28863  
with any disability shall be denied admission on the basis of that 28864  
disability. 28865

(2) That upon admission of any student with a disability, the 28866  
community school will comply with all federal and state laws 28867  
regarding the education of students with disabilities. 28868

(E) That the school may not limit admission to students on 28869  
the basis of intellectual ability, measures of achievement or 28870  
aptitude, or athletic ability, except that a school may limit its 28871  
enrollment to students as described in division (B) of this 28872  
section. 28873

(F) That the community school will admit the number of 28874  
students that does not exceed the capacity of the school's 28875  
programs, classes, grade levels, or facilities. 28876

(G) That the purpose of single-gender schools that are 28877  
established shall be to take advantage of the academic benefits 28878  
some students realize from single-gender instruction and 28879  
facilities and to offer students and parents residing in the 28880  
district the option of a single-gender education. 28881

(H) That, except as otherwise provided under division (B) of 28882  
this section or section 3314.061 of the Revised Code, if the 28883  
number of applicants exceeds the capacity restrictions of division 28884  
(F) of this section, students shall be admitted by lot from all 28885  
those submitting applications, except preference shall be given to 28886  
students attending the school the previous year and to students 28887  
who reside in the district in which the school is located. 28888  
Preference may be given to siblings of students attending the 28889  
school the previous year. Preference also may be given to students 28890  
who are the children of full-time staff members employed by the 28891  
school, provided the total number of students receiving this 28892  
preference is less than five per cent of the school's total 28893  
enrollment. 28894

Notwithstanding divisions (A) to (H) of this section, in the 28895  
event the racial composition of the enrollment of the community 28896  
school is violative of a federal desegregation order, the 28897  
community school shall take any and all corrective measures to 28898  
comply with the desegregation order. 28899

**Sec. 3314.08.** (A) As used in this section: 28900

(1)(a) "Category one career-technical education student" 28901  
means a student who is receiving the career-technical education 28902  
services described in division (A) of section 3317.014 of the 28903  
Revised Code. 28904

(b) "Category two career-technical student" means a student 28905  
who is receiving the career-technical education services described 28906  
in division (B) of section 3317.014 of the Revised Code. 28907

(c) "Category three career-technical student" means a student 28908  
who is receiving the career-technical education services described 28909  
in division (C) of section 3317.014 of the Revised Code. 28910

(d) "Category four career-technical student" means a student 28911

who is receiving the career-technical education services described 28912  
in division (D) of section 3317.014 of the Revised Code. 28913

(e) "Category five career-technical education student" means 28914  
a student who is receiving the career-technical education services 28915  
described in division (E) of section 3317.014 of the Revised Code. 28916

(2)(a) "Category one ~~limited English proficient student~~ 28917  
learner" means a ~~limited~~ an English ~~proficient student~~ learner 28918  
described in division (A) of section 3317.016 of the Revised Code. 28919

(b) "Category two ~~limited English proficient student~~ learner" 28920  
means a ~~limited~~ an English ~~proficient student~~ learner described in 28921  
division (B) of section 3317.016 of the Revised Code. 28922

(c) "Category three ~~limited English proficient student~~ 28923  
learner" means a ~~limited~~ an English ~~proficient student~~ learner 28924  
described in division (C) of section 3317.016 of the Revised Code. 28925

(3)(a) "Category one special education student" means a 28926  
student who is receiving special education services for a 28927  
disability specified in division (A) of section 3317.013 of the 28928  
Revised Code. 28929

(b) "Category two special education student" means a student 28930  
who is receiving special education services for a disability 28931  
specified in division (B) of section 3317.013 of the Revised Code. 28932

(c) "Category three special education student" means a 28933  
student who is receiving special education services for a 28934  
disability specified in division (C) of section 3317.013 of the 28935  
Revised Code. 28936

(d) "Category four special education student" means a student 28937  
who is receiving special education services for a disability 28938  
specified in division (D) of section 3317.013 of the Revised Code. 28939

(e) "Category five special education student" means a student 28940  
who is receiving special education services for a disability 28941

specified in division (E) of section 3317.013 of the Revised Code.	28942
(f) "Category six special education student" means a student	28943
who is receiving special education services for a disability	28944
specified in division (F) of section 3317.013 of the Revised Code.	28945
(4) "Formula amount" has the same meaning as in section	28946
3317.02 of the Revised Code.	28947
(5) "IEP" has the same meaning as in section 3323.01 of the	28948
Revised Code.	28949
(6) "Resident district" means the school district in which a	28950
student is entitled to attend school under section 3313.64 or	28951
3313.65 of the Revised Code.	28952
(7) "State education aid" has the same meaning as in section	28953
5751.20 of the Revised Code.	28954
(B) The state board of education shall adopt rules requiring	28955
both of the following:	28956
(1) The board of education of each city, exempted village,	28957
and local school district to annually report the number of	28958
students entitled to attend school in the district who are	28959
enrolled in each grade kindergarten through twelve in a community	28960
school established under this chapter, and for each child, the	28961
community school in which the child is enrolled.	28962
(2) The governing authority of each community school	28963
established under this chapter to annually report all of the	28964
following:	28965
(a) The number of students enrolled in grades one through	28966
twelve and the full-time equivalent number of students enrolled in	28967
kindergarten in the school who are not receiving special education	28968
and related services pursuant to an IEP;	28969
(b) The number of enrolled students in grades one through	28970
twelve and the full-time equivalent number of enrolled students in	28971

kindergarten, who are receiving special education and related services pursuant to an IEP;	28972 28973
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	28974 28975 28976 28977
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	28978 28979 28980 28981 28982
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	28983 28984 28985 28986 28987 28988 28989 28990
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three <del>limited</del> English <del>proficient students</del> <u>learners</u> described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	28991 28992 28993 28994
(g) The number of students reported under divisions (B)(2)(a) and (b) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.	28995 28996 28997 28998 28999
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	29000 29001 29002

(i) The number of students enrolled in a preschool program 29003  
operated by the school that is licensed by the department of 29004  
education under sections 3301.52 to 3301.59 of the Revised Code 29005  
who are not receiving special education and related services 29006  
pursuant to an IEP. 29007

A school district board and a community school governing 29008  
authority shall include in their respective reports under division 29009  
(B) of this section any child admitted in accordance with division 29010  
(A)(2) of section 3321.01 of the Revised Code. 29011

A governing authority of a community school shall not include 29012  
in its report under divisions (B)(2)(a) to (h) of this section any 29013  
student for whom tuition is charged under division (F) of this 29014  
section. 29015

(C)(1) Except as provided in division (C)(2) of this section, 29016  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 29017  
section, on a full-time equivalency basis, for each student 29018  
enrolled in a community school established under this chapter, the 29019  
department of education annually shall deduct from the state 29020  
education aid of a student's resident district and, if necessary, 29021  
from the payment made to the district under sections 321.24 and 29022  
323.156 of the Revised Code and pay to the community school the 29023  
sum of the following: 29024

(a) An opportunity grant in an amount equal to the formula 29025  
amount; 29026

(b) The per pupil amount of targeted assistance funds 29027  
calculated under division (A) of section 3317.0217 of the Revised 29028  
Code for the student's resident district, as determined by the 29029  
department, X 0.25; 29030

(c) Additional state aid for special education and related 29031  
services provided under Chapter 3323. of the Revised Code as 29032  
follows: 29033

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	29034 29035 29036
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	29037 29038 29039
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	29040 29041 29042
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	29043 29044 29045
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	29046 29047 29048
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	29049 29050 29051
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	29052 29053
(e) If the student is economically disadvantaged, an additional amount equal to the following:	29054 29055
\$272 X the resident district's economically disadvantaged index	29056 29057
(f) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds as follows:	29058
(i) If the student is a category one <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	29059 29060 29061
(ii) If the student is a category two <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (B)	29062 29063

of section 3317.016 of the Revised Code; 29064

(iii) If the student is a category three ~~limited~~ English 29065  
~~proficient student~~ learner, the amount specified in division (C) 29066  
of section 3317.016 of the Revised Code. 29067

(g) If the student is reported under division (B)(2)(d) of 29068  
this section, career-technical education funds as follows: 29069

(i) If the student is a category one career-technical 29070  
education student, the amount specified in division (A) of section 29071  
3317.014 of the Revised Code; 29072

(ii) If the student is a category two career-technical 29073  
education student, the amount specified in division (B) of section 29074  
3317.014 of the Revised Code; 29075

(iii) If the student is a category three career-technical 29076  
education student, the amount specified in division (C) of section 29077  
3317.014 of the Revised Code; 29078

(iv) If the student is a category four career-technical 29079  
education student, the amount specified in division (D) of section 29080  
3317.014 of the Revised Code; 29081

(v) If the student is a category five career-technical 29082  
education student, the amount specified in division (E) of section 29083  
3317.014 of the Revised Code. 29084

Deduction and payment of funds under division (C)(1)(g) of 29085  
this section is subject to approval by the lead district of a 29086  
career-technical planning district or the department of education 29087  
under section 3317.161 of the Revised Code. 29088

(2) When deducting from the state education aid of a 29089  
student's resident district for students enrolled in an internet- 29090  
or computer-based community school and making payments to such 29091  
school under this section, the department shall make the 29092  
deductions and payments described in only divisions (C)(1)(a), 29093

(c), and (g) of this section. 29094

No deductions or payments shall be made for a student 29095  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 29096  
of this section. 29097

(3)(a) If a community school's costs for a fiscal year for a 29098  
student receiving special education and related services pursuant 29099  
to an IEP for a disability described in divisions (B) to (F) of 29100  
section 3317.013 of the Revised Code exceed the threshold 29101  
catastrophic cost for serving the student as specified in division 29102  
(B) of section 3317.0214 of the Revised Code, the school may 29103  
submit to the superintendent of public instruction documentation, 29104  
as prescribed by the superintendent, of all its costs for that 29105  
student. Upon submission of documentation for a student of the 29106  
type and in the manner prescribed, the department shall pay to the 29107  
community school an amount equal to the school's costs for the 29108  
student in excess of the threshold catastrophic costs. 29109

(b) The community school shall report under division 29110  
(C)(3)(a) of this section, and the department shall pay for, only 29111  
the costs of educational expenses and the related services 29112  
provided to the student in accordance with the student's 29113  
individualized education program. Any legal fees, court costs, or 29114  
other costs associated with any cause of action relating to the 29115  
student may not be included in the amount. 29116

(4) In any fiscal year, a community school receiving funds 29117  
under division (C)(1)(g) of this section shall spend those funds 29118  
only for the purposes that the department designates as approved 29119  
for career-technical education expenses. Career-technical 29120  
education expenses approved by the department shall include only 29121  
expenses connected to the delivery of career-technical programming 29122  
to career-technical students. The department shall require the 29123  
school to report data annually so that the department may monitor 29124  
the school's compliance with the requirements regarding the manner 29125

in which funding received under division (C)(1)(g) of this section 29126  
may be spent. 29127

(5) Notwithstanding anything to the contrary in section 29128  
3313.90 of the Revised Code, except as provided in division (C)(9) 29129  
of this section, all funds received under division (C)(1)(g) of 29130  
this section shall be spent in the following manner: 29131

(a) At least seventy-five per cent of the funds shall be 29132  
spent on curriculum development, purchase, and implementation; 29133  
instructional resources and supplies; industry-based program 29134  
certification; student assessment, credentialing, and placement; 29135  
curriculum specific equipment purchases and leases; 29136  
career-technical student organization fees and expenses; home and 29137  
agency linkages; work-based learning experiences; professional 29138  
development; and other costs directly associated with 29139  
career-technical education programs including development of new 29140  
programs. 29141

(b) Not more than twenty-five per cent of the funds shall be 29142  
used for personnel expenditures. 29143

(6) A community school shall spend the funds it receives 29144  
under division (C)(1)(e) of this section in accordance with 29145  
section 3317.25 of the Revised Code. 29146

(7) If the sum of the payments computed under divisions 29147  
(C)(1) and (8)(a) of this section for the students entitled to 29148  
attend school in a particular school district under sections 29149  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 29150  
district's state education aid and its payment under sections 29151  
321.24 and 323.156 of the Revised Code, the department shall 29152  
calculate and apply a proration factor to the payments to all 29153  
community schools under that division for the students entitled to 29154  
attend school in that district. 29155

(8)(a) Subject to division (C)(7) of this section, the 29156

department annually shall pay to each community school, including 29157  
each internet- or computer-based community school, an amount equal 29158  
to the following: 29159

(The number of students reported by the community school 29160  
under division (B)(2)(e) of this section X the formula amount X 29161  
.20) 29162

(b) For each payment made to a community school under 29163  
division (C)(8)(a) of this section, the department shall deduct 29164  
from the state education aid of each city, local, and exempted 29165  
village school district and, if necessary, from the payment made 29166  
to the district under sections 321.24 and 323.156 of the Revised 29167  
Code an amount equal to the following: 29168

(The number of the district's students reported by the 29169  
community school under division (B)(2)(e) of this section X the 29170  
formula amount X .20) 29171

(9) The department may waive the requirement in division 29172  
(C)(5) of this section for any community school that exclusively 29173  
provides one or more career-technical workforce development 29174  
programs in arts and communications that are not 29175  
equipment-intensive, as determined by the department. 29176

(D) A board of education sponsoring a community school may 29177  
utilize local funds to make enhancement grants to the school or 29178  
may agree, either as part of the contract or separately, to 29179  
provide any specific services to the community school at no cost 29180  
to the school. 29181

(E) A community school may not levy taxes or issue bonds 29182  
secured by tax revenues. 29183

(F) No community school shall charge tuition for the 29184  
enrollment of any student who is a resident of this state. A 29185  
community school may charge tuition for the enrollment of any 29186  
student who is not a resident of this state. 29187

(G)(1)(a) A community school may borrow money to pay any 29188  
necessary and actual expenses of the school in anticipation of the 29189  
receipt of any portion of the payments to be received by the 29190  
school pursuant to division (C) of this section. The school may 29191  
issue notes to evidence such borrowing. The proceeds of the notes 29192  
shall be used only for the purposes for which the anticipated 29193  
receipts may be lawfully expended by the school. 29194

(b) A school may also borrow money for a term not to exceed 29195  
fifteen years for the purpose of acquiring facilities. 29196

(2) Except for any amount guaranteed under section 3318.50 of 29197  
the Revised Code, the state is not liable for debt incurred by the 29198  
governing authority of a community school. 29199

(H) The department of education shall adjust the amounts 29200  
subtracted and paid under division (C) of this section to reflect 29201  
any enrollment of students in community schools for less than the 29202  
equivalent of a full school year. The state board of education 29203  
within ninety days after April 8, 2003, shall adopt in accordance 29204  
with Chapter 119. of the Revised Code rules governing the payments 29205  
to community schools under this section including initial payments 29206  
in a school year and adjustments and reductions made in subsequent 29207  
periodic payments to community schools and corresponding 29208  
deductions from school district accounts as provided under 29209  
division (C) of this section. For purposes of this section: 29210

(1) A student shall be considered enrolled in the community 29211  
school for any portion of the school year the student is 29212  
participating at a college under Chapter 3365. of the Revised 29213  
Code. 29214

(2) A student shall be considered to be enrolled in a 29215  
community school for the period of time beginning on the later of 29216  
the date on which the school both has received documentation of 29217  
the student's enrollment from a parent and the student has 29218

commenced participation in learning opportunities as defined in 29219  
the contract with the sponsor, or thirty days prior to the date on 29220  
which the student is entered into the education management 29221  
information system established under section 3301.0714 of the 29222  
Revised Code. For purposes of applying this division and divisions 29223  
(H)(3) and (4) of this section to a community school student, 29224  
"learning opportunities" shall be defined in the contract, which 29225  
shall describe both classroom-based and non-classroom-based 29226  
learning opportunities and shall be in compliance with criteria 29227  
and documentation requirements for student participation which 29228  
shall be established by the department. Any student's instruction 29229  
time in non-classroom-based learning opportunities shall be 29230  
certified by an employee of the community school. A student's 29231  
enrollment shall be considered to cease on the date on which any 29232  
of the following occur: 29233

(a) The community school receives documentation from a parent 29234  
terminating enrollment of the student. 29235

(b) The community school is provided documentation of a 29236  
student's enrollment in another public or private school. 29237

(c) The community school ceases to offer learning 29238  
opportunities to the student pursuant to the terms of the contract 29239  
with the sponsor or the operation of any provision of this 29240  
chapter. 29241

Except as otherwise specified in this paragraph, beginning in 29242  
the 2011-2012 school year, any student who completed the prior 29243  
school year in an internet- or computer-based community school 29244  
shall be considered to be enrolled in the same school in the 29245  
subsequent school year until the student's enrollment has ceased 29246  
as specified in division (H)(2) of this section. The department 29247  
shall continue subtracting and paying amounts for the student 29248  
under division (C) of this section without interruption at the 29249  
start of the subsequent school year. However, if the student 29250

without a legitimate excuse fails to participate in the first 29251  
seventy-two consecutive hours of learning opportunities offered to 29252  
the student in that subsequent school year, the student shall be 29253  
considered not to have re-enrolled in the school for that school 29254  
year and the department shall recalculate the payments to the 29255  
school for that school year to account for the fact that the 29256  
student is not enrolled. 29257

(3) The department shall determine each community school 29258  
student's percentage of full-time equivalency based on the 29259  
percentage of learning opportunities offered by the community 29260  
school to that student, reported either as number of hours or 29261  
number of days, is of the total learning opportunities offered by 29262  
the community school to a student who attends for the school's 29263  
entire school year. However, no internet- or computer-based 29264  
community school shall be credited for any time a student spends 29265  
participating in learning opportunities beyond ten hours within 29266  
any period of twenty-four consecutive hours. Whether it reports 29267  
hours or days of learning opportunities, each community school 29268  
shall offer not less than nine hundred twenty hours of learning 29269  
opportunities during the school year. 29270

(4) With respect to the calculation of full-time equivalency 29271  
under division (H)(3) of this section, the department shall waive 29272  
the number of hours or days of learning opportunities not offered 29273  
to a student because the community school was closed during the 29274  
school year due to disease epidemic, hazardous weather conditions, 29275  
law enforcement emergencies, inoperability of school buses or 29276  
other equipment necessary to the school's operation, damage to a 29277  
school building, or other temporary circumstances due to utility 29278  
failure rendering the school building unfit for school use, so 29279  
long as the school was actually open for instruction with students 29280  
in attendance during that school year for not less than the 29281  
minimum number of hours required by this chapter. The department 29282

shall treat the school as if it were open for instruction with 29283  
students in attendance during the hours or days waived under this 29284  
division. 29285

(I) The department of education shall reduce the amounts paid 29286  
under this section to reflect payments made to colleges under 29287  
section 3365.07 of the Revised Code. 29288

(J)(1) No student shall be considered enrolled in any 29289  
internet- or computer-based community school or, if applicable to 29290  
the student, in any community school that is required to provide 29291  
the student with a computer pursuant to division (C) of section 29292  
3314.22 of the Revised Code, unless both of the following 29293  
conditions are satisfied: 29294

(a) The student possesses or has been provided with all 29295  
required hardware and software materials and all such materials 29296  
are operational so that the student is capable of fully 29297  
participating in the learning opportunities specified in the 29298  
contract between the school and the school's sponsor as required 29299  
by division (A)(23) of section 3314.03 of the Revised Code; 29300

(b) The school is in compliance with division (A) of section 29301  
3314.22 of the Revised Code, relative to such student. 29302

(2) In accordance with policies adopted by the superintendent 29303  
of public instruction, in consultation with the auditor of state, 29304  
the department shall reduce the amounts otherwise payable under 29305  
division (C) of this section to any community school that includes 29306  
in its program the provision of computer hardware and software 29307  
materials to any student, if such hardware and software materials 29308  
have not been delivered, installed, and activated for each such 29309  
student in a timely manner or other educational materials or 29310  
services have not been provided according to the contract between 29311  
the individual community school and its sponsor. 29312

The superintendent of public instruction and the auditor of 29313

state shall jointly establish a method for auditing any community 29314  
school to which this division pertains to ensure compliance with 29315  
this section. 29316

The superintendent, auditor of state, and the governor shall 29317  
jointly make recommendations to the general assembly for 29318  
legislative changes that may be required to assure fiscal and 29319  
academic accountability for such schools. 29320

(K)(1) If the department determines that a review of a 29321  
community school's enrollment is necessary, such review shall be 29322  
completed and written notice of the findings shall be provided to 29323  
the governing authority of the community school and its sponsor 29324  
within ninety days of the end of the community school's fiscal 29325  
year, unless extended for a period not to exceed thirty additional 29326  
days for one of the following reasons: 29327

(a) The department and the community school mutually agree to 29328  
the extension. 29329

(b) Delays in data submission caused by either a community 29330  
school or its sponsor. 29331

(2) If the review results in a finding that additional 29332  
funding is owed to the school, such payment shall be made within 29333  
thirty days of the written notice. If the review results in a 29334  
finding that the community school owes moneys to the state, the 29335  
following procedure shall apply: 29336

(a) Within ten business days of the receipt of the notice of 29337  
findings, the community school may appeal the department's 29338  
determination to the state board of education or its designee. 29339

(b) The board or its designee shall conduct an informal 29340  
hearing on the matter within thirty days of receipt of such an 29341  
appeal and shall issue a decision within fifteen days of the 29342  
conclusion of the hearing. 29343

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of

the public schools by reason of induction or enlistment in the  
armed forces and who apply for enrollment in a community school  
not later than four years after termination of war or their  
honorable discharge. If, however, any such veteran elects to  
enroll in special courses organized for veterans for whom tuition  
is paid under federal law, or otherwise, the department shall not  
subtract from a school district's state aid account and shall not  
pay to a community school under division (C) of this section any  
amount for that veteran.

Sec. 3314.088. (A) As used in this section:

(1) "Base per pupil amount" has the same meaning as in  
section 3317.0219 of the Revised Code.

(2) "Resident district" has the same meaning as in section  
3314.08 of the Revised Code.

(B) Subject to division (D) of this section, for fiscal years  
2020 and 2021, the department of education shall calculate and pay  
to each community school that is not an internet- or  
computer-based community school student wellness and success  
funds, on a full-time equivalency basis, for each student enrolled  
in the school as of the school's payment under section 3314.08 of  
the Revised Code in June of the immediately preceding fiscal year  
in an amount equal to the following:

(The base per pupil amount of the student's resident district for  
that fiscal year + the scaled amount of the student's resident  
district, if any, computed under division (B)(4) of section  
3317.0219 of the Revised Code)

However, each community school shall receive a minimum  
payment of \$25,000, for fiscal year 2020, or \$30,000, for fiscal  
year 2021.

(C) Subject to division (D) of this section, for fiscal years

2020 and 2021, the department shall pay student wellness and success funds to each internet- or computer-based community school in an amount equal to \$25,000, for fiscal year 2020, or \$30,000, for fiscal year 2021. 29405  
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(D) The department shall pay funds under divisions (B) and (C) of this section as follows: 29409  
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(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated. 29411  
29412  
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(2) One-half of the amount shall be paid not later than the twenty-eighth day of February of the fiscal year for which the payment is calculated. 29414  
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Upon making a payment for a fiscal year under this section, the department shall not make any reconciliations or adjustments to that payment. 29417  
29418  
29419

(E) A community school that receives a payment under this section shall comply with section 3317.26 of the Revised Code. 29420  
29421

**Sec. 3314.18.** (A) Subject to division (C) of this section, the governing authority of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal. 29422  
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A breakfast program established under this section shall be 29435  
operated in accordance with section 3313.818 of the Revised Code 29436  
in any community school meeting the conditions prescribed by that 29437  
section. 29438

(B) Subject to division (C) of this section, the governing 29439  
authority of each community school shall establish one of the 29440  
following for summer intervention services described in division 29441  
(D) of section 3301.0711 or provided under section 3313.608 of the 29442  
Revised Code, and any other summer intervention program required 29443  
by law: 29444

(1) An extension of the school breakfast program pursuant to 29445  
the "National School Lunch Act" and the "Child Nutrition Act of 29446  
1966"; 29447

(2) An extension of the school lunch program pursuant to 29448  
those acts; 29449

(3) A summer food service program pursuant to those acts. 29450

(C) If the governing authority of a community school 29451  
determines that, for financial reasons, it cannot comply with 29452  
division (A) or (B) of this section, the governing authority may 29453  
choose not to comply with either or both divisions. In that case, 29454  
the governing authority shall communicate to the parents of its 29455  
students, in the manner it determines appropriate, its decision 29456  
not to comply. 29457

(D) The governing authority of each community school required 29458  
to establish a school breakfast, school lunch, or summer food 29459  
service program under this section shall apply for state and 29460  
federal funds allocated by the state board of education under 29461  
division (B) of section 3313.813 of the Revised Code and shall 29462  
comply with the state board's standards adopted under that 29463  
division. 29464

(E) The governing authority of any community school required 29465

to establish a breakfast program under this section or that elects 29466  
to participate in a breakfast program pursuant to the "National 29467  
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 29468  
breakfast to pupils in their classrooms during the school day. 29469  
However, any community school that is subject to section 3313.818 29470  
of the Revised Code shall offer breakfast to pupils in accordance 29471  
with that section. 29472

(F) Notwithstanding anything in this section to the contrary, 29473  
in each fiscal year in which the general assembly appropriates 29474  
funds for purposes of this division, the governing authority of 29475  
each community school required to establish a breakfast program 29476  
under this section or that elects to participate in a breakfast 29477  
program pursuant to the "National School Lunch Act" and the "Child 29478  
Nutrition Act of 1966" shall provide a breakfast free of charge to 29479  
each pupil who is eligible under federal requirements for a 29480  
reduced price breakfast. 29481

(G) This section does not apply to internet- or 29482  
computer-based community schools. 29483

**Sec. 3314.21.** (A) As used in this section: 29484

(1) "Harmful to juveniles" has the same meaning as in section 29485  
2907.01 of the Revised Code. 29486

(2) "Obscene" has the same meaning as in division (F) of 29487  
section 2907.01 of the Revised Code as that division has been 29488  
construed by the supreme court of this state. 29489

(3) "Teacher of record" means a teacher who is responsible 29490  
for the overall academic development and achievement of a student 29491  
and not merely the student's instruction in any single subject. 29492

(B)~~(1) It~~ (1) It is the intent of the general assembly that 29493  
teachers employed by internet- or computer-based community schools 29494  
conduct visits with their students in person throughout the school 29495

year. 29496

(2) Each internet- or computer-based community school shall 29497  
retain an affiliation with at least one full-time teacher of 29498  
record licensed in accordance with division (A)(10) of section 29499  
3314.03 of the Revised Code. 29500

(3) Each student enrolled in an internet- or computer-based 29501  
community school shall be assigned to at least one teacher of 29502  
record. No teacher of record shall be primarily responsible for 29503  
the academic development and achievement of more than one hundred 29504  
twenty-five students enrolled in the internet- or computer-based 29505  
community school that has retained that teacher. 29506

(C) For any internet- or computer-based community school, the 29507  
contract between the sponsor and the governing authority of the 29508  
school described in section 3314.03 of the Revised Code shall 29509  
specify each of the following: 29510

(1) A requirement that the school use a filtering device or 29511  
install filtering software that protects against internet access 29512  
to materials that are obscene or harmful to juveniles on each 29513  
computer provided to students for instructional use. The school 29514  
shall provide such device or software at no cost to any student 29515  
who works primarily from the student's residence on a computer 29516  
obtained from a source other than the school. 29517

(2) A plan for fulfilling the intent of the general assembly 29518  
specified in division (B)(1) of this section. The plan shall 29519  
indicate the number of times teachers will visit each student 29520  
throughout the school year and the manner in which those visits 29521  
will be conducted. 29522

(3) That the school will set up a central base of operation 29523  
and the sponsor will maintain a representative within fifty miles 29524  
of that base of operation to provide monitoring and assistance. 29525

(D)(1) Annually, each internet- or computer-based community 29526

school shall prepare and submit to the department of education, in 29527  
a time and manner prescribed by the department, a report that 29528  
contains information about all of the following: 29529

(a) Classroom size; 29530

(b) The ratio of teachers to students per classroom; 29531

(c) The number of student-teacher meetings conducted in 29532  
person or by video conference; 29533

(d) Any other information determined necessary by the 29534  
department. 29535

(2) The department annually shall prepare and submit to the 29536  
state board of education a report that contains the information 29537  
received under division (D)(1) of this section. 29538

**Sec. 3314.35.** (A)(1) Except as provided in division (A)(4) of 29539  
this section, this section applies to any community school that 29540  
meets one of the following criteria after July 1, 2009, but before 29541  
July 1, 2011: 29542

(a) The school does not offer a grade level higher than three 29543  
and has been declared to be in a state of academic emergency under 29544  
section 3302.03 of the Revised Code for three of the four most 29545  
recent school years. 29546

(b) The school satisfies all of the following conditions: 29547

(i) The school offers any of grade levels four to eight but 29548  
does not offer a grade level higher than nine. 29549

(ii) The school has been declared to be in a state of 29550  
academic emergency under section 3302.03 of the Revised Code for 29551  
two of the three most recent school years. 29552

(iii) In at least two of the three most recent school years, 29553  
the school showed less than one standard year of academic growth 29554  
in either reading or mathematics, as determined by the department 29555

of education in accordance with rules adopted under division (A) 29556  
of section 3302.021 of the Revised Code. 29557

(c) The school offers any of grade levels ten to twelve and 29558  
has been declared to be in a state of academic emergency under 29559  
section 3302.03 of the Revised Code for three of the four most 29560  
recent school years. 29561

(2) Except as provided in division (A)(4) of this section, 29562  
this section applies to any community school that meets one of the 29563  
following criteria after July 1, 2011, but before July 1, 2013: 29564

(a) The school does not offer a grade level higher than three 29565  
and has been declared to be in a state of academic emergency under 29566  
section 3302.03 of the Revised Code for two of the three most 29567  
recent school years. 29568

(b) The school satisfies all of the following conditions: 29569

(i) The school offers any of grade levels four to eight but 29570  
does not offer a grade level higher than nine. 29571

(ii) The school has been declared to be in a state of 29572  
academic emergency under section 3302.03 of the Revised Code for 29573  
two of the three most recent school years. 29574

(iii) In at least two of the three most recent school years, 29575  
the school showed less than one standard year of academic growth 29576  
in either reading or mathematics, as determined by the department 29577  
in accordance with rules adopted under division (A) of section 29578  
3302.021 of the Revised Code. 29579

(c) The school offers any of grade levels ten to twelve and 29580  
has been declared to be in a state of academic emergency under 29581  
section 3302.03 of the Revised Code for two of the three most 29582  
recent school years. 29583

(3) Except as provided in division (A)(4) of this section, 29584  
this section applies to any community school that meets one of the 29585

following criteria on or after July 1, 2013: 29586

(a) The school does not offer a grade level higher than three 29587  
and, for ~~two~~ of the three most recent school years, satisfies any 29588  
of the following criteria: 29589

(i) The school has been declared to be in a state of academic 29590  
emergency under section 3302.03 of the Revised Code, as it existed 29591  
prior to March 22, 2013; 29592

(ii) The school has received a grade of "F" in improving 29593  
literacy in grades kindergarten through three under division 29594  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 29595

(iii) The school has received an overall grade of "F" under 29596  
division (C) of section 3302.03 of the Revised Code. 29597

(b) The school offers any of grade levels four to eight but 29598  
does not offer a grade level higher than nine and, for ~~two~~ of the 29599  
three most recent school years, satisfies any of the following 29600  
criteria: 29601

(i) The school has been declared to be in a state of academic 29602  
emergency under section 3302.03 of the Revised Code, as it existed 29603  
prior to March 22, 2013, and the school showed less than one 29604  
standard year of academic growth in either reading or mathematics, 29605  
as determined by the department in accordance with rules adopted 29606  
under division (A) of section 3302.021 of the Revised Code; 29607

(ii) The school has received a grade of "F" for the 29608  
performance index score under division (A)(1)(b), (B)(1)(b), or 29609  
(C)(1)(b) and a grade of "F" for the value-added progress 29610  
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 29611  
section 3302.03 of the Revised Code; 29612

(iii) The school has received an overall grade of "F" under 29613  
division (C) and a grade of "F" for the value-added progress 29614  
dimension under division (C)(1)(e) of section 3302.03 of the 29615

Revised Code. 29616

(c) The school offers any of grade levels ten to twelve and, 29617  
for ~~two~~ of the three most recent school years, satisfies any of 29618  
the following criteria: 29619

(i) The school has been declared to be in a state of academic 29620  
emergency under section 3302.03 of the Revised Code, as it existed 29621  
prior to March 22, 2013; 29622

(ii) The school has received a grade of "F" for the 29623  
performance index score under division (A)(1)(b), (B)(1)(b), or 29624  
(C)(1)(b) and has not met annual measurable objectives under 29625  
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 29626  
the Revised Code; 29627

(iii) The school has received an overall grade of "F" under 29628  
division (C) and a grade of "F" for the value-added progress 29629  
dimension under division (C)(1)(e) of section 3302.03 of the 29630  
Revised Code. 29631

For purposes of division (A)(3) of this section only, the 29632  
department of education shall calculate the value-added progress 29633  
dimension for a community school using assessment scores for only 29634  
those students to whom the school has administered the achievement 29635  
assessments prescribed by section 3301.0710 of the Revised Code 29636  
for at least the two most recent school years but using 29637  
value-added data from only the most recent school year. 29638

(4) This section does not apply to either of the following: 29639

(a) Any community school in which a majority of the students 29640  
are enrolled in a dropout prevention and recovery program that is 29641  
operated by the school. Rather, such schools shall be subject to 29642  
closure only as provided in section 3314.351 of the Revised Code. 29643  
However, prior to July 1, 2014, a community school in which a 29644  
majority of the students are enrolled in a dropout prevention and 29645  
recovery program shall be exempt from this section only if it has 29646

been granted a waiver under section 3314.36 of the Revised Code. 29647

(b) Any community school in which a majority of the enrolled 29648  
students are children with disabilities receiving special 29649  
education and related services in accordance with Chapter 3323. of 29650  
the Revised Code. 29651

(B) Any community school to which this section applies shall 29652  
permanently close at the conclusion of the school year in which 29653  
the school first becomes subject to this section. The sponsor and 29654  
governing authority of the school shall comply with all procedures 29655  
for closing a community school adopted by the department under 29656  
division (E) of section 3314.015 of the Revised Code. The 29657  
governing authority of the school shall not enter into a contract 29658  
with any other sponsor under section 3314.03 of the Revised Code 29659  
after the school closes. 29660

(C) In accordance with division (B) of section 3314.012 of 29661  
the Revised Code, the department shall not consider the 29662  
performance ratings assigned to a community school for its first 29663  
two years of operation when determining whether the school meets 29664  
the criteria prescribed by division (A)(1) or (2) of this section. 29665

(D) Nothing in this section or in any other provision of the 29666  
Revised Code prohibits the sponsor of a community school from 29667  
exercising its option not to renew a contract for any reason or 29668  
from terminating a contract prior to its expiration for any of the 29669  
reasons set forth in section 3314.07 of the Revised Code. 29670

**Sec. 3314.351.** (A) This section applies to any community 29671  
school in which a majority of the students are enrolled in a 29672  
dropout prevention and recovery program. ~~Beginning on or after~~ 29673  
~~July 1, 2014~~ Except as provided in division (F) of this section, 29674  
any such community school that has received a designation of "does 29675  
not meet standards," as described in division (D)(1) of section 29676  
3314.017 of the Revised Code on the report card issued under that 29677

section, for ~~at least two~~ of the three most recent school years 29678  
shall be subject to closure in accordance with this section. 29679

(B) Not later than the first day of September in each school 29680  
year, the department of education shall notify each school subject 29681  
to closure under this section that the school must close not later 29682  
than the thirtieth day of the following June. 29683

A school so notified shall close as required. 29684

(C) A school that opens on or after July 1, 2014, shall not 29685  
be subject to closure under this section for its first two years 29686  
of operation. A school that is in operation prior to July 1, 2014, 29687  
shall not be subject to closure under this section until after 29688  
August 31, 2016. 29689

(D) The sponsor and governing authority of the school shall 29690  
comply with all procedures for closing a community school adopted 29691  
by the department under division (E) of section 3314.015 of the 29692  
Revised Code. The governing authority of the school shall not 29693  
enter into a contract with any other sponsor under section 3314.03 29694  
of the Revised Code after the school closes. 29695

(E) Nothing in this section or in any other provision of the 29696  
Revised Code prohibits the sponsor of a community school from 29697  
exercising its option not to renew a contract for any reason or 29698  
from terminating a contract prior to its expiration for any of the 29699  
reasons set forth in section 3314.07 of the Revised Code. 29700

(F) Beginning in the 2019-2020 school year, no school shall 29701  
be subject to closure under this section based on the report card 29702  
issued for that school for the 2017-2018 or 2018-2019 school year 29703  
if the school received an overall rating of "meets standards" or 29704  
"exceeds standards" for the 2017-2018 or 2018-2019 school year 29705  
pursuant to division (H) of section 3314.017 of the Revised Code. 29706  
However, no school permanently closed under this section prior to 29707

the 2019-2020 school year shall be eligible to reopen based on the 29708  
calculated or recalculated ratings under division (H) of section 29709  
3314.017 of the Revised Code. 29710

Sec. 3314.353. Not later than the first day of October each 29711  
year, the department of education shall publish separate lists of 29712  
the following: 29713

(A) Community schools that have become subject to permanent 29714  
closure under section 3314.35 or 3314.351 of the Revised Code; 29715

(B) Community schools that are at risk of becoming subject to 29716  
permanent closure under section 3314.35 or 3314.351 of the Revised 29717  
Code if their academic performance, as prescribed in those 29718  
sections, does not improve on the next state report cards issued 29719  
under section 3302.03 or 3314.017 of the Revised Code; 29720

(C) All "challenged school districts" in which new start-up 29721  
community schools may be located, as prescribed in section 3314.02 29722  
of the Revised Code. 29723

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 29724  
~~students~~ learners shall be as follows: 29725

(A) An amount of \$1,515 for each student who has been 29726  
enrolled in schools in the United States for 180 school days or 29727  
less and was not previously exempted from taking the spring 29728  
administration of either of the state's English language arts 29729  
assessments prescribed by section 3301.0710 of the Revised Code 29730  
(reading or writing). 29731

(B) An amount of \$1,136 for each student who has been 29732  
enrolled in schools in the United States for more than 180 school 29733  
days or was previously exempted from taking the spring 29734  
administration of either of the state's English language arts 29735  
assessments prescribed by section 3301.0710 of the Revised Code 29736  
(reading or writing). 29737

(C) An amount of \$758 for each student who does not qualify 29738  
for inclusion under division (A) or (B) of this section and is in 29739  
a trial-mainstream period, as defined by the department. 29740

**Sec. 3317.02.** As used in this chapter: 29741

(A)(1) "Category one career-technical education ADM" means 29742  
the enrollment of students during the school year on a full-time 29743  
equivalency basis in career-technical education programs described 29744  
in division (A) of section 3317.014 of the Revised Code and 29745  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 29746  
of the Revised Code. 29747

(2) "Category two career-technical education ADM" means the 29748  
enrollment of students during the school year on a full-time 29749  
equivalency basis in career-technical education programs described 29750  
in division (B) of section 3317.014 of the Revised Code and 29751  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 29752  
of the Revised Code. 29753

(3) "Category three career-technical education ADM" means the 29754  
enrollment of students during the school year on a full-time 29755  
equivalency basis in career-technical education programs described 29756  
in division (C) of section 3317.014 of the Revised Code and 29757  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 29758  
of the Revised Code. 29759

(4) "Category four career-technical education ADM" means the 29760  
enrollment of students during the school year on a full-time 29761  
equivalency basis in career-technical education programs described 29762  
in division (D) of section 3317.014 of the Revised Code and 29763  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 29764  
of the Revised Code. 29765

(5) "Category five career-technical education ADM" means the 29766  
enrollment of students during the school year on a full-time 29767

equivalency basis in career-technical education programs described 29768  
in division (E) of section 3317.014 of the Revised Code and 29769  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 29770  
of the Revised Code. 29771

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 29772  
means the full-time equivalent number of ~~limited~~ English 29773  
~~proficient students~~ learners described in division (A) of section 29774  
3317.016 of the Revised Code and certified under division (B)(16) 29775  
or (D)(2)(m) of section 3317.03 of the Revised Code. 29776

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 29777  
means the full-time equivalent number of ~~limited~~ English 29778  
~~proficient students~~ learners described in division (B) of section 29779  
3317.016 of the Revised Code and certified under division (B)(17) 29780  
or (D)(2)(n) of section 3317.03 of the Revised Code. 29781

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 29782  
means the full-time equivalent number of ~~limited~~ English 29783  
~~proficient students~~ learners described in division (C) of section 29784  
3317.016 of the Revised Code and certified under division (B)(18) 29785  
or (D)(2)(o) of section 3317.03 of the Revised Code. 29786

(C)(1) "Category one special education ADM" means the 29787  
full-time equivalent number of children with disabilities 29788  
receiving special education services for the disability specified 29789  
in division (A) of section 3317.013 of the Revised Code and 29790  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 29791  
the Revised Code. 29792

(2) "Category two special education ADM" means the full-time 29793  
equivalent number of children with disabilities receiving special 29794  
education services for those disabilities specified in division 29795  
(B) of section 3317.013 of the Revised Code and certified under 29796  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 29797  
Code. 29798

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.

(D) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined.

(E)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(F) "Formula amount" means \$6,010, for fiscal year 2018, and \$6,020, for fiscal year 2019.

(G) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in formula ADM.

(H) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	29861 29862
(I) "Medically fragile child" means a child to whom all of the following apply:	29863 29864
(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.	29865 29866 29867
(2) The child requires the services of a registered nurse on a daily basis.	29868 29869
(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	29870 29871 29872
(J)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:	29873 29874 29875 29876
(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."	29877 29878 29879 29880
(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.	29881 29882 29883 29884 29885
(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or	29886 29887 29888 29889 29890

(b) of this section.	29891
(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	29892 29893 29894 29895 29896
(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.	29897 29898 29899
(M) "Related services" includes:	29900
(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	29901 29902 29903 29904 29905 29906 29907 29908
(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;	29909 29910 29911
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	29912 29913 29914
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	29915 29916
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	29917 29918 29919
(N) "School district," unless otherwise specified, means	29920

city, local, and exempted village school districts.	29921
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	29922 29923
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	29924 29925 29926
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	29927 29928 29929 29930
(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	29931 29932 29933
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	29934 29935 29936
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	29937 29938
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	29939 29940
(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.	29941 29942 29943 29944 29945
(T) "Total special education ADM" means the sum of categories one through six special education ADM.	29946 29947
(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021	29948 29949 29950

of the Revised Code. 29951

**Sec. 3317.022.** (A) The department of education shall compute 29952  
and distribute state core foundation funding to each eligible 29953  
school district for the fiscal year, using the information 29954  
obtained under section 3317.021 of the Revised Code in the 29955  
calendar year in which the fiscal year begins, as prescribed in 29956  
the following divisions: 29957

(1) An opportunity grant calculated according to the 29958  
following formula: 29959

The formula amount  $X$  (formula ADM + preschool scholarship 29960  
ADM)  $X$  the district's state share index 29961

(2) Targeted assistance funds calculated under divisions (A) 29962  
and (B) of section 3317.0217 of the Revised Code; 29963

(3) Additional state aid for special education and related 29964  
services provided under Chapter 3323. of the Revised Code 29965  
calculated as the sum of the following: 29966

(a) The district's category one special education ADM  $X$  the 29967  
amount specified in division (A) of section 3317.013 of the 29968  
Revised Code  $X$  the district's state share index; 29969

(b) The district's category two special education ADM  $X$  the 29970  
amount specified in division (B) of section 3317.013 of the 29971  
Revised Code  $X$  the district's state share index; 29972

(c) The district's category three special education ADM  $X$  the 29973  
amount specified in division (C) of section 3317.013 of the 29974  
Revised Code  $X$  the district's state share index; 29975

(d) The district's category four special education ADM  $X$  the 29976  
amount specified in division (D) of section 3317.013 of the 29977  
Revised Code  $X$  the district's state share index; 29978

(e) The district's category five special education ADM  $X$  the 29979

amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index; 29980  
29981

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index. 29982  
29983  
29984

(4) Kindergarten through third grade literacy funds calculated according to the following formula: 29985  
29986

(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three) 29987  
29988  
29989

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three. 29990  
29991  
29992  
29993  
29994  
29995

(5) Economically disadvantaged funds calculated according to the following formula: 29996  
29997

\$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code 29998  
29999  
30000  
30001

(6) ~~Limited~~ English ~~proficiency~~ learner funds calculated as the sum of the following: 30002  
30003

(a) The district's category one ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index; 30004  
30005  
30006

(b) The district's category two ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share index; 30007  
30008  
30009

(c) The district's category three <del>limited</del> English <del>proficient</del>	30010
<u>learner</u> ADM X the amount specified in division (C) of section	30011
3317.016 of the Revised Code X the district's state share index.	30012
(7)(a) Gifted identification funds calculated according to	30013
the following formula:	30014
\$5.05 X the district's formula ADM	30015
(b) Gifted unit funding calculated under section 3317.051 of	30016
the Revised Code.	30017
(8) Career-technical education funds calculated as the sum of	30018
the following:	30019
(a) The district's category one career-technical education	30020
ADM X the amount specified in division (A) of section 3317.014 of	30021
the Revised Code X the district's state share index;	30022
(b) The district's category two career-technical education	30023
ADM X the amount specified in division (B) of section 3317.014 of	30024
the Revised Code X the district's state share index;	30025
(c) The district's category three career-technical education	30026
ADM X the amount specified in division (C) of section 3317.014 of	30027
the Revised Code X the district's state share index;	30028
(d) The district's category four career-technical education	30029
ADM X the amount specified in division (D) of section 3317.014 of	30030
the Revised Code X the district's state share index;	30031
(e) The district's category five career-technical education	30032
ADM X the amount specified in division (E) of section 3317.014 of	30033
the Revised Code X the district's state share index.	30034
Payment of funds under division (A)(8) of this section is	30035
subject to approval under section 3317.161 of the Revised Code.	30036
(9) Career-technical education associated services funds	30037
calculated according to the following formula:	30038
The district's state share index X the amount for career-technical	30039

education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM (10) Capacity aid funds calculated under section 3317.0218 of the Revised Code; (11) A graduation bonus calculated under section 3317.0215 of the Revised Code; (12) A third-grade reading bonus calculated under section 3317.0216 of the Revised Code. (B) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows: (The formula amount X the total special education ADM) + (the district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code) + (the district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code) + (the district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code) The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with

disabilities, provision of speech language pathology services, and 30072  
the portion of the school district's overall administrative and 30073  
overhead costs that are attributable to the district's special 30074  
education student population. 30075

The scholarships deducted from the school district's account 30076  
under sections 3310.41 and 3310.55 of the Revised Code shall be 30077  
considered to be an approved special education and related 30078  
services expense for the purpose of the school district's 30079  
compliance with this division. 30080

(C) In any fiscal year, a school district receiving funds 30081  
under division (A)(8) of this section shall spend those funds only 30082  
for the purposes that the department designates as approved for 30083  
career-technical education expenses. Career-technical education 30084  
expenses approved by the department shall include only expenses 30085  
connected to the delivery of career-technical programming to 30086  
career-technical students. The department shall require the school 30087  
district to report data annually so that the department may 30088  
monitor the district's compliance with the requirements regarding 30089  
the manner in which funding received under division (A)(8) of this 30090  
section may be spent. 30091

(D) In any fiscal year, a school district receiving funds 30092  
under division (A)(9) of this section, or through a transfer of 30093  
funds pursuant to division (I) of section 3317.023 of the Revised 30094  
Code, shall spend those funds only for the purposes that the 30095  
department designates as approved for career-technical education 30096  
associated services expenses, which may include such purposes as 30097  
apprenticeship coordinators, coordinators for other 30098  
career-technical education services, career-technical evaluation, 30099  
and other purposes designated by the department. The department 30100  
may deny payment under division (A)(9) of this section to any 30101  
district that the department determines is not operating those 30102  
services or is using funds paid under division (A)(9) of this 30103

section, or through a transfer of funds pursuant to division (I) 30104  
of section 3317.023 of the Revised Code, for other purposes. 30105

(E) All funds received under division (A)(8) of this section 30106  
shall be spent in the following manner: 30107

(1) At least seventy-five per cent of the funds shall be 30108  
spent on curriculum development, purchase, and implementation; 30109  
instructional resources and supplies; industry-based program 30110  
certification; student assessment, credentialing, and placement; 30111  
curriculum specific equipment purchases and leases; 30112  
career-technical student organization fees and expenses; home and 30113  
agency linkages; work-based learning experiences; professional 30114  
development; and other costs directly associated with 30115  
career-technical education programs including development of new 30116  
programs. 30117

(2) Not more than twenty-five per cent of the funds shall be 30118  
used for personnel expenditures. 30119

(F) A school district shall spend the funds it receives under 30120  
division (A)(5) of this section in accordance with section 3317.25 30121  
of the Revised Code. 30122

**Sec. 3317.023.** (A) The amounts required to be paid to a 30123  
district under this chapter shall be adjusted by the amount of the 30124  
computations made under divisions (B) to (K) of this section. 30125

As used in this section: 30126

(1) "Career-technical planning district" or "CTPD" means a 30127  
school district or group of school districts designated by the 30128  
department of education as being responsible for the planning for 30129  
and provision of career-technical education services to students 30130  
within the district or group. A community school established under 30131  
Chapter 3314. of the Revised Code or a STEM school established 30132  
under Chapter 3326. of the Revised Code that is serving students 30133

in any of grades seven through twelve shall be assigned to a 30134  
career-technical planning district by the department. 30135

(2) "Lead district" means a school district, including a 30136  
joint vocational school district, designated by the department as 30137  
a CTPD, or designated to provide primary career-technical 30138  
education leadership within a CTPD composed of a group of 30139  
districts, community schools assigned to the CTPD, and STEM 30140  
schools assigned to the CTPD. 30141

(B) If a local, city, or exempted village school district to 30142  
which a governing board of an educational service center provides 30143  
services pursuant to an agreement entered into under section 30144  
3313.843 of the Revised Code, deduct the amount of the payment 30145  
required for the reimbursement of the governing board under that 30146  
section. 30147

(C)(1) If the district is required to pay to or entitled to 30148  
receive tuition from another school district under division (C)(2) 30149  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 30150  
or if the superintendent of public instruction is required to 30151  
determine the correct amount of tuition and make a deduction or 30152  
credit under section 3317.08 of the Revised Code, deduct and 30153  
credit such amounts as provided in division (J) of section 3313.64 30154  
or section 3317.08 of the Revised Code. 30155

(2) For each child for whom the district is responsible for 30156  
tuition or payment under division (A)(1) of section 3317.082 or 30157  
section 3323.091 of the Revised Code, deduct the amount of tuition 30158  
or payment for which the district is responsible. 30159

(D) If the district has been certified by the superintendent 30160  
of public instruction under section 3313.90 of the Revised Code as 30161  
not in compliance with the requirements of that section, deduct an 30162  
amount equal to ten per cent of the amount computed for the 30163  
district under this chapter. 30164

(E) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F)(1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount.

(b) Any amount applicable to the student pursuant to section

3317.013 or 3317.014 of the Revised Code.	30196
(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	30197 30198 30199 30200
(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center <del>pursuant to section 3317.11 of the Revised Code.</del>	30201 30202 30203 30204 30205
(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under division (A)(9) of section 3317.022 of the Revised Code or division (A)(6) of section 3317.16 of the Revised Code, as applicable.	30206 30207 30208 30209 30210 30211
(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (I)(1) of this section.	30212 30213 30214
(J) If the department pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (C)(1) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.	30215 30216 30217 30218 30219 30220 30221 30222
(K)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district.	30223 30224 30225 30226

(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.

**Sec. 3317.028.** (A) On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less ~~or greater~~ than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, ~~or if any increase exceeds ten per cent of the district's total taxable value used in the district's state education aid computation for the fiscal year that ends in the current calendar year,~~ the tax commissioner shall certify all of the following to the department of education and the office of budget and management:

(1) The district's total taxable value for the preceding tax year;

(2) The ~~decrease or increase~~ change in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year;

(3) The taxable value of the utility tangible personal property ~~increase or~~ decrease, which shall be considered a change in valuation;

(4) The ~~decrease or increase~~ change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised

Code. 30258

(B)(1) Upon receipt of a certification specified in this 30259  
section, the department of education shall replace the three-year 30260  
average valuations that were used in computing the district's 30261  
state education aid for the fiscal year that ends in the current 30262  
calendar year with the taxable value certified under division 30263  
(A)(1) of this section and shall recompute the state education aid 30264  
for such fiscal year without applying any funding limitations 30265  
enacted by the general assembly to the computation. ~~Subject to~~ 30266  
~~division (B)(2) of this section, the~~ The department shall pay to 30267  
~~or deduct from~~ the district an amount equal to the lesser of the 30268  
following: 30269

~~(a)(1)~~ The positive difference between the district's state 30270  
education aid prior to the recomputation under this section and 30271  
the district's recomputed state education aid; 30272

~~(b)(2)~~ The ~~increase or decrease~~ absolute value of the amount 30273  
certified under division (A)(2) of this section. 30274

The payment date shall be determined by the director of 30275  
budget and management. The director shall select a payment date 30276  
that is not earlier than the first day of June of the current 30277  
fiscal year and not later than the thirty-first day of July of the 30278  
following fiscal year. The department of education shall not pay 30279  
the district under this section prior to approval by the director 30280  
of budget and management to make that payment. 30281

~~(2)(a)~~ ~~If an increase in the taxable value of the utility~~ 30282  
~~tangible personal property is certified for a district under~~ 30283  
~~division (A)(2) of this section, the department shall not make a~~ 30284  
~~payment to the district under division (B)(1) of this section. The~~ 30285  
~~department may, however, deduct funds from the district under~~ 30286  
~~division (B)(1) of this section.~~ 30287

~~(b)~~ ~~If a decrease in the taxable value of the utility~~ 30288

~~tangible personal property is certified for a district under 30289  
division (A)(2) of this section, the department shall not deduct 30290  
funds from the district under division (B)(1) of this section. The 30291  
department may, however, make a payment to the district under 30292  
division (B)(1) of this section. 30293~~

(C) If a school district received a grant from the 30294  
catastrophic expenditures account pursuant to division (C) of 30295  
section 3316.20 of the Revised Code on the basis of the same 30296  
circumstances for which a recomputation is made under this 30297  
section, the amount of the recomputation shall be reduced and 30298  
transferred in accordance with division (C) of section 3316.20 of 30299  
the Revised Code. 30300

**Sec. 3317.0219.** (A) As used in this section: 30301

(1) A district's "base per pupil amount" means the following: 30302

(a) For a district in the highest quintile determined under 30303  
division (B)(2) of this section, \$250, for fiscal year 2020, and 30304  
\$300, for fiscal year 2021. 30305

(b) For a district in the second highest quintile determined 30306  
under division (B)(2) of this section, \$200, for fiscal year 2020, 30307  
and \$240, for fiscal year 2021. 30308

(c) For a district in the third highest quintile determined 30309  
under division (B)(2) of this section, \$110, for fiscal year 2020, 30310  
and \$130, for fiscal year 2021. 30311

(d) For a district in the fourth highest quintile determined 30312  
under division (B)(2) of this section, \$50, for fiscal year 2020, 30313  
and \$60, for fiscal year 2021. 30314

(e) For a district in the fifth highest quintile determined 30315  
under division (B)(2) of this section, \$20, for fiscal year 2020, 30316  
and \$25, for fiscal year 2021. 30317

(2) "Base poverty percentage" for a quintile determined under 30318

division (B)(2) of this section means the poverty percentage of 30319  
the district ranked lowest in that quintile. 30320

(3) "Enrolled ADM" means, for a city, local, or exempted 30321  
village school district, the enrollment reported under division 30322  
(A) of section 3317.03 of the Revised Code, as verified by the 30323  
superintendent of public instruction and adjusted if so ordered 30324  
under division (K) of that section, and as further adjusted by the 30325  
department of education, as follows: 30326

(a) Add the students counted under division (A)(1)(b) of 30327  
section 3317.03 of the Revised Code. 30328

(b) Subtract the students counted under divisions (A)(2)(a), 30329  
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 30330  
Code. 30331

(c) Subtract the students counted under division (A)(3) of 30332  
section 3317.03 of the Revised Code. 30333

(B) Subject to division (C) of this section, for fiscal years 30334  
2020 and 2021, the department of education shall calculate and pay 30335  
student wellness and success funds to city, local, and exempted 30336  
village school districts as follows: 30337

(1) Using the most recent five-year estimates published by 30338  
the United States census bureau in the American community survey 30339  
or its successor report, compute the poverty percentage for each 30340  
district, which equals the following quotient: 30341

The number of children younger than eighteen years old residing in 30342  
the district who live in a household with a family income below 30343  
one hundred eighty-five per cent of the federal poverty 30344  
guidelines, as defined in section 5101.46 of the Revised Code / 30345  
the total number of children younger than eighteen years old 30346  
residing in the district 30347

(2) Rank all city, local, and exempted village school 30348  
districts in order of poverty percentage calculated under division 30349

(B)(1) of this section, from the district with the highest 30350  
percentage to the district with the lowest percentage, and group 30351  
the districts into quintiles. 30352

(3) Determine each district's enrolled ADM that was used for 30353  
the second payment under Chapter 3317. of the Revised Code in June 30354  
of the immediately preceding fiscal year. If a district's enrolled 30355  
ADM that was used for the second payment under Chapter 3317. of 30356  
the Revised Code in June of the immediately preceding fiscal year 30357  
is determined to be less than five, the district's enrolled ADM, 30358  
for purposes of computations under this section, shall be zero. 30359

(4) For each district that is not in the highest quintile 30360  
determined under division (B)(2) of this section, compute the 30361  
district's scaled amount, which is equal to the following 30362  
quotient: 30363

[(The district's poverty percentage computed under division (B)(1) 30364  
of this section - the base poverty percentage of the district's 30365  
quintile) / (the base poverty percentage of the quintile that is 30366  
the next highest quintile compared to the district's quintile - 30367  
the base poverty percentage of the district's quintile)] X (the 30368  
base per pupil amount for a district in the quintile that is the 30369  
next highest quintile compared to the district's quintile - the 30370  
district's base per pupil amount) 30371

(5) Compute a district's payment as follows: 30372

(a) Subject to division (B)(5)(c) of this section, if a 30373  
district is in the highest quintile determined under division 30374  
(B)(2) of this section, the district's payment shall be equal to 30375  
the following amount: 30376

The district's base per pupil amount for that fiscal year X the 30377  
district's enrolled ADM determined under division (B)(3) of this 30378  
section 30379

(b) Subject to division (B)(5)(c) of this section, if a 30380

district is not in the highest quintile determined under division 30381  
(B)(2) of this section, the district's payment shall be equal to 30382  
the following amount: 30383

(The district's base per pupil amount for that fiscal year + the 30384  
district's scaled amount computed under division (B)(4) of this 30385  
section for that fiscal year) X the district's enrolled ADM 30386  
determined under division (B)(3) of this section 30387

(c) If the computation of a district's payment under division 30388  
(B)(5)(a) or (b) of this section is greater than zero but less 30389  
than \$25,000, for fiscal year 2020, or \$30,000, for fiscal year 30390  
2021, the district's payment shall be equal to \$25,000, for fiscal 30391  
year 2020, or \$30,000, for fiscal year 2021. 30392

If the computation of a district's payment under division 30393  
(B)(5)(a) or (b) of this section is equal to zero, the district's 30394  
payment shall be equal to zero. 30395

(C) The department shall pay funds under division (B) of this 30396  
section as follows: 30397

(1) One-half of the amount shall be paid not later than the 30398  
thirty-first day of October of the fiscal year for which the 30399  
payment is calculated. 30400

(2) One-half of the amount shall be paid not later than the 30401  
twenty-eighth day of February of the fiscal year for which the 30402  
payment is calculated. 30403

Upon making a payment for a fiscal year under this section, 30404  
the department shall not make any reconciliations or adjustments 30405  
to that payment. 30406

(D) A city, local, or exempted village school district that 30407  
receives a payment under this section shall comply with section 30408  
3317.26 of the Revised Code. 30409

**Sec. 3317.03.** (A) The superintendent of each city, local, and 30410

exempted village school district shall report to the state board 30411  
of education as of the last day of October, March, and June of 30412  
each year the enrollment of students receiving services from 30413  
schools under the superintendent's supervision, and the numbers of 30414  
other students entitled to attend school in the district under 30415  
section 3313.64 or 3313.65 of the Revised Code the superintendent 30416  
is required to report under this section, so that the department 30417  
of education can calculate the district's formula ADM, total ADM, 30418  
category one through five career-technical education ADM, category 30419  
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 30420  
one through six special education ADM, preschool scholarship ADM, 30421  
transportation ADM, and, for purposes of provisions of law outside 30422  
of Chapter 3317. of the Revised Code, average daily membership. 30423

(1) The enrollment reported by the superintendent during the 30424  
reporting period shall consist of the number of students in grades 30425  
kindergarten through twelve receiving any educational services 30426  
from the district, except that the following categories of 30427  
students shall not be included in the determination: 30428

(a) Students enrolled in adult education classes; 30429

(b) Adjacent or other district students enrolled in the 30430  
district under an open enrollment policy pursuant to section 30431  
3313.98 of the Revised Code; 30432

(c) Students receiving services in the district pursuant to a 30433  
compact, cooperative education agreement, or a contract, but who 30434  
are entitled to attend school in another district pursuant to 30435  
section 3313.64 or 3313.65 of the Revised Code; 30436

(d) Students for whom tuition is payable pursuant to sections 30437  
3317.081 and 3323.141 of the Revised Code; 30438

(e) Students receiving services in the district through a 30439  
scholarship awarded under either section 3310.41 or sections 30440

3310.51 to 3310.64 of the Revised Code. 30441

When reporting students under division (A)(1) of this 30442  
section, the superintendent also shall report the district where 30443  
each student is entitled to attend school pursuant to sections 30444  
3313.64 and 3313.65 of the Revised Code. 30445

(2) The department of education shall compile a list of all 30446  
students reported to be enrolled in a district under division 30447  
(A)(1) of this section and of the students entitled to attend 30448  
school in the district pursuant to section 3313.64 or 3313.65 of 30449  
the Revised Code on an FTE basis but receiving educational 30450  
services in grades kindergarten through twelve from one or more of 30451  
the following entities: 30452

(a) A community school pursuant to Chapter 3314. of the 30453  
Revised Code, including any participation in a college pursuant to 30454  
Chapter 3365. of the Revised Code while enrolled in such community 30455  
school; 30456

(b) An alternative school pursuant to sections 3313.974 to 30457  
3313.979 of the Revised Code as described in division (I)(2)(a) or 30458  
(b) of this section; 30459

(c) A college pursuant to Chapter 3365. of the Revised Code, 30460  
except when the student is enrolled in the college while also 30461  
enrolled in a community school pursuant to Chapter 3314., a 30462  
science, technology, engineering, and mathematics school 30463  
established under Chapter 3326., or a college-preparatory boarding 30464  
school established under Chapter 3328. of the Revised Code; 30465

(d) An adjacent or other school district under an open 30466  
enrollment policy adopted pursuant to section 3313.98 of the 30467  
Revised Code; 30468

(e) An educational service center or cooperative education 30469  
district; 30470

(f) Another school district under a cooperative education agreement, compact, or contract;	30471 30472
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;	30473 30474 30475 30476
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	30477 30478 30479
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	30480 30481 30482
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30483 30484 30485 30486
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	30487 30488 30489 30490
(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.	30491 30492 30493 30494 30495 30496 30497 30498 30499
The department shall provide each city, local, and exempted village school district with an opportunity to review the list of	30500 30501

students compiled under divisions (A)(2) and (3) of this section 30502  
to ensure that the students reported accurately reflect the 30503  
enrollment of students in the district. 30504

(B) To enable the department of education to obtain the data 30505  
needed to complete the calculation of payments pursuant to this 30506  
chapter, each superintendent shall certify from the reports 30507  
provided by the department under division (A) of this section all 30508  
of the following: 30509

(1) The total student enrollment in regular learning day 30510  
classes included in the report under division (A)(1) or (2) of 30511  
this section for each of the individual grades kindergarten 30512  
through twelve in schools under the superintendent's supervision; 30513

(2) The unduplicated count of the number of preschool 30514  
children with disabilities enrolled in the district for whom the 30515  
district is eligible to receive funding under section 3317.0213 of 30516  
the Revised Code adjusted for the portion of the year each child 30517  
is so enrolled, in accordance with the disability categories 30518  
prescribed in section 3317.013 of the Revised Code; 30519

(3) The number of children entitled to attend school in the 30520  
district pursuant to section 3313.64 or 3313.65 of the Revised 30521  
Code who are: 30522

(a) Participating in a pilot project scholarship program 30523  
established under sections 3313.974 to 3313.979 of the Revised 30524  
Code as described in division (I)(2)(a) or (b) of this section; 30525

(b) Enrolled in a college under Chapter 3365. of the Revised 30526  
Code, except when the student is enrolled in the college while 30527  
also enrolled in a community school pursuant to Chapter 3314. of 30528  
the Revised Code, a science, technology, engineering, and 30529  
mathematics school established under Chapter 3326., or a 30530  
college-preparatory boarding school established under Chapter 30531  
3328. of the Revised Code; 30532

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	30533 30534
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	30535 30536 30537 30538 30539 30540
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30541 30542 30543 30544
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	30545 30546 30547 30548
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	30549 30550 30551
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	30552 30553 30554
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	30555 30556
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30557 30558 30559 30560
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any	30561 30562

participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 30563  
30564

(1) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code. 30565  
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(4) The total enrollment of pupils in joint vocational schools; 30568  
30569

(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 30570  
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(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 30578  
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(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 30586  
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(8) The combined enrollment of children with disabilities 30594  
reported under division (A)(1) or (2) of this section receiving 30595  
special education services for category four disabilities 30596  
described in division (D) of section 3317.013 of the Revised Code, 30597  
including children attending a special education program operated 30598  
by an alternative public provider or a registered private provider 30599  
with a scholarship awarded under sections 3310.51 to 3310.64 of 30600  
the Revised Code; 30601

(9) The combined enrollment of children with disabilities 30602  
reported under division (A)(1) or (2) of this section receiving 30603  
special education services for the category five disabilities 30604  
described in division (E) of section 3317.013 of the Revised Code, 30605  
including children attending a special education program operated 30606  
by an alternative public provider or a registered private provider 30607  
with a scholarship awarded under sections 3310.51 to 3310.64 of 30608  
the Revised Code; 30609

(10) The combined enrollment of children with disabilities 30610  
reported under division (A)(1) or (2) and under division (B)(3)(h) 30611  
of this section receiving special education services for category 30612  
six disabilities described in division (F) of section 3317.013 of 30613  
the Revised Code, including children attending a special education 30614  
program operated by an alternative public provider or a registered 30615  
private provider with a scholarship awarded under either section 30616  
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 30617

(11) The enrollment of pupils reported under division (A)(1) 30618  
or (2) of this section on a full-time equivalency basis in 30619  
category one career-technical education programs or classes, 30620  
described in division (A) of section 3317.014 of the Revised Code, 30621  
operated by the school district or by another district that is a 30622  
member of the district's career-technical planning district, other 30623  
than a joint vocational school district, or by an educational 30624  
service center, notwithstanding division (G) of section 3317.02 of 30625

the Revised Code and division (C)(3) of this section; 30626

(12) The enrollment of pupils reported under division (A)(1) 30627  
or (2) of this section on a full-time equivalency basis in 30628  
category two career-technical education programs or services, 30629  
described in division (B) of section 3317.014 of the Revised Code, 30630  
operated by the school district or another school district that is 30631  
a member of the district's career-technical planning district, 30632  
other than a joint vocational school district, or by an 30633  
educational service center, notwithstanding division (G) of 30634  
section 3317.02 of the Revised Code and division (C)(3) of this 30635  
section; 30636

(13) The enrollment of pupils reported under division (A)(1) 30637  
or (2) of this section on a full-time equivalency basis in 30638  
category three career-technical education programs or services, 30639  
described in division (C) of section 3317.014 of the Revised Code, 30640  
operated by the school district or another school district that is 30641  
a member of the district's career-technical planning district, 30642  
other than a joint vocational school district, or by an 30643  
educational service center, notwithstanding division (G) of 30644  
section 3317.02 of the Revised Code and division (C)(3) of this 30645  
section; 30646

(14) The enrollment of pupils reported under division (A)(1) 30647  
or (2) of this section on a full-time equivalency basis in 30648  
category four career-technical education programs or services, 30649  
described in division (D) of section 3317.014 of the Revised Code, 30650  
operated by the school district or another school district that is 30651  
a member of the district's career-technical planning district, 30652  
other than a joint vocational school district, or by an 30653  
educational service center, notwithstanding division (G) of 30654  
section 3317.02 of the Revised Code and division (C)(3) of this 30655  
section; 30656

(15) The enrollment of pupils reported under division (A)(1) 30657

or (2) of this section on a full-time equivalency basis in 30658  
category five career-technical education programs or services, 30659  
described in division (E) of section 3317.014 of the Revised Code, 30660  
operated by the school district or another school district that is 30661  
a member of the district's career-technical planning district, 30662  
other than a joint vocational school district, or by an 30663  
educational service center, notwithstanding division (G) of 30664  
section 3317.02 of the Revised Code and division (C)(3) of this 30665  
section; 30666

(16) The enrollment of pupils reported under division (A)(1) 30667  
or (2) of this section who are ~~limited English proficient students~~ 30668  
learners described in division (A) of section 3317.016 of the 30669  
Revised Code, excluding any student reported under division 30670  
(B)(3)(e) of this section as enrolled in an internet- or 30671  
computer-based community school; 30672

(17) The enrollment of pupils reported under division (A)(1) 30673  
or (2) of this section who are ~~limited English proficient students~~ 30674  
learners described in division (B) of section 3317.016 of the 30675  
Revised Code, excluding any student reported under division 30676  
(B)(3)(e) of this section as enrolled in an internet- or 30677  
computer-based community school; 30678

(18) The enrollment of pupils reported under division (A)(1) 30679  
or (2) of this section who are ~~limited English proficient students~~ 30680  
learners described in division (C) of section 3317.016 of the 30681  
Revised Code, excluding any student reported under division 30682  
(B)(3)(e) of this section as enrolled in an internet- or 30683  
computer-based community school; 30684

(19) The average number of children transported during the 30685  
reporting period by the school district on board-owned or 30686  
contractor-owned and -operated buses, reported in accordance with 30687  
rules adopted by the department of education; 30688

(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.	30689 30690 30691 30692
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	30693 30694 30695 30696 30697
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	30698 30699 30700 30701 30702
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	30703 30704 30705 30706 30707
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	30708 30709 30710 30711 30712
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	30713 30714 30715 30716 30717 30718
(g) The number of children with disabilities, other than	30719

preschool children with disabilities, placed with a county board 30720  
of developmental disabilities in the current fiscal year to 30721  
receive special education services for category six disabilities 30722  
described in division (F) of section 3317.013 of the Revised Code. 30723

(21) The enrollment of students who are economically 30724  
disadvantaged, as defined by the department, excluding any student 30725  
reported under division (B)(3)(e) of this section as enrolled in 30726  
an internet- or computer-based community school. A student shall 30727  
not be categorically excluded from the number reported under 30728  
division (B)(21) of this section based on anything other than 30729  
family income. 30730

(C)(1) The state board of education shall adopt rules 30731  
necessary for implementing divisions (A), (B), and (D) of this 30732  
section. 30733

(2) A student enrolled in a community school established 30734  
under Chapter 3314., a science, technology, engineering, and 30735  
mathematics school established under Chapter 3326., or a 30736  
college-preparatory boarding school established under Chapter 30737  
3328. of the Revised Code shall be counted in the formula ADM and, 30738  
if applicable, the category one, two, three, four, five, or six 30739  
special education ADM of the school district in which the student 30740  
is entitled to attend school under section 3313.64 or 3313.65 of 30741  
the Revised Code for the same proportion of the school year that 30742  
the student is counted in the enrollment of the community school, 30743  
the science, technology, engineering, and mathematics school, or 30744  
the college-preparatory boarding school for purposes of section 30745  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 30746  
the enrollment of students certified pursuant to division 30747  
(B)(3)(d), (e), (j), or (k) of this section, the department may 30748  
adjust the formula ADM of a school district to account for 30749  
students entitled to attend school in the district under section 30750  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 30751

community school, a science, technology, engineering, and 30752  
mathematics school, or a college-preparatory boarding school for 30753  
only a portion of the school year. 30754

(3) No child shall be counted as more than a total of one 30755  
child in the sum of the enrollment of students of a school 30756  
district under division (A), divisions (B)(1) to (22), or division 30757  
(D) of this section, except as follows: 30758

(a) A child with a disability described in section 3317.013 30759  
of the Revised Code may be counted both in formula ADM and in 30760  
category one, two, three, four, five, or six special education ADM 30761  
and, if applicable, in category one, two, three, four, or five 30762  
career-technical education ADM. As provided in division (G) of 30763  
section 3317.02 of the Revised Code, such a child shall be counted 30764  
in category one, two, three, four, five, or six special education 30765  
ADM in the same proportion that the child is counted in formula 30766  
ADM. 30767

(b) A child enrolled in career-technical education programs 30768  
or classes described in section 3317.014 of the Revised Code may 30769  
be counted both in formula ADM and category one, two, three, four, 30770  
or five career-technical education ADM and, if applicable, in 30771  
category one, two, three, four, five, or six special education 30772  
ADM. Such a child shall be counted in category one, two, three, 30773  
four, or five career-technical education ADM in the same 30774  
proportion as the percentage of time that the child spends in the 30775  
career-technical education programs or classes. 30776

(4) Based on the information reported under this section, the 30777  
department of education shall determine the total student count, 30778  
as defined in section 3301.011 of the Revised Code, for each 30779  
school district. 30780

(D)(1) The superintendent of each joint vocational school 30781  
district shall report and certify to the superintendent of public 30782

instruction as of the last day of October, March, and June of each 30783  
year the enrollment of students receiving services from schools 30784  
under the superintendent's supervision so that the department can 30785  
calculate the district's formula ADM, total ADM, category one 30786  
through five career-technical education ADM, category one through 30787  
three ~~limited~~ English ~~proficient~~ learner ADM, category one through 30788  
six special education ADM, and for purposes of provisions of law 30789  
outside of Chapter 3317. of the Revised Code, average daily 30790  
membership. 30791

The enrollment reported and certified by the superintendent, 30792  
except as otherwise provided in this division, shall consist of 30793  
the ~~the~~ number of students in grades six through twelve receiving 30794  
any educational services from the district, except that the 30795  
following categories of students shall not be included in the 30796  
determination: 30797

(a) Students enrolled in adult education classes; 30798

(b) Adjacent or other district joint vocational students 30799  
enrolled in the district under an open enrollment policy pursuant 30800  
to section 3313.98 of the Revised Code; 30801

(c) Students receiving services in the district pursuant to a 30802  
compact, cooperative education agreement, or a contract, but who 30803  
are entitled to attend school in a city, local, or exempted 30804  
village school district whose territory is not part of the 30805  
territory of the joint vocational district; 30806

(d) Students for whom tuition is payable pursuant to sections 30807  
3317.081 and 3323.141 of the Revised Code. 30808

(2) To enable the department of education to obtain the data 30809  
needed to complete the calculation of payments pursuant to this 30810  
chapter, each superintendent shall certify from the report 30811  
provided under division (D)(1) of this section the enrollment for 30812  
each of the following categories of students: 30813

(a) Students enrolled in each individual grade included in the joint vocational district schools;	30814 30815
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	30816 30817 30818
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	30819 30820 30821
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	30822 30823 30824
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	30825 30826 30827
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	30828 30829 30830
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	30831 30832 30833
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	30834 30835 30836
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	30837 30838 30839
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	30840 30841 30842
(k) Students receiving category four career-technical	30843

education services, described in division (D) of section 3317.014 30844  
of the Revised Code; 30845

(l) Students receiving category five career-technical 30846  
education services, described in division (E) of section 3317.014 30847  
of the Revised Code; 30848

(m) ~~Limited English proficient students~~ learners described in 30849  
division (A) of section 3317.016 of the Revised Code; 30850

(n) ~~Limited English proficient students~~ learners described in 30851  
division (B) of section 3317.016 of the Revised Code; 30852

(o) ~~Limited English proficient students~~ learners described in 30853  
division (C) of section 3317.016 of the Revised Code; 30854

(p) Students who are economically disadvantaged, as defined 30855  
by the department. A student shall not be categorically excluded 30856  
from the number reported under division (D)(2)(p) of this section 30857  
based on anything other than family income. 30858

The superintendent of each joint vocational school district 30859  
shall also indicate the city, local, or exempted village school 30860  
district in which each joint vocational district pupil is entitled 30861  
to attend school pursuant to section 3313.64 or 3313.65 of the 30862  
Revised Code. 30863

(E) In each school of each city, local, exempted village, 30864  
joint vocational, and cooperative education school district there 30865  
shall be maintained a record of school enrollment, which record 30866  
shall accurately show, for each day the school is in session, the 30867  
actual enrollment in regular day classes. For the purpose of 30868  
determining the enrollment of students, the enrollment figure of 30869  
any school shall not include any pupils except those pupils 30870  
described by division (A) of this section. The record of 30871  
enrollment for each school shall be maintained in such manner that 30872  
no pupil shall be counted as enrolled prior to the actual date of 30873  
entry in the school and also in such manner that where for any 30874

cause a pupil permanently withdraws from the school that pupil 30875  
shall not be counted as enrolled from and after the date of such 30876  
withdrawal. There shall not be included in the enrollment of any 30877  
school any of the following: 30878

(1) Any pupil who has graduated from the twelfth grade of a 30879  
public or nonpublic high school; 30880

(2) Any pupil who is not a resident of the state; 30881

(3) Any pupil who was enrolled in the schools of the district 30882  
during the previous school year when assessments were administered 30883  
under section 3301.0711 of the Revised Code but did not take one 30884  
or more of the assessments required by that section and was not 30885  
excused pursuant to division (C)(1) or (3) of that section; 30886

(4) Any pupil who has attained the age of twenty-two years, 30887  
except for veterans of the armed services whose attendance was 30888  
interrupted before completing the recognized twelve-year course of 30889  
the public schools by reason of induction or enlistment in the 30890  
armed forces and who apply for reenrollment in the public school 30891  
system of their residence not later than four years after 30892  
termination of war or their honorable discharge; 30893

(5) Any pupil who has a certificate of high school 30894  
equivalence as defined in section 5107.40 of the Revised Code. 30895

If, however, any veteran described by division (E)(4) of this 30896  
section elects to enroll in special courses organized for veterans 30897  
for whom tuition is paid under the provisions of federal laws, or 30898  
otherwise, that veteran shall not be included in the enrollment of 30899  
students determined under this section. 30900

Notwithstanding division (E)(3) of this section, the 30901  
enrollment of any school may include a pupil who did not take an 30902  
assessment required by section 3301.0711 of the Revised Code if 30903  
the superintendent of public instruction grants a waiver from the 30904  
requirement to take the assessment to the specific pupil and a 30905

parent is not paying tuition for the pupil pursuant to section 30906  
3313.6410 of the Revised Code. The superintendent may grant such a 30907  
waiver only for good cause in accordance with rules adopted by the 30908  
state board of education. 30909

The formula ADM, total ADM, category one through five 30910  
career-technical education ADM, category one through three ~~limited~~ 30911  
English ~~proficient~~ learner ADM, category one through six special 30912  
education ADM, preschool scholarship ADM, transportation ADM, and, 30913  
for purposes of provisions of law outside of Chapter 3317. of the 30914  
Revised Code, average daily membership of any school district 30915  
shall be determined in accordance with rules adopted by the state 30916  
board of education. 30917

(F)(1) If a student attending a community school under 30918  
Chapter 3314., a science, technology, engineering, and mathematics 30919  
school established under Chapter 3326., or a college-preparatory 30920  
boarding school established under Chapter 3328. of the Revised 30921  
Code is not included in the formula ADM calculated for the school 30922  
district in which the student is entitled to attend school under 30923  
section 3313.64 or 3313.65 of the Revised Code, the department of 30924  
education shall adjust the formula ADM of that school district to 30925  
include the student in accordance with division (C)(2) of this 30926  
section, and shall recalculate the school district's payments 30927  
under this chapter for the entire fiscal year on the basis of that 30928  
adjusted formula ADM. 30929

(2) If a student awarded an educational choice scholarship is 30930  
not included in the formula ADM of the school district from which 30931  
the department deducts funds for the scholarship under section 30932  
3310.08 of the Revised Code, the department shall adjust the 30933  
formula ADM of that school district to include the student to the 30934  
extent necessary to account for the deduction, and shall 30935  
recalculate the school district's payments under this chapter for 30936  
the entire fiscal year on the basis of that adjusted formula ADM. 30937

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the

superintendent of public instruction. 30970

(2) The superintendent of each county board of developmental 30971  
disabilities that maintains special education classes under 30972  
section 3317.20 of the Revised Code or provides services to 30973  
preschool children with disabilities pursuant to an agreement 30974  
between the county board and the appropriate school district shall 30975  
do both of the following: 30976

(a) Certify to the state board, in the manner prescribed by 30977  
the board, the enrollment in classes under section 3317.20 of the 30978  
Revised Code for each school district that has placed children in 30979  
the classes; 30980

(b) Certify to the state board, in the manner prescribed by 30981  
the board, the unduplicated count of the number of all preschool 30982  
children with disabilities enrolled in classes for which the ~~DD~~ 30983  
board is eligible to receive funding under section 3317.0213 of 30984  
the Revised Code adjusted for the portion of the year each child 30985  
is so enrolled, reported according to the categories prescribed in 30986  
section 3317.013 of the Revised Code, and the number of those 30987  
classes. 30988

(H) Except as provided in division (I) of this section, when 30989  
any city, local, or exempted village school district provides 30990  
instruction for a nonresident pupil whose attendance is 30991  
unauthorized attendance as defined in section 3327.06 of the 30992  
Revised Code, that pupil's enrollment shall not be included in 30993  
that district's enrollment figure used in calculating the 30994  
district's payments under this chapter. The reporting official 30995  
shall report separately the enrollment of all pupils whose 30996  
attendance in the district is unauthorized attendance, and the 30997  
enrollment of each such pupil shall be credited to the school 30998  
district in which the pupil is entitled to attend school under 30999  
division (B) of section 3313.64 or section 3313.65 of the Revised 31000  
Code as determined by the department of education. 31001

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.06. Moneys paid to school districts under division 31032  
(E)(1) of section 3317.024 of the Revised Code shall be used for 31033  
the following independent and fully severable purposes: 31034

(A) To purchase such secular textbooks or digital texts as 31035  
have been approved by the superintendent of public instruction for 31036  
use in public schools in the state and to loan such textbooks or 31037  
digital texts to pupils attending nonpublic schools within the 31038  
district described in division (E)(1) of section 3317.024 of the 31039  
Revised Code or to their parents and to hire clerical personnel to 31040  
administer such lending program. Such loans shall be based upon 31041  
individual requests submitted by such nonpublic school pupils or 31042  
parents. Such requests shall be submitted to the school district 31043  
in which the nonpublic school is located. Such individual requests 31044  
for the loan of textbooks or digital texts shall, for 31045  
administrative convenience, be submitted by the nonpublic school 31046  
pupil or the pupil's parent to the nonpublic school, which shall 31047  
prepare and submit collective summaries of the individual requests 31048  
to the school district. As used in this section: 31049

(1) "Textbook" means any book or book substitute that a pupil 31050  
uses as a consumable or nonconsumable text, text substitute, or 31051  
text supplement in a particular class or program in the school the 31052  
pupil regularly attends. 31053

(2) "Digital text" means a consumable book or book substitute 31054  
that a student accesses through the use of a computer or other 31055  
electronic medium or that is available through an internet-based 31056  
provider of course content, or any other material that contributes 31057  
to the learning process through electronic means. 31058

(B) To provide speech and hearing diagnostic services to 31059  
pupils attending nonpublic schools within the district described 31060  
in division (E)(1) of section 3317.024 of the Revised Code. Such 31061  
service shall be provided in the nonpublic school attended by the 31062

pupil receiving the service. 31063

(C) To provide physician, nursing, dental, and optometric 31064  
services to pupils attending nonpublic schools within the district 31065  
described in division (E)(1) of section 3317.024 of the Revised 31066  
Code. Such services shall be provided in the school attended by 31067  
the nonpublic school pupil receiving the service. 31068

(D) To provide diagnostic psychological services to pupils 31069  
attending nonpublic schools within the district described in 31070  
division (E)(1) of section 3317.024 of the Revised Code. Such 31071  
services shall be provided in the school attended by the pupil 31072  
receiving the service. 31073

(E) To provide therapeutic psychological and speech and 31074  
hearing services to pupils attending nonpublic schools within the 31075  
district described in division (E)(1) of section 3317.024 of the 31076  
Revised Code. Such services shall be provided in the public 31077  
school, in nonpublic schools, in public centers, or in mobile 31078  
units located on or off of the nonpublic premises. If such 31079  
services are provided in the public school or in public centers, 31080  
transportation to and from such facilities shall be provided by 31081  
the school district in which the nonpublic school is located. 31082

(F) To provide guidance, counseling, and social work services 31083  
to pupils attending nonpublic schools within the district 31084  
described in division (E)(1) of section 3317.024 of the Revised 31085  
Code. Such services shall be provided in the public school, in 31086  
nonpublic schools, in public centers, or in mobile units located 31087  
on or off of the nonpublic premises. If such services are provided 31088  
in the public school or in public centers, transportation to and 31089  
from such facilities shall be provided by the school district in 31090  
which the nonpublic school is located. 31091

(G) To provide remedial services to pupils attending 31092  
nonpublic schools within the district described in division (E)(1) 31093

of section 3317.024 of the Revised Code. Such services shall be 31094  
provided in the public school, in nonpublic schools, in public 31095  
centers, or in mobile units located on or off of the nonpublic 31096  
premises. If such services are provided in the public school or in 31097  
public centers, transportation to and from such facilities shall 31098  
be provided by the school district in which the nonpublic school 31099  
is located. 31100

(H) To supply for use by pupils attending nonpublic schools 31101  
within the district described in division (E)(1) of section 31102  
3317.024 of the Revised Code such standardized tests and scoring 31103  
services as are in use in the public schools of the state; 31104

(I) To provide programs for children who attend nonpublic 31105  
schools within the district described in division (E)(1) of 31106  
section 3317.024 of the Revised Code and are children with 31107  
disabilities as defined in section 3323.01 of the Revised Code or 31108  
gifted children. Such programs shall be provided in the public 31109  
school, in nonpublic schools, in public centers, or in mobile 31110  
units located on or off of the nonpublic premises. If such 31111  
programs are provided in the public school or in public centers, 31112  
transportation to and from such facilities shall be provided by 31113  
the school district in which the nonpublic school is located. 31114

(J) To hire clerical personnel to assist in the 31115  
administration of programs pursuant to divisions (B), (C), (D), 31116  
(E), (F), (G), and (I) of this section and to hire supervisory 31117  
personnel to supervise the providing of services and textbooks 31118  
pursuant to this section. 31119

(K) To purchase or lease any secular, neutral, and 31120  
nonideological computer application software designed to assist 31121  
students in performing a single task or multiple related tasks, 31122  
device management software, learning management software, 31123  
site-licensing, digital video on demand (DVD), wide area 31124  
connectivity and related technology as it relates to internet 31125

access, mathematics or science equipment and materials, 31126  
instructional materials, and school library materials that are in 31127  
general use in the public schools of the state and loan such items 31128  
to pupils attending nonpublic schools within the district 31129  
described in division (E)(1) of section 3317.024 of the Revised 31130  
Code or to their parents, and to hire clerical personnel to 31131  
administer the lending program. Only such items that are incapable 31132  
of diversion to religious use and that are susceptible of loan to 31133  
individual pupils and are furnished for the use of individual 31134  
pupils shall be purchased and loaned under this division. As used 31135  
in this section, "instructional materials" means prepared learning 31136  
materials that are secular, neutral, and nonideological in 31137  
character and are of benefit to the instruction of school 31138  
children. "Instructional materials" includes media content that a 31139  
student may access through the use of a computer or electronic 31140  
device. 31141

Mobile applications that are secular, neutral, and 31142  
nonideological in character and that are purchased for less than 31143  
twenty dollars for instructional use shall be considered to be 31144  
consumable and shall be distributed to students without the 31145  
expectation that the applications must be returned. 31146

(L) To purchase or lease instructional equipment, including 31147  
computer hardware and related equipment in general use in the 31148  
public schools of the state, for use by pupils attending nonpublic 31149  
schools within the district described in division (E)(1) of 31150  
section 3317.024 of the Revised Code and to loan such items to 31151  
pupils attending such nonpublic schools within the district or to 31152  
their parents, and to hire clerical personnel to administer the 31153  
lending program. "Computer hardware and related equipment" 31154  
includes desktop computers and workstations; laptop computers, 31155  
computer tablets, and other mobile handheld devices; their 31156  
operating systems and accessories; and any equipment designed to 31157

make accessible the environment of a classroom to a student, who 31158  
is physically unable to attend classroom activities due to 31159  
hospitalization or other circumstances, by allowing real-time 31160  
interaction with other students both one-on-one and in group 31161  
discussion. 31162

(M) To purchase mobile units to be used for the provision of 31163  
services pursuant to divisions (E), (F), (G), and (I) of this 31164  
section and to pay for necessary repairs and operating costs 31165  
associated with these units. 31166

(N) To reimburse costs the district incurred to store the 31167  
records of a chartered nonpublic school that closes. 31168  
Reimbursements under this division shall be made one time only for 31169  
each chartered nonpublic school described in division (E)(1) of 31170  
section 3317.024 of the Revised Code that closes. 31171

(O) To purchase life-saving medical or other emergency 31172  
equipment for placement in nonpublic schools within the district 31173  
described in division (E)(1) of section 3317.024 of the Revised 31174  
Code or to maintain such equipment. 31175

(P) To procure and pay for security services from a county 31176  
sheriff or a township or municipal police force or from a person 31177  
certified through the Ohio peace officer training commission, in 31178  
accordance with section 109.78 of the Revised Code, as a special 31179  
police, security guard, or as a privately employed person serving 31180  
in a police capacity for nonpublic schools in the district 31181  
described in division (E)(1) of section 3317.024 of the Revised 31182  
Code. 31183

(Q) To provide language and academic support services and 31184  
other accommodations for English ~~language~~ learners attending 31185  
nonpublic schools within the district described in division (E)(1) 31186  
of section 3317.024 of the Revised Code. 31187

Clerical and supervisory personnel hired pursuant to division 31188

(J) of this section shall perform their services in the public 31189  
schools, in nonpublic schools, public centers, or mobile units 31190  
where the services are provided to the nonpublic school pupil, 31191  
except that such personnel may accompany pupils to and from the 31192  
service sites when necessary to ensure the safety of the children 31193  
receiving the services. 31194

All services provided pursuant to this section may be 31195  
provided under contract with educational service centers, the 31196  
department of health, city or general health districts, or private 31197  
agencies whose personnel are properly licensed by an appropriate 31198  
state board or agency. 31199

Transportation of pupils provided pursuant to divisions (E), 31200  
(F), (G), and (I) of this section shall be provided by the school 31201  
district from its general funds and not from moneys paid to it 31202  
under division (E)(1) of section 3317.024 of the Revised Code 31203  
unless a special transportation request is submitted by the parent 31204  
of the child receiving service pursuant to such divisions. If such 31205  
an application is presented to the school district, it may pay for 31206  
the transportation from moneys paid to it under division (E)(1) of 31207  
section 3317.024 of the Revised Code. 31208

No school district shall provide health or remedial services 31209  
to nonpublic school pupils as authorized by this section unless 31210  
such services are available to pupils attending the public schools 31211  
within the district. 31212

Materials, equipment, computer hardware or software, 31213  
textbooks, digital texts, and health and remedial services 31214  
provided for the benefit of nonpublic school pupils pursuant to 31215  
this section and the admission of pupils to such nonpublic schools 31216  
shall be provided without distinction as to race, creed, color, or 31217  
national origin of such pupils or of their teachers. 31218

No school district shall provide services, materials, or 31219

equipment that contain religious content for use in religious 31220  
courses, devotional exercises, religious training, or any other 31221  
religious activity. 31222

As used in this section, "parent" includes a person standing 31223  
in loco parentis to a child. 31224

Notwithstanding section 3317.01 of the Revised Code, payments 31225  
shall be made under this section to any city, local, or exempted 31226  
village school district within which is located one or more 31227  
nonpublic elementary or high schools described in division (E)(1) 31228  
of section 3317.024 of the Revised Code and any payments made to 31229  
school districts under division (E)(1) of section 3317.024 of the 31230  
Revised Code for purposes of this section may be disbursed without 31231  
submission to and approval of the controlling board. 31232

The allocation of payments for materials, equipment, 31233  
textbooks, digital texts, health services, and remedial services 31234  
to city, local, and exempted village school districts shall be on 31235  
the basis of the state board of education's estimated annual 31236  
average daily membership in nonpublic elementary and high schools 31237  
located in the district described in division (E)(1) of section 31238  
3317.024 of the Revised Code. 31239

Payments made to city, local, and exempted village school 31240  
districts under this section shall be equal to specific 31241  
appropriations made for the purpose. All interest earned by a 31242  
school district on such payments shall be used by the district for 31243  
the same purposes and in the same manner as the payments may be 31244  
used. 31245

The department of education shall adopt guidelines and 31246  
procedures under which such programs and services shall be 31247  
provided, under which districts shall be reimbursed for 31248  
administrative costs incurred in providing such programs and 31249  
services, and under which any unexpended balance of the amounts 31250

appropriated by the general assembly to implement this section may 31251  
be transferred to the auxiliary services personnel unemployment 31252  
compensation fund established pursuant to section 4141.47 of the 31253  
Revised Code. The department shall also adopt guidelines and 31254  
procedures limiting the purchase and loan of the items described 31255  
in division (K) of this section to items that are in general use 31256  
in the public schools of the state, that are incapable of 31257  
diversion to religious use, and that are susceptible to individual 31258  
use rather than classroom use. Within thirty days after the end of 31259  
each biennium, each board of education shall remit to the 31260  
department all moneys paid to it under division (E)(1) of section 31261  
3317.024 of the Revised Code and any interest earned on those 31262  
moneys that are not required to pay expenses incurred under this 31263  
section during the biennium for which the money was appropriated 31264  
and during which the interest was earned. If a board of education 31265  
subsequently determines that the remittal of moneys leaves the 31266  
board with insufficient money to pay all valid expenses incurred 31267  
under this section during the biennium for which the remitted 31268  
money was appropriated, the board may apply to the department of 31269  
education for a refund of money, not to exceed the amount of the 31270  
insufficiency. If the department determines the expenses were 31271  
lawfully incurred and would have been lawful expenditures of the 31272  
refunded money, it shall certify its determination and the amount 31273  
of the refund to be made to the director of job and family 31274  
services who shall make a refund as provided in section 4141.47 of 31275  
the Revised Code. 31276

Each school district shall label materials, equipment, 31277  
computer hardware or software, textbooks, and digital texts 31278  
purchased or leased for loan to a nonpublic school under this 31279  
section, acknowledging that they were purchased or leased with 31280  
state funds under this section. However, a district need not label 31281  
materials, equipment, computer hardware or software, textbooks, or 31282  
digital texts that the district determines are consumable in 31283

nature or have a value of less than two hundred dollars. 31284

**Sec. 3317.13.** (A) As used in this section and section 3317.14 31285  
of the Revised Code: 31286

(1) "Years of service" includes the following: 31287

(a) All years of teaching service in the same school district 31288  
or educational service center, regardless of training level, with 31289  
each year consisting of at least one hundred twenty days under a 31290  
teacher's contract; 31291

(b) All years of teaching service in a chartered, nonpublic 31292  
school located in Ohio as a teacher licensed pursuant to section 31293  
3319.22 of the Revised Code or in another public school, 31294  
regardless of training level, with each year consisting of at 31295  
least one hundred twenty days under a teacher's contract; 31296

(c) All years of teaching service in a chartered school or 31297  
institution or a school or institution that subsequently became 31298  
chartered or a chartered special education program or a special 31299  
education program that subsequently became chartered operated by 31300  
the state or by a subdivision or other local governmental unit of 31301  
this state as a teacher licensed pursuant to section 3319.22 of 31302  
the Revised Code, regardless of training level, with each year 31303  
consisting of at least one hundred twenty days; and 31304

(d) All years of active military service in the armed forces 31305  
of the United States, as defined in section 3307.75 of the Revised 31306  
Code, to a maximum of five years. For purposes of this 31307  
calculation, a partial year of active military service of eight 31308  
continuous months or more in the armed forces shall be counted as 31309  
a full year. 31310

(2) "Teacher" means all teachers employed by the board of 31311  
education of any school district, including any cooperative 31312  
education or joint vocational school district and all teachers 31313

employed by any educational service center governing board. 31314

(B) No teacher shall be paid a salary less than that provided 31315  
in the schedule set forth in division (C) of this section. In 31316  
calculating the minimum salary any teacher shall be paid pursuant 31317  
to this section, years of service shall include the sum of all 31318  
years of the teacher's teaching service included in divisions 31319  
(A)(1)(a), (b), (c), and (d) of this section; except that any 31320  
school district or educational service center employing a teacher 31321  
new to the district or educational service center shall grant such 31322  
teacher a total of not more than ten years of service pursuant to 31323  
divisions (A)(1)(b), (c), and (d) of this section. 31324

Upon written complaint to the superintendent of public 31325  
instruction that the board of education of a district or the 31326  
governing board of an educational service center governing board 31327  
has failed or refused to annually adopt a salary schedule or to 31328  
pay salaries in accordance with the salary schedule set forth in 31329  
division (C) of this section, the superintendent of public 31330  
instruction shall cause to be made an immediate investigation of 31331  
such complaint. If the superintendent finds that the conditions 31332  
complained of exist, the superintendent shall order the board to 31333  
correct such conditions within ten days from the date of the 31334  
finding. No moneys shall be distributed to the district or 31335  
educational service center under this chapter until the 31336  
superintendent has satisfactory evidence of the board of 31337  
education's full compliance with such order. 31338

Each teacher shall be fully credited with placement in the 31339  
appropriate academic training level column in the district's or 31340  
educational service center's salary schedule with years of service 31341  
properly credited pursuant to this section or section 3317.14 of 31342  
the Revised Code. No rule shall be adopted or exercised by any 31343  
board of education or educational service center governing board 31344  
which restricts the placement or the crediting of annual salary 31345

increments for any teacher according to the appropriate academic 31346  
training level column. 31347

(C) Minimum salaries exclusive of retirement and sick leave 31348  
for teachers shall be as follows: 31349

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher		
	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	
0	86.5	<del>\$17,300</del> <u>25,950</u>	100.0	<del>\$20,000</del> <u>30,000</u>	103.8	<del>\$20,760</del> <u>31,140</u>	109.5	<del>\$21,900</del> <u>32,850</u>	31350
1	90.0	<del>18,000</del> <u>27,000</u>	103.8	<del>20,760</del> <u>31,140</u>	108.1	<del>21,620</del> <u>32,430</u>	114.3	<del>22,860</del> <u>34,290</u>	31351
2	93.5	<del>18,700</del> <u>28,050</u>	107.6	<del>21,520</del> <u>32,280</u>	112.4	<del>22,480</del> <u>33,720</u>	119.1	<del>23,820</del> <u>35,730</u>	31352
3	97.0	<del>19,400</del> <u>29,100</u>	111.4	<del>22,280</del> <u>33,420</u>	116.7	<del>23,340</del> <u>35,010</u>	123.9	<del>24,780</del> <u>37,170</u>	31353
4	100.5	<del>20,100</del> <u>30,150</u>	115.2	<del>23,040</del> <u>34,560</u>	121.0	<del>24,200</del> <u>36,300</u>	128.7	<del>25,740</del> <u>38,610</u>	31354
5	104.0	<del>20,800</del> <u>31,200</u>	119.0	<del>23,800</del> <u>35,700</u>	125.3	<del>25,060</del> <u>37,590</u>	133.5	<del>26,700</del> <u>40,050</u>	31355
6	104.0	<del>20,800</del> <u>31,200</u>	122.8	<del>24,560</del> <u>36,840</u>	129.6	<del>25,920</del> <u>38,880</u>	138.3	<del>27,660</del> <u>41,490</u>	31356
7	104.0	<del>20,800</del> <u>31,200</u>	126.6	<del>25,320</del> <u>37,980</u>	133.9	<del>26,780</del> <u>40,170</u>	143.1	<del>28,620</del> <u>42,930</u>	31357
8	104.0	<del>20,800</del> <u>31,200</u>	130.4	<del>26,080</del> <u>39,120</u>	138.2	<del>27,640</del> <u>41,460</u>	147.9	<del>29,580</del> <u>44,370</u>	31358
9	104.0	<del>20,800</del> <u>31,200</u>	134.2	<del>26,840</del> <u>40,260</u>	142.5	<del>28,500</del> <u>42,750</u>	152.7	<del>30,540</del> <u>45,810</u>	31359
10	104.0	<del>20,800</del> <u>31,200</u>	138.0	<del>27,600</del> <u>42,300</u>	146.8	<del>29,360</del> <u>45,810</u>	157.5	<del>31,500</del> <u>49,350</u>	31360

	<u>31,200</u>		<u>41,400</u>		<u>44,040</u>		<u>47,250</u>	
11 104.0	<del>20,800</del>	141.8	<del>28,360</del>	151.1	<del>30,220</del>	162.3	<del>32,460</del>	31368
	<u>31,200</u>		<u>42,540</u>		<u>45,330</u>		<u>48,690</u>	

\* Percentages represent the percentage which each salary is of the base amount. 31369  
31370

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 31371  
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As used in this division: 31380

(1) "Base amount" means ~~twenty~~ thirty thousand dollars. 31381

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 31382  
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(D) For purposes of this section, all credited training shall be from a recognized college or university. 31385  
31386

**Sec. 3317.141.** The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall comply with this section in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to sections 3317.13 and 3317.14 of the 31387  
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Revised Code. The board of education of any other school district, 31396  
and the governing board of each educational service center, shall 31397  
comply with either this section or sections 3317.13 and 3317.14 of 31398  
the Revised Code. 31399

(A) The board annually shall adopt a salary schedule for 31400  
teachers based upon performance as described in division (B) of 31401  
this section. 31402

(B) For purposes of the schedule, a board shall measure a 31403  
teacher's performance by considering ~~all~~ both of the following: 31404

(1) The level of license issued under section 3319.22 of the 31405  
Revised Code that the teacher holds; 31406

(2) ~~Whether the teacher is a properly certified or licensed~~ 31407  
~~teacher, as defined in section 3319.074 of the Revised Code;~~ 31408

~~(3)~~ Ratings received by the teacher on performance 31409  
evaluations conducted under section 3319.111 of the Revised Code. 31410

(C) The schedule shall provide for annual adjustments based 31411  
on performance on the evaluations conducted under section 3319.111 31412  
of the Revised Code. The annual performance-based adjustment for a 31413  
teacher rated as accomplished shall be greater than the annual 31414  
performance-based adjustment for a teacher rated as skilled. 31415

(D) The salary schedule adopted under this section may 31416  
provide for additional compensation for teachers who agree to 31417  
perform duties, not contracted for under a supplemental contract, 31418  
that the employing board determines warrant additional 31419  
compensation. Those duties may include, but are not limited to, 31420  
assignment to a school building eligible for funding under Title I 31421  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 31422  
6301 et seq.; assignment to a building in "school improvement" 31423  
status under the "No Child Left Behind Act of 2001," as defined in 31424  
section 3302.01 of the Revised Code; teaching in a grade level or 31425

subject area in which the board has determined there is a shortage 31426  
within the district or service center; or assignment to a 31427  
hard-to-staff school, as determined by the board. 31428

**Sec. 3317.16.** (A) The department of education shall compute 31429  
and distribute state core foundation funding to each joint 31430  
vocational school district for the fiscal year as prescribed in 31431  
the following divisions: 31432

(1) An opportunity grant calculated according to the 31433  
following formula: 31434

(The formula amount X formula ADM) - (0.0005 X the district's 31435  
three-year average valuation) 31436

However, no district shall receive an opportunity grant that 31437  
is less than 0.05 times the formula amount times formula ADM. 31438

(2) Additional state aid for special education and related 31439  
services provided under Chapter 3323. of the Revised Code 31440  
calculated as the sum of the following: 31441

(a) The district's category one special education ADM X the 31442  
amount specified in division (A) of section 3317.013 of the 31443  
Revised Code X the district's state share percentage; 31444

(b) The district's category two special education ADM X the 31445  
amount specified in division (B) of section 3317.013 of the 31446  
Revised Code X the district's state share percentage; 31447

(c) The district's category three special education ADM X the 31448  
amount specified in division (C) of section 3317.013 of the 31449  
Revised Code X the district's state share percentage; 31450

(d) The district's category four special education ADM X the 31451  
amount specified in division (D) of section 3317.013 of the 31452  
Revised Code X the district's state share percentage; 31453

(e) The district's category five special education ADM X the 31454  
amount specified in division (E) of section 3317.013 of the 31455

Revised Code X the district's state share percentage;	31456
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	31457 31458 31459
(3) Economically disadvantaged funds calculated according to the following formula:	31460 31461
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	31462 31463 31464
(4) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds calculated as the sum of the following:	31465 31466
(a) The district's category one <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	31467 31468 31469 31470
(b) The district's category two <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;	31471 31472 31473 31474
(c) The district's category three <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;	31475 31476 31477 31478
(5) Career-technical education funds calculated as the sum of the following:	31479 31480
(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;	31481 31482 31483
(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of	31484 31485

the Revised Code X the district's state share percentage;	31486
(c) The district's category three career-technical education	31487
ADM X the amount specified in division (C) of section 3317.014 of	31488
the Revised Code X the district's state share percentage;	31489
(d) The district's category four career-technical education	31490
ADM X the amount specified in division (D) of section 3317.014 of	31491
the Revised Code X the district's state share percentage;	31492
(e) The district's category five career-technical education	31493
ADM X the amount specified in division (E) of section 3317.014 of	31494
the Revised Code X the district's state share percentage.	31495
Payment of funds under division (A)(5) of this section is	31496
subject to approval under section 3317.161 of the Revised Code.	31497
(6) Career-technical education associated services funds	31498
calculated under the following formula:	31499
The district's state share percentage X the	31500
amount for career-technical education associated services	31501
specified in section 3317.014 of the Revised Code X the sum of	31502
categories one through five career-technical	31503
education ADM	31504
(7) A graduation bonus calculated according to the following	31505
formula:	31506
The district's graduation rate as reported on its most recent	31507
report card issued by the department under section 3302.033 of the	31508
Revised Code X 0.075 X the formula amount X the number of the	31509
district's students who received high school or honors high school	31510
diplomas as reported by the district to the department, in	31511
accordance with the guidelines adopted under section 3301.0714 of	31512
the Revised Code, for the same school year for which the most	31513
recent report card was issued X the district's state share	31514
percentage	31515
(B)(1) If a joint vocational school district's costs for a	31516

fiscal year for a student in its categories two through six 31517  
special education ADM exceed the threshold catastrophic cost for 31518  
serving the student, as specified in division (B) of section 31519  
3317.0214 of the Revised Code, the district may submit to the 31520  
superintendent of public instruction documentation, as prescribed 31521  
by the superintendent, of all of its costs for that student. Upon 31522  
submission of documentation for a student of the type and in the 31523  
manner prescribed, the department shall pay to the district an 31524  
amount equal to the sum of the following: 31525

(a) One-half of the district's costs for the student in 31526  
excess of the threshold catastrophic cost; 31527

(b) The product of one-half of the district's costs for the 31528  
student in excess of the threshold catastrophic cost multiplied by 31529  
the district's state share percentage. 31530

(2) The district shall report under division (B)(1) of this 31531  
section, and the department shall pay for, only the costs of 31532  
educational expenses and the related services provided to the 31533  
student in accordance with the student's individualized education 31534  
program. Any legal fees, court costs, or other costs associated 31535  
with any cause of action relating to the student may not be 31536  
included in the amount. 31537

(C)(1) For each student with a disability receiving special 31538  
education and related services under an individualized education 31539  
program, as defined in section 3323.01 of the Revised Code, at a 31540  
joint vocational school district, the resident district or, if the 31541  
student is enrolled in a community school, the community school 31542  
shall be responsible for the amount of any costs of providing 31543  
those special education and related services to that student that 31544  
exceed the sum of the amount calculated for those services 31545  
attributable to that student under division (A) of this section. 31546

Those excess costs shall be calculated using a formula 31547

approved by the department. 31548

(2) The board of education of the joint vocational school 31549  
district may report the excess costs calculated under division 31550  
(C)(1) of this section to the department of education. 31551

(3) If the board of education of the joint vocational school 31552  
district reports excess costs under division (C)(2) of this 31553  
section, the department shall pay the amount of excess cost 31554  
calculated under division (C)(2) of this section to the joint 31555  
vocational school district and shall deduct that amount as 31556  
provided in division (C)(3)(a) or (b) of this section, as 31557  
applicable: 31558

(a) If the student is not enrolled in a community school, the 31559  
department shall deduct the amount from the account of the 31560  
student's resident district pursuant to division (J) of section 31561  
3317.023 of the Revised Code. 31562

(b) If the student is enrolled in a community school, the 31563  
department shall deduct the amount from the account of the 31564  
community school pursuant to section 3314.083 of the Revised Code. 31565

(D)(1) In any fiscal year, a school district receiving funds 31566  
under division (A)(5) of this section shall spend those funds only 31567  
for the purposes that the department designates as approved for 31568  
career-technical education expenses. Career-technical education 31569  
expenses approved by the department shall include only expenses 31570  
connected to the delivery of career-technical programming to 31571  
career-technical students. The department shall require the school 31572  
district to report data annually so that the department may 31573  
monitor the district's compliance with the requirements regarding 31574  
the manner in which funding received under division (A)(5) of this 31575  
section may be spent. 31576

(2) All funds received under division (A)(5) of this section 31577  
shall be spent in the following manner: 31578

(a) At least seventy-five per cent of the funds shall be 31579  
spent on curriculum development, purchase, and implementation; 31580  
instructional resources and supplies; industry-based program 31581  
certification; student assessment, credentialing, and placement; 31582  
curriculum specific equipment purchases and leases; 31583  
career-technical student organization fees and expenses; home and 31584  
agency linkages; work-based learning experiences; professional 31585  
development; and other costs directly associated with 31586  
career-technical education programs including development of new 31587  
programs. 31588

(b) Not more than twenty-five per cent of the funds shall be 31589  
used for personnel expenditures. 31590

(E) In any fiscal year, a school district receiving funds 31591  
under division (A)(6) of this section, or through a transfer of 31592  
funds pursuant to division (I) of section 3317.023 of the Revised 31593  
Code, shall spend those funds only for the purposes that the 31594  
department designates as approved for career-technical education 31595  
associated services expenses, which may include such purposes as 31596  
apprenticeship coordinators, coordinators for other 31597  
career-technical education services, career-technical evaluation, 31598  
and other purposes designated by the department. The department 31599  
may deny payment under division (A)(6) of this section to any 31600  
district that the department determines is not operating those 31601  
services or is using funds paid under division (A)(6) of this 31602  
section, or through a transfer of funds pursuant to division (I) 31603  
of section 3317.023 of the Revised Code, for other purposes. 31604

(F) A joint vocational school district shall spend the funds 31605  
it receives under division (A)(3) of this section in accordance 31606  
with section 3317.25 of the Revised Code. 31607

(G) As used in this section: 31608

(1) "Community school" means a community school established 31609

under Chapter 3314. of the Revised Code. 31610

(2) "Resident district" means the city, local, or exempted 31611  
village school district in which a student is entitled to attend 31612  
school under section 3313.64 or 3313.65 of the Revised Code. 31613

(3) "State share percentage" is equal to the following: 31614  
The amount computed under division (A)(1) of this section / 31615  
(the formula amount X formula ADM) 31616

Sec. 3317.163. (A) As used in this section: 31617

(1) "Base per pupil amount" has the same meaning as in 31618  
section 3317.0219 of the Revised Code. 31619

(2) "Resident district" means the city, local, or exempted 31620  
village school district in which a student is entitled to attend 31621  
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31622

(B) Subject to division (C) of this section, for fiscal years 31623  
2020 and 2021, the department of education shall calculate and pay 31624  
to each joint vocational school district student wellness and 31625  
success funds, on a full-time equivalency basis, for each student 31626  
enrolled in the district as of the district's payment under 31627  
section 3317.16 of the Revised Code in June of the immediately 31628  
preceding fiscal year in an amount equal to the following: 31629

(The base per pupil amount of the student's resident district for 31630  
that fiscal year + the scaled amount of the student's resident 31631  
district, if any, computed under division (B)(4) of section 31632  
3317.0219 of the Revised Code) 31633

However, each joint vocational school district shall receive 31634  
a minimum payment of \$25,000, for fiscal year 2020, or \$30,000 for 31635  
fiscal year 2021. 31636

(C) The department shall pay funds under division (B) of this 31637  
section as follows: 31638

(1) One-half of the amount shall be paid not later than the 31639

thirty-first day of October of the fiscal year for which the 31640  
payment is calculated. 31641

(2) One-half of the amount shall be paid not later than the 31642  
twenty-eighth day of February of the fiscal year for which the 31643  
payment is calculated. 31644

Upon making a payment for a fiscal year under this section, 31645  
the department shall not make any reconciliations or adjustments 31646  
to that payment. 31647

(D) A joint vocational school district that receives a 31648  
payment under this section shall comply with section 3317.26 of 31649  
the Revised Code. 31650

**Sec. 3317.25.** (A) As used in this section, "economically 31651  
disadvantaged funds" means the following: 31652

(1) For a city, local, or exempted village school district, 31653  
the funds received under division (A)(5) of section 3317.022 of 31654  
the Revised Code; 31655

(2) For a joint vocational school district, the funds 31656  
received under division (A)(3) of section 3317.16 of the Revised 31657  
Code; 31658

(3) For a community school established under Chapter 3314. of 31659  
the Revised Code, the funds received under division (C)(1)(e) of 31660  
section 3314.08 of the Revised Code; 31661

(4) For a STEM school established under Chapter 3326. of the 31662  
Revised Code, the funds received under division (E) of section 31663  
3326.33 of the Revised Code. 31664

(B) In any fiscal year, a city, local, exempted village, or 31665  
joint vocational school district, community school, or STEM school 31666  
shall spend the economically disadvantaged funds it receives for 31667  
any of the following initiatives or a combination of any of the 31668  
following initiatives: 31669

(1) Extended school day and school year;	31670
(2) Reading improvement and intervention;	31671
(3) Instructional technology or blended learning;	31672
(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	31673 31674
(5) Dropout prevention;	31675
(6) School safety and security measures;	31676
(7) Community learning centers that address barriers to learning;	31677 31678
(8) Academic interventions for students in any of grades six through twelve;	31679 31680
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. <del>As used in this section,</del> <del>"bright new leaders for Ohio schools program" has the same meaning</del> <del>as in</del> <u>under</u> section <del>3319.271</del> <u>3319.272</u> of the Revised Code.	31681 31682 31683 31684 31685
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were spent during that fiscal year.	31686 31687 31688 31689 31690 31691
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	31692 31693 31694 31695 31696
<u>Sec. 3317.26. (A) As used in this section, "student wellness and success funds" means the following:</u>	31697 31698

<u>(1) For a city, local, or exempted village school district,</u>	31699
<u>the funds received under section 3317.0219 of the Revised Code;</u>	31700
<u>(2) For a joint vocational school district, the funds</u>	31701
<u>received under section 3317.163 of the Revised Code.</u>	31702
<u>(3) For a community school established under Chapter 3314. of</u>	31703
<u>the Revised Code, the funds received under section 3314.088 of the</u>	31704
<u>Revised Code.</u>	31705
<u>(4) For a STEM school established under Chapter 3326. of the</u>	31706
<u>Revised Code, the funds received under section 3326.42 of the</u>	31707
<u>Revised Code.</u>	31708
<u>(B) In any fiscal year, a city, local, exempted village, or</u>	31709
<u>joint vocational school district, community school, or STEM school</u>	31710
<u>shall spend the student wellness and success funds it receives for</u>	31711
<u>any of the following initiatives or a combination of any of the</u>	31712
<u>following initiatives:</u>	31713
<u>(1) Mental health services;</u>	31714
<u>(2) Services for homeless youth;</u>	31715
<u>(3) Services for child welfare involved youth;</u>	31716
<u>(4) Community liaisons;</u>	31717
<u>(5) Physical health care services;</u>	31718
<u>(6) Mentoring programs;</u>	31719
<u>(7) Family engagement and support services;</u>	31720
<u>(8) City connects programming;</u>	31721
<u>(9) Professional development regarding the provision of</u>	31722
<u>trauma informed care;</u>	31723
<u>(10) Professional development regarding cultural competence;</u>	31724
<u>(11) Services for child nutrition and physical health,</u>	31725
<u>fitness, and wellness;</u>	31726

(12) Student services provided prior to or after the 31727  
regularly scheduled school day or any time school is not in 31728  
session. 31729

(C) Each city, local, exempted village, and joint vocational 31730  
school district, community school, and STEM school that is subject 31731  
to the requirements of this section shall develop a plan for 31732  
utilizing the student wellness and success funds it receives in 31733  
coordination with at least one of the following community 31734  
partners: 31735

(1) A board of alcohol, drug, and mental health services 31736  
established under Chapter 340. of the Revised Code; 31737

(2) An educational service center; 31738

(3) A county board of developmental disabilities; 31739

(4) A community-based mental health treatment provider; 31740

(5) A board of health of a city or general health district; 31741

(6) A county department of job and family services; 31742

(7) A nonprofit organization with experience serving 31743  
children; 31744

(8) A public hospital agency. 31745

(D) At the end of each fiscal year, each city, local, 31746  
exempted village, or joint vocational school district, community 31747  
school, and STEM school shall submit a report to the department of 31748  
education describing the initiative or initiatives on which the 31749  
district's or school's student wellness and success funds were 31750  
spent during that fiscal year. 31751

**Sec. 3317.28.** For fiscal year 2022 and for each fiscal year 31752  
thereafter, the department of education shall pay each city, 31753  
local, and exempted village school district additional funds 31754  
computed as follows: 31755

(A) The statewide per pupil amount paid for chartered nonpublic school students - [(the sum of the district's payments under sections 3317.022 and 3317.0212 of the Revised Code and any temporary transitional aid that is authorized by the general assembly minus any reductions due to funding limitations that are authorized by the general assembly/its formula ADM)]; times 31756  
31757  
31758  
31759  
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(B) The district's formula ADM. 31762

If the result is a negative number, no payment shall be made under this section. 31763  
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As used in this section, the "statewide per pupil amount paid for chartered nonpublic school students" means the statewide per pupil amount paid under sections 3317.06, 3317.062, and 3317.063 of the Revised Code, combined, for the current fiscal year, as calculated by the department. 31765  
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**Sec. 3317.40.** (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building: 31770  
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(1) Students with disabilities; 31773

(2) Economically disadvantaged students; 31774

(3) ~~Limited English proficient students~~ learners; 31775

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. 31776  
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(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education. 31779  
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(C) When funds are provided under this chapter specifically 31786  
for services for a subgroup of students, the general assembly has 31787  
determined that these students experience unique challenges 31788  
requiring additional resources and intends that the funds so 31789  
provided be used for services that will allow students in those 31790  
subgroups to master the knowledge base required for high school 31791  
graduation. 31792

(D) If a district or school fails to show satisfactory 31793  
achievement and progress, as determined by the state board of 31794  
education, for any subgroup of students based on performance 31795  
measures reported or graded under section 3302.03 of the Revised 31796  
Code, the district or school shall submit an improvement plan to 31797  
the department for approval. The plan may be included in any other 31798  
improvement plan required of the district or school under state or 31799  
federal law. The department may require that a plan required under 31800  
division (C) of this section include an agreement to partner with 31801  
another organization that has demonstrated the ability to improve 31802  
the educational outcome for that subgroup of students to provide 31803  
services to those students. The partner organization may be 31804  
another school, district, or other education provider. 31805

Not later than December 31, 2014, the state board of 31806  
education shall establish measures of satisfactory achievement and 31807  
progress, which include, but are not limited to, performance 31808  
measures under section 3302.03 of the Revised Code. The department 31809  
shall make the initial determination of satisfactory achievement 31810  
and progress under this section using those measures not later 31811  
than September 1, 2015, and then make determinations under this 31812  
section annually thereafter. 31813

The department shall publish a list of schools, school 31814  
districts, and other educational providers that have demonstrated 31815  
an ability to serve each subgroup of students. 31816

**Sec. 3318.05.** The conditional approval of the Ohio facilities construction commission for a project shall lapse and the amount reserved and encumbered for such project shall be released unless the school district board accepts such conditional approval within one hundred twenty days following the date of certification of the conditional approval to the school district board and the electors of the school district vote favorably on both of the propositions described in divisions (A) and (B) of this section within thirteen months of the date of such certification, except that a school district described in division (C) of this section does not need to submit the proposition described in division (B) of this section. The propositions described in divisions (A) and (B) of this section shall be combined in a single proposal. If the district board or the district's electors fail to meet such requirements and the amount reserved and encumbered for the district's project is released, the district shall be given first priority for project funding as such funds become available, subject to section 3318.054 of the Revised Code.

(A) On the question of issuing bonds of the school district board, for the school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost less the amount of the proceeds of any securities authorized or to be authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost; and

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining or upgrading the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any

extension approved under section 3318.061 of the Revised Code. 31849

(C) If a school district has in place a tax levied under 31850  
section 5705.21 of the Revised Code for general permanent 31851  
improvements for a continuing period of time and the proceeds of 31852  
such tax can be used for maintenance or upgrades, or if a district 31853  
agrees to the transfers described in section 3318.051 of the 31854  
Revised Code, the school district need not levy the additional tax 31855  
required under division (B) of this section, provided the school 31856  
district board includes in the agreement entered into under 31857  
section 3318.08 of the Revised Code provisions either: 31858

(1) Earmarking an amount from the proceeds of that permanent 31859  
improvement tax for maintenance or upgrades of classroom 31860  
facilities equivalent to the amount of the additional tax and for 31861  
the equivalent number of years otherwise required under this 31862  
section; 31863

(2) Requiring the transfer of money in accordance with 31864  
section 3318.051 of the Revised Code. 31865

The district board subsequently may rescind the agreement to 31866  
make the transfers under section 3318.051 of the Revised Code only 31867  
so long as the electors of the district have approved, in 31868  
accordance with section 3318.063 of the Revised Code, the levy of 31869  
a tax for the maintenance or upgrades of the classroom facilities 31870  
acquired under the district's project and that levy continues to 31871  
be collected as approved by the electors. 31872

(D) Proceeds of the tax to be used for maintenance or upgrade 31873  
of the classroom facilities under either division (B) or (C)(1) of 31874  
this section, and transfers of money in accordance with section 31875  
3318.051 of the Revised Code shall be deposited into a separate 31876  
fund established by the school district for such purpose. 31877

(E) Proceeds of the tax to be used for maintenance or 31878  
upgrades of the classroom facilities under either division (B) or 31879

(C)(1) of this section shall not be used to upgrade classroom facilities, unless the district board submits to the Ohio facilities construction commission a proposal regarding the use of those proceeds for upgrades and the commission approves the proposal.

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**Sec. 3318.051.** (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years beginning in the year in which the board and the commission enter into the project agreement under section 3318.08 of the Revised Code, shall transfer into the maintenance fund required by division (D) of section 3318.05 of the Revised Code not less than an amount equal to one-half mill for each dollar of the district's valuation unless and until the agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

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(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state shall notify the district board of education in writing of that

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fact and require the board to deposit into the fund, within ninety 31912  
days after the date of the notice, the amount by which the fund is 31913  
deficient for the year. If the district board fails to demonstrate 31914  
to the auditor of state's satisfaction that the board has made the 31915  
deposit required in the notice, the auditor of state shall notify 31916  
the department of education. At that time, the department shall 31917  
withhold an amount equal to ten per cent of the district's funds 31918  
calculated for the current fiscal year under Chapter 3317. of the 31919  
Revised Code until the auditor of state notifies the department 31920  
that the auditor of state is satisfied that the board has made the 31921  
required transfer. 31922

(C) Money transferred to the maintenance fund shall be used 31923  
for the maintenance or, upon approval of the Ohio facilities 31924  
construction commission, upgrade of the facilities acquired under 31925  
the district's project. 31926

(D) The transfers to the maintenance fund under this section 31927  
does not affect a district's obligation to establish and maintain 31928  
a capital and maintenance fund under section 3315.18 of the 31929  
Revised Code. 31930

(E) Any decision by the commission to approve or not approve 31931  
the transfer of money under this section is final and not subject 31932  
to appeal. The commission shall not be responsible for errors or 31933  
miscalculations made in deciding whether to approve a petition to 31934  
make transfers under this section. 31935

(F) If the district board determines that it no longer can 31936  
continue making the transfers agreed to under this section, the 31937  
board may rescind the agreement only so long as the electors of 31938  
the district have approved, in accordance with section 3318.063 of 31939  
the Revised Code, the levy of a tax for the maintenance of the 31940  
classroom facilities acquired under the district's project and 31941  
that levy continues to be collected as approved by the electors. 31942  
That levy shall be for a number of years that is equal to the 31943

difference between twenty-three years and the number of years that 31944  
the district made transfers under this section and shall be at the 31945  
rate of not less than one-half mill for each dollar of the 31946  
district's valuation. The district board shall continue to make 31947  
the transfers agreed to under this section until that levy has 31948  
been approved by the electors. 31949

**Sec. 3318.06.** (A) After receipt of the conditional approval 31950  
of the Ohio facilities construction commission, the school 31951  
district board by a majority of all of its members shall, if it 31952  
desires to proceed with the project, declare all of the following 31953  
by resolution: 31954

(1) That by issuing bonds in an amount equal to the school 31955  
district's portion of the basic project cost the district is 31956  
unable to provide adequate classroom facilities without assistance 31957  
from the state; 31958

(2) Unless the school district board has resolved to transfer 31959  
money in accordance with section 3318.051 of the Revised Code or 31960  
to apply the proceeds of a property tax or the proceeds of an 31961  
income tax, or a combination of proceeds from such taxes, as 31962  
authorized under section 3318.052 of the Revised Code, that to 31963  
qualify for such state assistance it is necessary to do either of 31964  
the following: 31965

(a) Levy a tax outside the ten-mill limitation the proceeds 31966  
of which shall be used to pay the cost of maintaining and 31967  
upgrading the classroom facilities included in the project~~+~~. The 31968  
use of the proceeds for upgrades is subject to the approval by the 31969  
commission under division (E) of section 3318.05 of the Revised 31970  
Code. 31971

(b) Earmark for maintenance of classroom facilities from the 31972  
proceeds of an existing permanent improvement tax levied under 31973  
section 5705.21 of the Revised Code, if such tax can be used for 31974

maintenance, an amount equivalent to the amount of the additional 31975  
tax otherwise required under this section and sections 3318.05 and 31976  
3318.08 of the Revised Code. 31977

(3) That the question of any tax levy specified in a 31978  
resolution described in division (A)(2)(a) of this section, if 31979  
required, shall be submitted to the electors of the school 31980  
district at the next general or primary election, if there be a 31981  
general or primary election not less than ninety and not more than 31982  
one hundred ten days after the day of the adoption of such 31983  
resolution or, if not, at a special election to be held at a time 31984  
specified in the resolution which shall be not less than ninety 31985  
days after the day of the adoption of the resolution and which 31986  
shall be in accordance with the requirements of section 3501.01 of 31987  
the Revised Code. 31988

Such resolution shall also state that the question of issuing 31989  
bonds of the board shall be combined in a single proposal with the 31990  
question of such tax levy. More than one election under this 31991  
section may be held in any one calendar year. Such resolution 31992  
shall specify both of the following: 31993

(a) That the rate which it is necessary to levy shall be at 31994  
the rate of not less than one-half mill for each one dollar of 31995  
valuation, and that such tax shall be levied for a period of 31996  
twenty-three years; 31997

(b) That the proceeds of the tax shall be used to pay the 31998  
cost of maintaining the classroom facilities included in the 31999  
project or upgrading those facilities if approved by the 32000  
commission. 32001

(B) A copy of a resolution adopted under division (A) of this 32002  
section shall after its passage and not less than ninety days 32003  
prior to the date set therein for the election be certified to the 32004  
county board of elections. 32005

The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the basic project cost, and state the maximum maturity of the bonds which may be any number of years not exceeding the term calculated under section 133.20 of the Revised Code as determined by the board. In estimating the amount of bonds to be issued, the board shall take into consideration the amount of moneys then in the bond retirement fund and the amount of moneys to be collected for and disbursed from the bond retirement fund during the remainder of the year in which the resolution of necessity is adopted.

If the bonds are to be issued in more than one series, the resolution may state, in addition to the information required to be stated under division (B)(3) of section 133.18 of the Revised Code, the number of series, which shall not exceed five, the principal amount of each series, and the approximate date each series will be issued, and may provide that no series, or any portion thereof, may be issued before such date. Upon such a resolution being certified to the county auditor as required by division (C) of section 133.18 of the Revised Code, the county auditor, in calculating, advising, and confirming the estimated average annual property tax levy under that division, shall also calculate, advise, and confirm by certification the estimated average property tax levy for each series of bonds to be issued.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each one dollar of valuation for a period of twenty-three years, and that the proceeds of the tax shall be used to pay the cost of maintaining or upgrading the classroom facilities included in the project.

If the bonds are to be issued in more than one series, the

board of education, when filing copies of the resolution with the 32038  
board of elections as required by division (D) of section 133.18 32039  
of the Revised Code, may direct the board of elections to include 32040  
in the notice of election the principal amount and approximate 32041  
date of each series, the maximum number of years over which the 32042  
principal of each series may be paid, the estimated additional 32043  
average property tax levy for each series, and the first calendar 32044  
year in which the tax is expected to be due for each series, in 32045  
addition to the information required to be stated in the notice 32046  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 32047  
Code. 32048

(C)(1) Except as otherwise provided in division (C)(2) of 32049  
this section, the form of the ballot to be used at such election 32050  
shall be: 32051

"A majority affirmative vote is necessary for passage. 32052

Shall bonds be issued by the ..... (here insert name 32053  
of school district) school district to pay the local share of 32054  
school construction under the State of Ohio Classroom Facilities 32055  
Assistance Program in the principal amount of ..... (here 32056  
insert principal amount of the bond issue), to be repaid annually 32057  
over a maximum period of ..... (here insert the maximum 32058  
number of years over which the principal of the bonds may be paid) 32059  
years, and an annual levy of property taxes be made outside the 32060  
ten-mill limitation, estimated by the county auditor to average 32061  
over the repayment period of the bond issue ..... (here 32062  
insert the number of mills estimated) mills for each one dollar of 32063  
tax valuation, which amounts to ..... (rate expressed in 32064  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 32065  
for each one hundred dollars of tax valuation to pay the annual 32066  
debt charges on the bonds and to pay debt charges on any notes 32067  
issued in anticipation of the bonds?" 32068

and, unless the additional levy 32069

of taxes is not required pursuant 32070  
to division (C) of section 32071  
3318.05 of the Revised Code, 32072

"Shall an additional levy of taxes be made for a period of 32073  
twenty-three years to benefit the ..... (here insert name 32074  
of school district) school district, the proceeds of which shall 32075  
be used to pay the cost of maintaining (or upgrading if approved 32076  
by the commission) the classroom facilities included in the 32077  
project at the rate of ..... (here insert the number of 32078  
mills, which shall not be less than one-half mill) mills for each 32079  
one dollar of valuation? 32080

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

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(2) If authority is sought to issue bonds in more than one 32085  
series and the board of education so elects, the form of the 32086  
ballot shall be as prescribed in section 3318.062 of the Revised 32087  
Code. If the board of education elects the form of the ballot 32088  
prescribed in that section, it shall so state in the resolution 32089  
adopted under this section. 32090

(D) If it is necessary for the school district to acquire a 32091  
site for the classroom facilities to be acquired pursuant to 32092  
sections 3318.01 to 3318.20 of the Revised Code, the district 32093  
board may propose either to issue bonds of the board or to levy a 32094  
tax to pay for the acquisition of such site, and may combine the 32095  
question of doing so with the questions specified in division (B) 32096  
of this section. Bonds issued under this division for the purpose 32097  
of acquiring a site are a general obligation of the school 32098  
district and are Chapter 133. securities. 32099

The form of that portion of the ballot to include the 32100

question of either issuing bonds or levying a tax for site 32101  
acquisition purposes shall be one of the following: 32102

(1) "Shall bonds be issued by the ..... (here insert 32103  
name of the school district) school district to pay costs of 32104  
acquiring a site for classroom facilities under the State of Ohio 32105  
Classroom Facilities Assistance Program in the principal amount of 32106  
..... (here insert principal amount of the bond issue), to be 32107  
repaid annually over a maximum period of ..... (here insert 32108  
maximum number of years over which the principal of the bonds may 32109  
be paid) years, and an annual levy of property taxes be made 32110  
outside the ten-mill limitation, estimated by the county auditor 32111  
to average over the repayment period of the bond issue ..... 32112  
(here insert number of mills) mills for each one dollar of tax 32113  
valuation, which amount to ..... (here insert rate expressed 32114  
in cents or dollars and cents, such as "thirty-six cents" or 32115  
"\$0.36") for each one hundred dollars of valuation to pay the 32116  
annual debt charges on the bonds and to pay debt charges on any 32117  
notes issued in anticipation of the bonds?" 32118

(2) "Shall an additional levy of taxes outside the ten-mill 32119  
limitation be made for the benefit of the ..... (here insert 32120  
name of the school district) school district for the purpose of 32121  
acquiring a site for classroom facilities in the sum of ..... 32122  
(here insert annual amount the levy is to produce) estimated by 32123  
the county auditor to average ..... (here insert number of 32124  
mills) mills for each one hundred dollars of valuation, for a 32125  
period of ..... (here insert number of years the millage is to 32126  
be imposed) years?" 32127

Where it is necessary to combine the question of issuing 32128  
bonds of the school district and levying a tax as described in 32129  
division (B) of this section with the question of issuing bonds of 32130  
the school district for acquisition of a site, the question 32131  
specified in that division to be voted on shall be "For the Bond 32132

Issues and the Tax Levy" and "Against the Bond Issues and the Tax Levy." 32133  
32134

Where it is necessary to combine the question of issuing bonds of the school district and levying a tax as described in division (B) of this section with the question of levying a tax for the acquisition of a site, the question specified in that division to be voted on shall be "For the Bond Issue and the Tax Levies" and "Against the Bond Issue and the Tax Levies." 32135  
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Where the school district board chooses to combine the question in division (B) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (B) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies." 32141  
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If a majority of those voting upon a proposition hereunder which includes the question of issuing bonds vote in favor thereof, and if the agreement provided for by section 3318.08 of the Revised Code has been entered into, the school district board may proceed under Chapter 133. of the Revised Code, with the issuance of bonds or bond anticipation notes in accordance with the terms of the agreement. 32148  
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**Sec. 3318.061.** This section applies only to school districts eligible to receive additional assistance under division (B)(2) of section 3318.04 of the Revised Code. 32155  
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The board of education of a school district in which a tax described by division (B) of section 3318.05 and levied under section 3318.06 of the Revised Code is in effect, may adopt a resolution by vote of a majority of its members to extend the term of that tax beyond the expiration of that tax as originally approved under that section. The school district board may include 32158  
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in the resolution a proposal to extend the term of that tax at the 32164  
rate of not less than one-half mill for each dollar of valuation 32165  
for a period of twenty-three years from the year in which the 32166  
school district board and the Ohio facilities construction 32167  
commission enter into an agreement under division (B)(2) of 32168  
section 3318.04 of the Revised Code or in the following year, as 32169  
specified in the resolution. Such a resolution may be adopted at 32170  
any time before such an agreement is entered into and before the 32171  
tax levied pursuant to section 3318.06 of the Revised Code 32172  
expires. If the resolution is combined with a resolution to issue 32173  
bonds to pay the school district's portion of the basic project 32174  
cost, it shall conform with the requirements of divisions (A)(1), 32175  
(2), and (3) of section 3318.06 of the Revised Code, except that 32176  
the resolution also shall state that the tax levy proposed in the 32177  
resolution is an extension of an existing tax levied under that 32178  
section. A resolution proposing an extension adopted under this 32179  
section does not take effect until it is approved by a majority of 32180  
electors voting in favor of the resolution at a general, primary, 32181  
or special election as provided in this section. 32182

A tax levy extended under this section is subject to the same 32183  
terms and limitations to which the original tax levied under 32184  
section 3318.06 of the Revised Code is subject under that section, 32185  
except the term of the extension shall be as specified in this 32186  
section. 32187

The school district board shall certify a copy of the 32188  
resolution adopted under this section to the proper county board 32189  
of elections not later than ninety days before the date set in the 32190  
resolution as the date of the election at which the question will 32191  
be submitted to electors. The notice of the election shall conform 32192  
with the requirements of division (A)(3) of section 3318.06 of the 32193  
Revised Code, except that the notice also shall state that the 32194  
maintenance tax levy is an extension of an existing tax levy. 32195

The form of the ballot shall be as follows: 32196

"Shall the existing tax levied to pay the cost of maintaining 32197  
(or upgrading if approved by the Ohio facilities construction 32198  
commission) classroom facilities constructed with the proceeds of 32199  
the previously issued bonds at the rate of ..... (here insert 32200  
the number of mills, which shall not be less than one-half mill) 32201  
mills per dollar of tax valuation, be extended until ..... 32202  
(here insert the year that is twenty-three years after the year in 32203  
which the district and commission will enter into an agreement 32204  
under division (B)(2) of section 3318.04 of the Revised Code or 32205  
the following year)? 32206

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

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Section 3318.07 of the Revised Code applies to ballot 32211  
questions under this section. 32212

**Sec. 3318.062.** (A) If authority is sought to issue bonds in 32213  
more than one series to pay the school district's portion of the 32214  
basic project cost under sections 3318.01 to 3318.20 of the 32215  
Revised Code, the form of the ballot shall be: 32216

"Shall bonds be issued by the ..... (here insert name of 32217  
school district) school district to pay the local share of school 32218  
construction under the State of Ohio Classroom Facilities 32219  
Assistance Program in the total principal amount of ..... 32220  
(total principal amount of the bond issue), to be issued in ..... 32221  
(number of series) series, each series to be repaid annually over 32222  
not more than ..... (maximum number of years over which the 32223  
principal of each series may be paid) years, and an annual levy of 32224  
property taxes be made outside the ten-mill limitation to pay the 32225

annual debt charges on the bonds and on any notes issued in 32226  
anticipation of the bonds, at a rate estimated by the county 32227  
auditor to average over the repayment period of each series as 32228  
follows: ..... (insert the following for each series: "the 32229  
..... series, in a principal amount of ..... dollars, 32230  
requiring ..... mills per dollar of tax valuation, which amounts 32231  
to ..... (rate expressed in cents or dollars and cents, such as 32232  
"36 cents" or "\$1.41") for each one hundred dollars in tax 32233  
valuation, commencing in ..... and first payable in 32234  
.....)?" 32235

and, unless the additional levy 32236  
of taxes is not required pursuant 32237  
to division (C) of section 32238  
3318.05 of the Revised Code, 32239

"Shall an additional levy of taxes be made for a period of 32240  
twenty-three years to benefit the ..... (here insert name of 32241  
school district) school district, the proceeds of which shall be 32242  
used to pay the cost of maintaining (or upgrading if approved by 32243  
the Ohio facilities construction commission) the classroom 32244  
facilities included in the project at the rate of ..... (here 32245  
insert the number of mills, which shall not be less than one-half 32246  
mill) mills for each one dollar of valuation? 32247

	For the bond issue
	Against the bond issue

"

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(B) If it is necessary for the school district to acquire a 32252  
site for the classroom facilities to be acquired pursuant to 32253  
sections 3318.01 to 3318.20 of the Revised Code, the district 32254  
board may propose either to issue bonds of the board or to levy a 32255  
tax to pay for the acquisition of such site, and may combine the 32256  
question of doing so with the questions specified in division (A) 32257

of this section. Bonds issued under this division for the purpose 32258  
of acquiring a site are a general obligation of the school 32259  
district and are Chapter 133. securities. 32260

The form of that portion of the ballot to include the 32261  
question of either issuing bonds or levying a tax for site 32262  
acquisition purposes shall be one of the forms prescribed in 32263  
division (D) of section 3318.06 of the Revised Code. 32264

(C) Where the school district board chooses to combine the 32265  
question in division (A) of this section with any of the 32266  
additional questions described in divisions (A) to (D) of section 32267  
3318.056 of the Revised Code, the question specified in division 32268  
(A) of this section to be voted on shall be "For the Bond Issues 32269  
and the Tax Levies" and "Against the Bond Issues and the Tax 32270  
Levies." 32271

(D) If a majority of those voting upon a proposition 32272  
prescribed in this section which includes the question of issuing 32273  
bonds vote in favor of that issuance, and if the agreement 32274  
prescribed in section 3318.08 of the Revised Code has been entered 32275  
into, the school district board may proceed under Chapter 133. of 32276  
the Revised Code with the issuance of bonds or bond anticipation 32277  
notes in accordance with the terms of the agreement. 32278

**Sec. 3318.063.** If the board of education of a city, exempted 32279  
village, or local school district that has entered into an 32280  
agreement under section 3318.051 of the Revised Code to make 32281  
transfers of money in lieu of levying the tax for maintenance or 32282  
upgrade of the classroom facilities included in the district's 32283  
project determines that it no longer can continue making the 32284  
transfers so agreed to and desires to rescind that agreement, the 32285  
board shall adopt the resolution to submit the question of the tax 32286  
levy prescribed in this section. 32287

The resolution shall declare that the question of a tax levy 32288

specified in division (F) of section 3318.051 of the Revised Code 32289  
shall be submitted to the electors of the school district at the 32290  
next general or primary election, if there be a general or primary 32291  
election not less than seventy-five and not more than ninety-five 32292  
days after the day of the adoption of such resolution or, if not, 32293  
at a special election to be held at a time specified in the 32294  
resolution which shall be not less than seventy-five days after 32295  
the day of the adoption of the resolution and which shall be in 32296  
accordance with the requirements of section 3501.01 of the Revised 32297  
Code. Such resolution shall specify both of the following: 32298

(A) That the rate which it is necessary to levy shall be at 32299  
the rate of not less than one-half mill for each one dollar of 32300  
valuation, and that such tax shall be levied for the number of 32301  
years required by division (F) of section 3318.051 of the Revised 32302  
Code; 32303

(B) That the proceeds of the tax shall be used to pay the 32304  
cost of maintaining the classroom facilities included in the 32305  
project. 32306

A copy of such resolution shall after its passage and not 32307  
less than seventy-five days prior to the date set therein for the 32308  
election be certified to the county board of elections. 32309

Notice of the election shall include the fact that the tax 32310  
levy shall be at the rate of not less than one-half mill for each 32311  
one dollar of valuation for the number of years required by 32312  
division (F) of section 3318.051 of the Revised Code, and that the 32313  
proceeds of the tax shall be used to pay the cost of maintaining 32314  
the classroom facilities included in the project. 32315

The form of the ballot to be used at such election shall be: 32316

"Shall a levy of taxes be made for a period of ..... 32317  
(here insert the number of years, which shall not be less than the 32318  
number required by division (F) of section 3318.051 of the Revised 32319

Code) years to benefit the ..... (here insert name of 32320  
school district) school district, the proceeds of which shall be 32321  
used to pay the cost of maintaining (or upgrading if approved by 32322  
the Ohio facilities construction commission) the classroom 32323  
facilities included in the project at the rate of ..... (here 32324  
insert the number of mills, which shall not be less than one-half 32325  
mill) mills for each one dollar of valuation? 32326

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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32329  
32330

**Sec. 3318.36.** (A)(1) As used in this section: 32331

(a) "Ohio facilities construction commission," "classroom 32332  
facilities," "school district," "school district board," "net 32333  
bonded indebtedness," "required percentage of the basic project 32334  
costs," "basic project cost," "valuation," and "percentile" have 32335  
the same meanings as in section 3318.01 of the Revised Code. 32336

(b) "Required level of indebtedness" means five per cent of 32337  
the school district's valuation for the year preceding the year in 32338  
which the commission and school district enter into an agreement 32339  
under division (B) of this section, plus [two one-hundredths of 32340  
one per cent multiplied by (the percentile in which the district 32341  
ranks minus one)]. 32342

(c) "Local resources" means any moneys generated in any 32343  
manner permitted for a school district board to raise the school 32344  
district portion of a project undertaken with assistance under 32345  
sections 3318.01 to 3318.20 of the Revised Code. 32346

(2) For purposes of determining the required level of 32347  
indebtedness, the required percentage of the basic project costs 32348  
under division (C)(1) of this section, and priority for assistance 32349

under sections 3318.01 to 3318.20 of the Revised Code, the 32350  
percentile ranking of a school district with which the commission 32351  
has entered into an agreement under this section between the first 32352  
day of July and the thirty-first day of August in each fiscal year 32353  
is the percentile ranking calculated for that district for the 32354  
immediately preceding fiscal year, and the percentile ranking of a 32355  
school district with which the commission has entered into such 32356  
agreement between the first day of September and the thirtieth day 32357  
of June in each fiscal year is the percentile ranking calculated 32358  
for that district for the current fiscal year. 32359

(B)(1) There is hereby established the school building 32360  
assistance expedited local partnership program. Under the program, 32361  
the Ohio facilities construction commission may enter into an 32362  
agreement with the board of any school district under which the 32363  
board may proceed with the new construction or major repairs of a 32364  
part of the district's classroom facilities needs, as determined 32365  
under sections 3318.01 to 3318.20 of the Revised Code, through the 32366  
expenditure of local resources prior to the school district's 32367  
eligibility for state assistance under those sections, and may 32368  
apply that expenditure toward meeting the school district's 32369  
portion of the basic project cost of the total of the district's 32370  
classroom facilities needs, as recalculated under division (E) of 32371  
this section, when the district becomes eligible for state 32372  
assistance under sections 3318.01 to 3318.20 or section 3318.364 32373  
of the Revised Code. ~~Any~~ 32374

Any school district that is reasonably expected to receive 32375  
assistance under sections 3318.01 to 3318.20 of the Revised Code 32376  
within two fiscal years from the date the school district adopts 32377  
its resolution under division (B) of this section shall not be 32378  
eligible to participate in the program established under this 32379  
section unless that school district divides its project under 32380  
those sections into segments as authorized by section 3318.034 of 32381

the Revised Code. In the case of a school district that has 32382  
segmented its project as authorized in section 3318.034 of the 32383  
Revised Code, the district shall select a discrete portion of one 32384  
or more future segments of its project, to which the district may 32385  
apply local resources under an agreement under this section prior 32386  
to further state assistance for those future segments under 32387  
sections 3318.01 to 3318.20 of the Revised Code. 32388

(2) To participate in the program, a school district board 32389  
shall first adopt a resolution certifying to the commission the 32390  
board's intent to participate in the program. 32391

The resolution shall specify the approximate date that the 32392  
board intends to seek elector approval of any bond or tax measures 32393  
or to apply other local resources to use to pay the cost of 32394  
classroom facilities to be constructed under this section. The 32395  
resolution may specify the application of local resources or 32396  
elector-approved bond or tax measures after the resolution is 32397  
adopted by the board, and in such case the board may proceed with 32398  
a discrete portion of its project under this section as soon as 32399  
the commission and the controlling board have approved the basic 32400  
project cost of the district's classroom facilities needs as 32401  
specified in division (D) of this section. The board shall submit 32402  
its resolution to the commission not later than ten days after the 32403  
date the resolution is adopted by the board. 32404

The commission shall not consider any resolution that is 32405  
submitted pursuant to division (B)(2) of this section, as amended 32406  
by this amendment, sooner than September 14, 2000. 32407

(3) For purposes of determining when a district that enters 32408  
into an agreement under this section becomes eligible for 32409  
assistance under sections 3318.01 to 3318.20 of the Revised Code 32410  
or priority for assistance under section 3318.364 of the Revised 32411  
Code, the commission shall use the district's percentile ranking 32412  
determined at the time the district entered into the agreement 32413

under this section, as prescribed by division (A)(2) of this section. 32414  
32415

(4) Any project under this section shall comply with section 32416  
3318.03 of the Revised Code and with any specifications for plans 32417  
and materials for classroom facilities adopted by the commission 32418  
under section 3318.04 of the Revised Code. 32419

(5) If a school district that enters into an agreement under 32420  
this section has not begun a project applying local resources as 32421  
provided for under that agreement at the time the district is 32422  
notified by the commission that it is eligible to receive state 32423  
assistance for its project under sections 3318.01 to 3318.20 of 32424  
the Revised Code or for a segment of its project, if the district 32425  
previously segmented its project as authorized in section 3318.034 32426  
of the Revised Code, all assessment and agreement documents 32427  
entered into under this section are void. 32428

(6) Only construction of or repairs to classroom facilities 32429  
that have been approved by the commission and have been therefore 32430  
included as part of a district's basic project cost qualify for 32431  
application of local resources under this section. 32432

(C) Based on the results of on-site visits and assessment, 32433  
the commission shall determine the basic project cost of the 32434  
school district's classroom facilities needs. The commission shall 32435  
determine the school district's portion of such basic project 32436  
cost, which shall be the greater of: 32437

(1) The required percentage of the basic project costs, 32438  
determined based on the school district's percentile ranking; 32439

(2) An amount necessary to raise the school district's net 32440  
bonded indebtedness, as of the fiscal year the commission and the 32441  
school district enter into the agreement under division (B) of 32442  
this section, to within five thousand dollars of the required 32443  
level of indebtedness. 32444

(D)(1) When the commission determines the basic project cost 32445  
of the classroom facilities needs of a school district and the 32446  
school district's portion of that basic project cost under 32447  
division (C) of this section, the project shall be conditionally 32448  
approved. Such conditional approval shall be submitted to the 32449  
controlling board for approval thereof. The controlling board 32450  
shall forthwith approve or reject the commission's determination, 32451  
conditional approval, and the amount of the state's portion of the 32452  
basic project cost; however, no state funds shall be encumbered 32453  
under this section. Upon approval by the controlling board, the 32454  
school district board may identify a discrete part of its 32455  
classroom facilities needs, which shall include only new 32456  
construction of or additions or major repairs to a particular 32457  
building, to address with local resources. Upon identifying a part 32458  
of the school district's basic project cost to address with local 32459  
resources, the school district board may allocate any available 32460  
school district moneys to pay the cost of that identified part, 32461  
including the proceeds of an issuance of bonds if approved by the 32462  
electors of the school district. 32463

All local resources utilized under this division shall first 32464  
be deposited in the project construction account required under 32465  
section 3318.08 of the Revised Code. 32466

(2) Unless the school district board exercises its option 32467  
under division (D)(3) of this section, for a school district to 32468  
qualify for participation in the program authorized under this 32469  
section, one of the following conditions shall be satisfied: 32470

(a) The electors of the school district by a majority vote 32471  
shall approve the levy of taxes outside the ten-mill limitation 32472  
for a period of twenty-three years at the rate of not less than 32473  
one-half mill for each dollar of valuation to be used to pay the 32474  
cost of maintaining or upgrading, if approved by the commission, 32475  
the classroom facilities included in the basic project cost as 32476

determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section 3318.05 of the Revised Code the amount prescribed in section 3318.051 of the Revised Code in lieu of the tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

(e) The school district board shall apply the proceeds of a tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the

manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state

assistance under sections 3318.01 to 3318.20 of the Revised Code 32540  
for its entire project or for future segments, if the district 32541  
previously segmented its project as authorized in section 3318.034 32542  
of the Revised Code, based on its percentile ranking under 32543  
division (B)(3) of this section or is offered assistance under 32544  
section 3318.364 of the Revised Code, the commission shall conduct 32545  
a new assessment of the school district's classroom facilities 32546  
needs and shall recalculate the basic project cost based on this 32547  
new assessment. The basic project cost recalculated under this 32548  
division shall include the amount of expenditures made by the 32549  
school district board under division (D)(1) of this section. The 32550  
commission shall then recalculate the school district's portion of 32551  
the new basic project cost, which shall be the percentage of the 32552  
original basic project cost assigned to the school district as its 32553  
portion under division (C) of this section. The commission shall 32554  
deduct the expenditure of school district moneys made under 32555  
division (D)(1) of this section from the school district's portion 32556  
of the basic project cost as recalculated under this division. If 32557  
the amount of school district resources applied by the school 32558  
district board to the school district's portion of the basic 32559  
project cost under this section is less than the total amount of 32560  
such portion as recalculated under this division, the school 32561  
district board by a majority vote of all of its members shall, if 32562  
it desires to seek state assistance under sections 3318.01 to 32563  
3318.20 of the Revised Code, adopt a resolution as specified in 32564  
section 3318.06 of the Revised Code to submit to the electors of 32565  
the school district the question of approval of a bond issue in 32566  
order to pay any additional amount of school district portion 32567  
required for state assistance. Any tax levy approved under 32568  
division (D) of this section satisfies the requirements to levy 32569  
the additional tax under section 3318.06 of the Revised Code. 32570

(2) If the amount of school district resources applied by the 32571  
school district board to the school district's portion of the 32572

basic project cost under this section is more than the total 32573  
amount of such portion as recalculated under this division, within 32574  
one year after the school district's portion is recalculated under 32575  
division (E)(1) of this section the commission may grant to the 32576  
school district the difference between the two calculated 32577  
portions, but at no time shall the commission expend any state 32578  
funds on a project in an amount greater than the state's portion 32579  
of the basic project cost as recalculated under this division. 32580

Any reimbursement under this division shall be only for local 32581  
resources the school district has applied toward construction cost 32582  
expenditures for the classroom facilities approved by the 32583  
commission, which shall not include any financing costs associated 32584  
with that construction. 32585

The school district board shall use any moneys reimbursed to 32586  
the district under this division to pay off any debt service the 32587  
district owes for classroom facilities constructed under its 32588  
project under this section before such moneys are applied to any 32589  
other purpose. However, the district board first may deposit 32590  
moneys reimbursed under this division into the district's general 32591  
fund or a permanent improvement fund to replace local resources 32592  
the district withdrew from those funds, as long as, and to the 32593  
extent that, those local resources were used by the district for 32594  
constructing classroom facilities included in the district's basic 32595  
project cost. 32596

**Sec. 3318.361.** A school district board opting to qualify for 32597  
state assistance pursuant to section 3318.36 of the Revised Code 32598  
through levying the tax specified in division (D)(2)(a) or (D)(4) 32599  
of that section shall declare by resolution that the question of a 32600  
tax levy specified in division (D)(2)(a) or (4), as applicable, of 32601  
section 3318.36 of the Revised Code shall be submitted to the 32602  
electors of the school district at the next general or primary 32603

election, if there be a general or primary election not less than 32604  
ninety and not more than one hundred ten days after the day of the 32605  
adoption of such resolution or, if not, at a special election to 32606  
be held at a time specified in the resolution which shall be not 32607  
less than ninety days after the day of the adoption of the 32608  
resolution and which shall be in accordance with the requirements 32609  
of section 3501.01 of the Revised Code. Such resolution shall 32610  
specify both of the following: 32611

(A) That the rate which it is necessary to levy shall be at 32612  
the rate of not less than one-half mill for each one dollar of 32613  
valuation, and that such tax shall be levied for a period of 32614  
twenty-three years; 32615

(B) That the proceeds of the tax shall be used to pay the 32616  
cost of maintaining the classroom facilities included in the 32617  
project or upgrading those facilities if approved by the Ohio 32618  
facilities construction commission. 32619

A copy of such resolution shall after its passage and not 32620  
less than ninety days prior to the date set therein for the 32621  
election be certified to the county board of elections. 32622

Notice of the election shall include the fact that the tax 32623  
levy shall be at the rate of not less than one-half mill for each 32624  
one dollar of valuation for a period of twenty-three years, and 32625  
that the proceeds of the tax shall be used to pay the cost of 32626  
maintaining or upgrading the classroom facilities included in the 32627  
project. 32628

The form of the ballot to be used at such election shall be: 32629

"Shall a levy of taxes be made for a period of twenty-three 32630  
years to benefit the ..... (here insert name of school 32631  
district) school district, the proceeds of which shall be used to 32632  
pay the cost of maintaining (or upgrading if approved by the Ohio 32633  
facilities construction commission) the classroom facilities 32634

included in the project at the rate of ..... (here insert the number of mills, which shall not be less than one-half mill) mills for each one dollar of valuation?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

**Sec. 3319.26.** (A) The state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades kindergarten to twelve, or the equivalent, in a designated subject area or in the area of intervention specialist, as defined by rule of the state board. The rules shall also include the reasons for which an alternative resident educator license may be renewed under division (D) of this section.

(B) The superintendent of public instruction and the chancellor of ~~the Ohio board of regents~~ higher education jointly shall develop an intensive pedagogical training institute to provide instruction in the principles and practices of teaching for individuals seeking an alternative resident educator license. The instruction shall cover such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology.

(C) The rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license, but they shall not require applicants to have completed a major or coursework in the subject area for which application is being made:

- (1) Hold a minimum of a baccalaureate degree;

(2) Successfully complete the pedagogical training institute 32665  
described in division (B) of this section or ~~a summer~~ the 32666  
preservice training ~~institute~~ provided to participants of a 32667  
teacher preparation program that ~~is operated by a nonprofit~~ 32668  
~~organization and~~ has been approved by the chancellor. The 32669  
chancellor shall approve any such program that requires 32670  
participants to hold a bachelor's degree; have either a cumulative 32671  
undergraduate grade point average of at least 2.5 out of 4.0, or 32672  
its equivalent or a cumulative graduate school grade point average 32673  
of at least 3.0 out of 4.0; and successfully complete the 32674  
program's ~~summer~~ preservice training ~~institute~~. 32675

(3) Pass an examination in the subject area for which 32676  
application is being made. 32677

(D) An alternative resident educator license shall be valid 32678  
for four years and shall be renewable for reasons specified by 32679  
rules adopted by the state board pursuant to division (A) of this 32680  
section. The state board, on a case-by-case basis, may extend the 32681  
license's duration as necessary to enable the license holder to 32682  
complete the Ohio teacher residency program established under 32683  
section 3319.223 of the Revised Code. 32684

(E) The rules shall require the holder of an alternative 32685  
resident educator license, as a condition of continuing to hold 32686  
the license, to do all of the following: 32687

(1) Participate in the Ohio teacher residency program; 32688

(2) Show satisfactory progress in taking and successfully 32689  
completing one of the following: 32690

(a) At least twelve additional semester hours, or the 32691  
equivalent, of college coursework in the principles and practices 32692  
of teaching in such topics as student development and learning, 32693  
pupil assessment procedures, curriculum development, classroom 32694  
management, and teaching methodology; 32695

(b) Professional development provided by a teacher 32696  
preparation program that has been approved by the chancellor under 32697  
division (C)(2) of this section. 32698

(3) Take an assessment of professional knowledge in the 32699  
second year of teaching under the license. 32700

(F) The rules shall provide for the granting of a 32701  
professional educator license to a holder of an alternative 32702  
resident educator license upon successfully completing all of the 32703  
following: 32704

(1) Four years of teaching under the alternative license; 32705

(2) The additional college coursework or professional 32706  
development described in division (E)(2) of this section; 32707

(3) The assessment of professional knowledge described in 32708  
division (E)(3) of this section. The standards for successfully 32709  
completing this assessment and the manner of conducting the 32710  
assessment shall be the same as for any other individual who is 32711  
required to take the assessment pursuant to rules adopted by the 32712  
state board under section 3319.22 of the Revised Code. 32713

(4) The Ohio teacher residency program; 32714

(5) All other requirements for a professional educator 32715  
license adopted by the state board under section 3319.22 of the 32716  
Revised Code. 32717

(G) A person who is assigned to teach in this state as a 32718  
participant in the teach for America program or who has completed 32719  
two years of teaching in another state as a participant in that 32720  
program shall be eligible for a license only under section 32721  
3319.227 of the Revised Code and shall not be eligible for a 32722  
license under this section. 32723

**Sec. 3319.272.** (A) ~~As used in this section, the~~ The "bright 32724  
new leaders for Ohio schools program" ~~means the program created~~ 32725

~~and implemented by the nonprofit corporation incorporated pursuant~~ 32726  
~~to section 3319.271 of the Revised Code to administered by the~~ 32727  
~~Ohio state university Fisher college of business and college~~ 32728  
~~education and human ecology shall~~ provide an alternative path for 32729  
individuals to receive training and development in the 32730  
administration of primary and secondary education and leadership, 32731  
enable those individuals to earn degrees and obtain licenses in 32732  
public school administration, and promote the placement of those 32733  
individuals in public schools that have a poverty percentage 32734  
greater than fifty per cent. 32735

(B) The state board of education shall issue ~~an alternative~~ 32736  
~~principal license or an administrator license, as applicable, a~~ 32737  
~~professional administrator license for grades pre-kindergarten~~ 32738  
~~through twelve~~ to an individual who successfully completes the 32739  
bright new leaders for Ohio schools program and satisfies the 32740  
requirements in rules adopted by the state board under division 32741  
(C) of this section. 32742

(C) The state board, in consultation with the ~~board of~~ 32743  
~~directors of the~~ bright new leaders for Ohio schools program, 32744  
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 32745  
~~alternative principal license or an~~ a professional administrator 32746  
license for grades pre-kindergarten through twelve under this 32747  
section. The state board shall use the rules adopted under section 32748  
3319.27 of the Revised Code as guidance in developing the rules 32749  
adopted under this division. 32750

**Sec. 3319.283.** (A) The board of education of any school 32751  
district may employ an individual who is not certificated or 32752  
licensed as required by Chapter 3319. of the Revised Code, but who 32753  
meets the following qualifications, as a teacher in the schools of 32754  
the district: 32755

(1) The individual is a veteran of the armed forces of the United States and was honorably discharged within three years of June 30, 1997;

(2) While in the armed forces the individual had meaningful teaching or other instructional experience;

(3) The individual holds at least a baccalaureate degree.

(B) An individual employed under this section shall be deemed to hold a teaching certificate or educator license for the purposes of state and federal law and rules and regulations and school district policies, rules, and regulations. ~~However, an individual employed under this section is not a properly certified or licensed teacher for purposes of the school district's compliance with section 3319.074 of the Revised Code.~~ Each individual employed under this section shall meet the requirement to successfully complete fifteen hours, or the equivalent, of coursework every five years that is approved by the local professional development committee as is required of other teachers licensed in accordance with Chapter 3319. of the Revised Code.

(C) The superintendent of public instruction may revoke the right of an individual employed under division (A) of this section to teach if, after an investigation and an adjudication conducted pursuant to Chapter 119. of the Revised Code, the superintendent finds that the person is not competent to teach the subject the person has been employed to teach or did not fulfill the requirements of division (A) of this section. No individual whose right to teach has been revoked under this division shall teach in a public school, and no board of education may engage such an individual to teach in the schools of its district.

Notwithstanding division (B) of this section, a board of education is not required to comply with the provisions of

sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised Code with regard to termination of employment if the superintendent, after an investigation and an adjudication, has revoked the individual's right to teach.

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 school year, the board of education of each city, exempted village, local, joint vocational, and cooperative education school district and the governing board of each educational service center shall adopt a new or amended policy to guide employees of the school district or service center in addressing and ameliorating student absences. In developing the policy, the appropriate board shall consult with the judge of the juvenile court of the county or counties in which the district or service center is located, with the parents, guardians, or other persons having care of the pupils attending school in the district, and with appropriate state and local agencies.

(B) The policy developed under division (A) of this section shall include as an intervention strategy all of the following actions, if applicable:

(1) Providing a truancy intervention plan for any student who is excessively absent from school, as described in the first paragraph of division (C) of this section;

(2) Providing counseling for an habitual truant;

(3) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under section 3313.472 or 3313.663 of the Revised Code;

(4) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;

(5) Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code; 32817  
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(6) Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code. 32819  
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(C)(1) In the event that a child of compulsory school age is absent with a nonmedical excuse or without legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or more hours in a school year, the attendance officer of that school shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven days after the date after the absence that triggered the notice requirement. At the time notice is given, the school also may take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to division (A) of this section. 32821  
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(2)(a) If the absences of a student surpass the threshold for an habitual truant as set forth in section 2151.011 of the Revised Code, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to an absence intervention team. Within fourteen school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication under division (C)(2)(b) of section 3321.191 of the Revised Code. Within seven days after the development of the plan, the school district or school shall make reasonable efforts to provide the student's parent, guardian, 32832  
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custodian, guardian ad litem, or temporary custodian with written 32849  
notice of the plan. 32850

(b) As part of the absence intervention plan described in 32851  
division (C)(2) of this section, the school district or school, in 32852  
its discretion, may contact the appropriate juvenile court and ask 32853  
to have a student informally enrolled in any alternative to 32854  
adjudication described in division (G) of section 2151.27 of the 32855  
Revised Code. If the school district or school chooses to have 32856  
students informally enrolled in an alternative to adjudication, 32857  
the school district or school shall develop a written policy 32858  
regarding the use of, and selection process for, offering 32859  
alternatives to adjudication to ensure fairness. 32860

(c) The superintendent of each school district, or the 32861  
superintendent's designee, shall establish an absence intervention 32862  
team for the district to be used by any schools of the district 32863  
that do not establish their own absence intervention team as 32864  
permitted under division (C)(2)(d) of this section. Membership of 32865  
each absence intervention team may vary based on the needs of each 32866  
individual student but shall include a representative from the 32867  
child's school district or school, another representative from the 32868  
child's school district or school who knows the child, and the 32869  
child's parent or parent's designee, or the child's guardian, 32870  
custodian, guardian ad litem, or temporary custodian. The team 32871  
also may include a school psychologist, counselor, social worker, 32872  
or representative of a public or nonprofit agency designed to 32873  
assist students and their families in reducing absences. 32874

(d) The principal or chief administrator of each school may 32875  
establish an absence intervention team or series of teams to be 32876  
used in lieu of the district team established pursuant to division 32877  
(C)(2)(c) of this section. Membership of each absence intervention 32878  
team may vary based on the needs of each individual student but 32879  
shall include a representative from the child's school district or 32880

school, another representative from the child's school district or 32881  
school who knows the child, and the child's parent or parent's 32882  
designee, or the child's guardian, custodian, guardian ad litem, 32883  
or temporary custodian. The team also may include a school 32884  
psychologist, counselor, social worker, or representative of a 32885  
public or nonprofit agency designed to assist students and their 32886  
families in reducing absences. 32887

(e) A superintendent, as described in division (C)(2)(c) of 32888  
this section, or principal or chief administrator, as described in 32889  
division (C)(2)(d) of this section, shall select the members of an 32890  
absence intervention team within seven school days of the 32891  
triggering event described in division (C)(2)(a) of this section. 32892  
The superintendent, principal, or chief administrator, within the 32893  
same period of seven school days, shall make at least three 32894  
meaningful, good faith attempts to secure the participation of the 32895  
student's parent, guardian, custodian, guardian ad litem, or 32896  
temporary custodian on that team. If the student's parent responds 32897  
to any of those attempts, but is unable to participate for any 32898  
reason, the representative of the school district shall inform the 32899  
parent of the parent's right to appear by designee. If seven 32900  
school days elapse and the student's parent, guardian, custodian, 32901  
guardian ad litem, or temporary custodian fails to respond to the 32902  
attempts to secure participation, the school district or school 32903  
shall do both of the following: 32904

(i) Investigate whether the failure to respond triggers 32905  
mandatory reporting to the public children services agency for the 32906  
county in which the child resides in the manner described in 32907  
section 2151.421 of the Revised Code; 32908

(ii) Instruct the absence intervention team to develop an 32909  
intervention plan for the child notwithstanding the absence of the 32910  
child's parent, guardian, custodian, guardian ad litem, or 32911  
temporary custodian. 32912

(f) In the event that a student becomes habitually truant 32913  
within twenty-one school days prior to the last day of instruction 32914  
of a school year, the school district or school may, in its 32915  
discretion, assign one school official to work with the child's 32916  
parent, guardian, custodian, guardian ad litem, or temporary 32917  
custodian to develop an absence intervention plan during the 32918  
summer. If the school district or school selects this method, the 32919  
plan shall be implemented not later than seven days prior to the 32920  
first day of instruction of the next school year. In the 32921  
alternative, the school district or school may toll the time 32922  
periods to accommodate for the summer months and reconvene the 32923  
absence intervention process upon the first day of instruction of 32924  
the next school year. 32925

(3) For purposes of divisions (C)(2)(c) and (d) of this 32926  
section, the state board of education shall develop a format for 32927  
parental permission to ensure compliance with the "Family 32928  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 32929  
U.S.C. 1232g, as amended, and any regulations promulgated under 32930  
that act, and section 3319.321 of the Revised Code. 32931

(D) Each school district or school may consult or partner 32932  
with public and nonprofit agencies to provide assistance as 32933  
appropriate to students and their families in reducing absences. 32934

(E) Beginning with the 2017-2018 school year, each school 32935  
district shall report to the department of education, as soon as 32936  
practicable, and in a format and manner determined by the 32937  
department, any of the following occurrences: 32938

(1) When a notice required by division (C)(1) of this section 32939  
is submitted to a parent, guardian, or custodian; 32940

(2) When a child of compulsory school age has been absent 32941  
without legitimate excuse from the public school the child is 32942  
supposed to attend for thirty or more consecutive hours, forty-two 32943

or more hours in one school month, or seventy-two or more hours in 32944  
a school year; 32945

(3) When a child of compulsory school age who has been 32946  
adjudicated an unruly child for being an habitual truant violates 32947  
the court order regarding that adjudication; 32948

(4) When an absence intervention plan has been implemented 32949  
for a child under this section. 32950

(F) Nothing in this section shall be construed to limit the 32951  
duty or authority of a district board of education or governing 32952  
body of an educational service center to develop other policies 32953  
related to truancy or to limit the duty or authority of any 32954  
employee of the school district or service center to respond to 32955  
pupil truancy. However, a board shall be subject to the 32956  
prohibition against suspending, expelling, or otherwise preventing 32957  
a student from attending school for excessive absences as 32958  
prescribed by section 3313.668 of the Revised Code. 32959

**Sec. 3326.031.** (A) As authorized by the STEM committee, a 32960  
single governing body may direct a group of multiple STEM schools 32961  
to operate from multiple facilities located in one or more school 32962  
districts to be organized and operated in the manner prescribed 32963  
under this chapter except as specified by this section. Each 32964  
school within the group shall operate as a separate school but 32965  
under the direction of a common governing body. The governing body 32966  
may employ a single treasurer, licensed in the manner prescribed 32967  
by section 3326.21 of the Revised Code, to manage the fiscal 32968  
affairs of all of the schools within the group. Each school shall 32969  
have a chief administrative officer, as required by section 32970  
3326.08 of the Revised Code, but the governing body may in its 32971  
discretion appoint a single individual to be the chief 32972  
administrative officer of two or more schools in the group. No 32973  
school within the group shall be organized or funded in the manner 32974

prescribed by section 3326.51 of the Revised Code. 32975

(B) The department shall calculate funds under this chapter 32976  
for each STEM school within a group separately ~~and~~. It shall pay 32977  
those funds ~~directly to each~~ to the governing body of the group. 32978  
The governing body shall distribute to each STEM school within the 32979  
group the full amount determined by the department for that 32980  
school. 32981

(C) In accordance with section 3326.17 of the Revised Code, 32982  
the department shall issue a separate report card for each STEM 32983  
school within a group. The department also shall compute a rating 32984  
for each group of schools and report that rating in a distinct 32985  
report card for the group. 32986

(D) The department shall assign a separate internal retrieval 32987  
number to each STEM school within a group. 32988

**Sec. 3326.11.** Each science, technology, engineering, and 32989  
mathematics school established under this chapter and its 32990  
governing body shall comply with sections 9.90, 9.91, 109.65, 32991  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 32992  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 32993  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 32994  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 32995  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 32996  
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 32997  
3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.66, 32998  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 32999  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 33000  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 33001  
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 33002  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 33003  
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 33004

3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 33005  
4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 33006  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. 33007  
of the Revised Code as if it were a school district. 33008

**Sec. 3326.13.** (A) Teachers employed by a science, technology, 33009  
engineering, and mathematics school ~~shall be properly certified or~~ 33010  
~~licensed teachers, as defined in section 3319.074 of the Revised~~ 33011  
~~Code, and~~ shall be licensed under sections 3319.22 to 3319.31 of 33012  
the Revised Code and rules of the state board of education 33013  
implementing those sections. 33014

(B) No STEM school shall employ any classroom teacher 33015  
initially hired on or after July 1, 2013, to provide instruction 33016  
in physical education unless the teacher holds a valid license 33017  
issued pursuant to section 3319.22 of the Revised Code for 33018  
teaching physical education. 33019

**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the 33020  
Revised Code: 33021

(A)(1) "Category one career-technical education student" 33022  
means a student who is receiving the career-technical education 33023  
services described in division (A) of section 3317.014 of the 33024  
Revised Code. 33025

(2) "Category two career-technical student" means a student 33026  
who is receiving the career-technical education services described 33027  
in division (B) of section 3317.014 of the Revised Code. 33028

(3) "Category three career-technical student" means a student 33029  
who is receiving the career-technical education services described 33030  
in division (C) of section 3317.014 of the Revised Code. 33031

(4) "Category four career-technical student" means a student 33032  
who is receiving the career-technical education services described 33033

in division (D) of section 3317.014 of the Revised Code. 33034

(5) "Category five career-technical education student" means 33035  
a student who is receiving the career-technical education services 33036  
described in division (E) of section 3317.014 of the Revised Code. 33037

(B)(1) "Category one ~~limited English proficient student~~ 33038  
learner" means a ~~limited~~ an English ~~proficient student~~ learner 33039  
described in division (A) of section 3317.016 of the Revised Code. 33040

(2) "Category two ~~limited English proficient student learner~~" 33041  
means a ~~limited~~ an English ~~proficient student~~ learner described in 33042  
division (B) of section 3317.016 of the Revised Code. 33043

(3) "Category three ~~limited English proficient student~~ 33044  
learner" means a ~~limited~~ an English ~~proficient student~~ learner 33045  
described in division (C) of section 3317.016 of the Revised Code. 33046

(C)(1) "Category one special education student" means a 33047  
student who is receiving special education services for a 33048  
disability specified in division (A) of section 3317.013 of the 33049  
Revised Code. 33050

(2) "Category two special education student" means a student 33051  
who is receiving special education services for a disability 33052  
specified in division (B) of section 3317.013 of the Revised Code. 33053

(3) "Category three special education student" means a 33054  
student who is receiving special education services for a 33055  
disability specified in division (C) of section 3317.013 of the 33056  
Revised Code. 33057

(4) "Category four special education student" means a student 33058  
who is receiving special education services for a disability 33059  
specified in division (D) of section 3317.013 of the Revised Code. 33060

(5) "Category five special education student" means a student 33061  
who is receiving special education services for a disability 33062  
specified in division (E) of section 3317.013 of the Revised Code. 33063

(6) "Category six special education student" means a student	33064
who is receiving special education services for a disability	33065
specified in division (F) of section 3317.013 of the Revised Code.	33066
(D) "Formula amount" has the same meaning as in section	33067
3317.02 of the Revised Code.	33068
(E) "IEP" means an individualized education program as	33069
defined in section 3323.01 of the Revised Code.	33070
(F) "Resident district" means the school district in which a	33071
student is entitled to attend school under section 3313.64 or	33072
3313.65 of the Revised Code.	33073
(G) "State education aid" has the same meaning as in section	33074
5751.20 of the Revised Code.	33075
<b>Sec. 3326.32.</b> Each science, technology, engineering, and	33076
mathematics school shall report to the department of education, in	33077
the form and manner required by the department, all of the	33078
following information:	33079
(A) The total number of students enrolled in the school who	33080
are residents of this state;	33081
(B) The number of students reported under division (A) of	33082
this section who are receiving special education and related	33083
services pursuant to an IEP;	33084
(C) For each student reported under division (B) of this	33085
section, which category specified in divisions (A) to (F) of	33086
section 3317.013 of the Revised Code applies to the student;	33087
(D) The full-time equivalent number of students reported	33088
under division (A) of this section who are enrolled in	33089
career-technical education programs or classes described in each	33090
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of	33091
the Revised Code that are provided by the STEM school;	33092

(E) The number of students reported under division (A) of 33093  
this section who are ~~limited English proficient students~~ learners 33094  
and which category specified in divisions (A) to (C) of section 33095  
3317.016 of the Revised Code applies to each student; 33096

(F) The number of students reported under division (A) of 33097  
this section who are economically disadvantaged, as defined by the 33098  
department. A student shall not be categorically excluded from the 33099  
number reported under division (F) of this section based on 33100  
anything other than family income. 33101

(G) The resident district of each student reported under 33102  
division (A) of this section; 33103

(H) The total number of students enrolled in the school who 33104  
are not residents of this state and any additional information 33105  
regarding these students that the department requires the school 33106  
to report. The school shall not receive any payments under this 33107  
chapter for students reported under this division. 33108

(I) Any additional information the department determines 33109  
necessary to make payments under this chapter. 33110

**Sec. 3326.33.** For each student enrolled in a science, 33111  
technology, engineering, and mathematics school established under 33112  
this chapter, on a full-time equivalency basis, the department of 33113  
education annually shall deduct from the state education aid of a 33114  
student's resident school district and, if necessary, from the 33115  
payment made to the district under sections 321.24 and 323.156 of 33116  
the Revised Code and pay to the school or, if the student is 33117  
enrolled in a school that is part of a group of STEM schools under 33118  
section 3326.031 of the Revised Code, to the governing body of 33119  
that group the sum of the following: 33120

(A) An opportunity grant in an amount equal to the formula 33121  
amount; 33122

(B) The per pupil amount of targeted assistance funds	33123
calculated under division (A) of section 3317.0217 of the Revised	33124
Code for the student's resident district, as determined by the	33125
department, X 0.25;	33126
(C) Additional state aid for special education and related	33127
services provided under Chapter 3323. of the Revised Code as	33128
follows:	33129
(1) If the student is a category one special education	33130
student, the amount specified in division (A) of section 3317.013	33131
of the Revised Code;	33132
(2) If the student is a category two special education	33133
student, the amount specified in division (B) of section 3317.013	33134
of the Revised Code;	33135
(3) If the student is a category three special education	33136
student, the amount specified in division (C) of section 3317.013	33137
of the Revised Code;	33138
(4) If the student is a category four special education	33139
student, the amount specified in division (D) of section 3317.013	33140
of the Revised Code;	33141
(5) If the student is a category five special education	33142
student, the amount specified in division (E) of section 3317.013	33143
of the Revised Code;	33144
(6) If the student is a category six special education	33145
student, the amount specified in division (F) of section 3317.013	33146
of the Revised Code.	33147
(D) If the student is in kindergarten through third grade,	33148
\$320;	33149
(E) If the student is economically disadvantaged, an amount	33150
equal to the following:	33151
§272 X the resident district's economically disadvantaged index	33152

(F) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds, as follows:	33153
(1) If the student is a category one <del>limited</del> English	33154
<del>proficient student</del> <u>learner</u> , the amount specified in division (A)	33155
of section 3317.016 of the Revised Code;	33156
(2) If the student is a category two <del>limited</del> English	33157
<del>proficient student</del> <u>learner</u> , the amount specified in division (B)	33158
of section 3317.016 of the Revised Code;	33159
(3) If the student is a category three <del>limited</del> English	33160
<del>proficient student</del> <u>learner</u> , the amount specified in division (C)	33161
of section 3317.016 of the Revised Code.	33162
(G) Career-technical education funds as follows:	33163
(1) If the student is a category one career-technical	33164
education student, the amount specified in division (A) of section	33165
3317.014 of the Revised Code;	33166
(2) If the student is a category two career-technical	33167
education student, the amount specified in division (B) of section	33168
3317.014 of the Revised Code;	33169
(3) If the student is a category three career-technical	33170
education student, the amount specified in division (C) of section	33171
3317.014 of the Revised Code;	33172
(4) If the student is a category four career-technical	33173
education student, the amount specified in division (D) of section	33174
3317.014 of the Revised Code;	33175
(5) If the student is a category five career-technical	33176
education student, the amount specified in division (E) of section	33177
3317.014 of the Revised Code.	33178
Deduction and payment of funds under division (G) of this	33179
section is subject to approval under section 3317.161 of the	33180
Revised Code.	33181

**Sec. 3326.34.** If a science, technology, engineering, and 33182  
mathematics school established under this chapter incurs costs for 33183  
a fiscal year for a student receiving special education and 33184  
related services pursuant to an IEP for a disability described in 33185  
divisions (B) to (F) of section 3317.013 of the Revised Code that 33186  
exceed the threshold catastrophic cost for serving the student as 33187  
specified in division (B) of section 3317.0214 of the Revised 33188  
Code, the STEM school may submit to the superintendent of public 33189  
instruction documentation, as prescribed by the superintendent, of 33190  
all its costs for that student. Upon submission of documentation 33191  
for a student of the type and in the manner prescribed, the 33192  
department of education shall pay to the school or, if the school 33193  
is part of a group of science, technology, engineering, and 33194  
mathematics schools under section 3326.031 of the Revised Code, to 33195  
the governing body of that group an amount equal to the school's 33196  
costs for the student in excess of the threshold catastrophic 33197  
costs. 33198

The school shall only report under this section, and the 33199  
department shall only pay for, the costs of educational expenses 33200  
and the related services provided to the student in accordance 33201  
with the student's IEP. Any legal fees, court costs, or other 33202  
costs associated with any cause of action relating to the student 33203  
may not be included in the amount. 33204

**Sec. 3326.36.** The department of education shall reduce the 33205  
amounts paid to a science, technology, engineering, and 33206  
mathematics school or to the governing body of a group of science, 33207  
technology, engineering, and mathematics schools under section 33208  
3326.33 of the Revised Code to reflect payments made to colleges 33209  
under section 3365.07 of the Revised Code. A student shall be 33210  
considered enrolled in the school for any portion of the school 33211  
year the student is attending a college under Chapter 3365. of the 33212

Revised Code. 33213

**Sec. 3326.37.** The department of education shall not pay to a 33214  
science, technology, engineering, and mathematics school or to the 33215  
governing body of a group of science, technology, engineering, or 33216  
mathematics schools any amount for any of the following: 33217

(A) Any student who has graduated from the twelfth grade of a 33218  
public or nonpublic school; 33219

(B) Any student who is not a resident of the state; 33220

(C) Any student who was enrolled in a STEM school during the 33221  
previous school year when assessments were administered under 33222  
section 3301.0711 of the Revised Code but did not take one or more 33223  
of the assessments required by that section and was not excused 33224  
pursuant to division (C)(1) or (3) of that section, unless the 33225  
superintendent of public instruction grants the student a waiver 33226  
from the requirement to take the assessment. The superintendent 33227  
may grant a waiver only for good cause in accordance with rules 33228  
adopted by the state board of education. 33229

(D) Any student who has attained the age of twenty-two years, 33230  
except for veterans of the armed services whose attendance was 33231  
interrupted before completing the recognized twelve-year course of 33232  
the public schools by reason of induction or enlistment in the 33233  
armed forces and who apply for enrollment in a STEM school not 33234  
later than four years after termination of war or their honorable 33235  
discharge. If, however, any such veteran elects to enroll in 33236  
special courses organized for veterans for whom tuition is paid 33237  
under federal law, or otherwise, the department shall not pay to 33238  
the school or to the governing body any amount for that veteran. 33239

**Sec. 3326.41.** (A) For purposes of this section: 33240

(1) "Formula amount" has the same meaning as in section 33241  
3317.02 of the Revised Code. 33242

(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 33243  
33244

(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code. 33245  
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(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school that is not part of a group of science, technology, engineering, and mathematics schools and to the governing body of each group of science, technology, engineering, and mathematics schools, for each school in that group, both of the following: 33253  
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(1) A graduation bonus calculated according to the following formula: 33260  
33261  
The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued 33262  
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(2) A third-grade reading bonus calculated according to the following formula: 33269  
33270  
The school's third-grade reading proficiency percentage X 0.075 X the formula amount X the number of the school's students scoring at a proficient level or higher on the third-grade English 33271  
33272  
33273

language arts assessment prescribed under division (A)(1)(a) of 33274  
section 3301.0710 of the Revised Code for the immediately 33275  
preceding school year 33276

Sec. 3326.42. (A) As used in this section: 33277

(1) "Base per pupil amount" has the same meaning as in 33278  
section 3317.0219 of the Revised Code. 33279

(2) "Resident district" has the same meaning as in section 33280  
3326.31 of the Revised Code. 33281

(B) Subject to division (C) of this section, for fiscal years 33282  
2020 and 2021, the department of education shall calculate and pay 33283  
to each science, technology, engineering, and mathematics school 33284  
student wellness and success funds, on a full-time equivalency 33285  
basis, for each student enrolled in the school as of the school's 33286  
payment under section 3326.33 of the Revised Code in June of the 33287  
immediately preceding fiscal year in an amount equal to the 33288  
following: 33289

(The base per pupil amount of the student's resident district for 33290  
that fiscal year + the scaled amount of the student's resident 33291  
district, if any, computed under division (B)(4) of section 33292  
3317.0219 of the Revised Code) 33293

However, each science, technology, engineering, and 33294  
mathematics school shall receive a minimum payment of \$25,000, for 33295  
fiscal year 2020, or \$30,000 for fiscal year 2021. 33296

(C) The department shall pay funds under division (B) of this 33297  
section as follows: 33298

(1) One-half of the amount shall be paid not later than the 33299  
thirty-first day of October of the fiscal year for which the 33300  
payment is calculated. 33301

(2) One-half of the amount shall be paid not later than the 33302  
twenty-eighth day of February of the fiscal year for which the 33303

payment is calculated. 33304

Upon making a payment for a fiscal year under this section, 33305  
the department shall not make any reconciliations or adjustments 33306  
to that payment. 33307

(D) A science, technology, engineering, and mathematics 33308  
school that receives a payment under this section shall comply 33309  
with section 3317.26 of the Revised Code. 33310

Sec. 3327.015. No board of education of a school district 33311  
shall reduce the transportation it provides to students the 33312  
district is not required to transport under section 3327.01 of the 33313  
Revised Code, but that the district chooses to transport, during a 33314  
school year after the first day of that school year. 33315

Sec. 3327.10. (A) No person shall be employed as driver of a 33316  
school bus or motor van, owned and operated by any school district 33317  
or educational service center or privately owned and operated 33318  
under contract with any school district or service center in this 33319  
state, who has not received a certificate from either the 33320  
educational service center governing board that has entered into 33321  
an agreement with the school district under section 3313.843 or 33322  
3313.845 of the Revised Code or the superintendent of the school 33323  
district, certifying that such person is at least eighteen years 33324  
of age and is of good moral character and is qualified physically 33325  
and otherwise for such position. The service center governing 33326  
board or the superintendent, as the case may be, shall provide for 33327  
an annual physical examination that conforms with rules adopted by 33328  
the state board of education of each driver to ascertain the 33329  
driver's physical fitness for such employment. ~~Any~~ The examination 33330  
shall be performed by one of the following: 33331

(1) A person licensed under Chapter 4731. or 4734. of the 33332  
Revised Code or by another state to practice medicine and surgery, 33333

<u>osteopathic medicine and surgery, or chiropractic;</u>	33334
<u>(2) A physician assistant;</u>	33335
<u>(3) A certified nurse practitioner;</u>	33336
<u>(4) A clinical nurse specialist;</u>	33337
<u>(5) A certified nurse-midwife;</u>	33338
<u>(6) A medical examiner who is listed on the national registry</u>	33339
<u>of certified medical examiners established by the federal motor</u>	33340
<u>carrier safety administration in accordance with 49 C.F.R. part</u>	33341
<u>390.</u>	33342
<u>Any</u> certificate may be revoked by the authority granting the	33343
same on proof that the holder has been guilty of failing to comply	33344
with division (D)(1) of this section, or upon a conviction or a	33345
guilty plea for a violation, or any other action, that results in	33346
a loss or suspension of driving rights. Failure to comply with	33347
such division may be cause for disciplinary action or termination	33348
of employment under division (C) of section 3319.081, or section	33349
124.34 of the Revised Code.	33350
(B) No person shall be employed as driver of a school bus or	33351
motor van not subject to the rules of the department of education	33352
pursuant to division (A) of this section who has not received a	33353
certificate from the school administrator or contractor certifying	33354
that such person is at least eighteen years of age, is of good	33355
moral character, and is qualified physically and otherwise for	33356
such position. Each driver shall have an annual physical	33357
examination which conforms to the state highway patrol rules,	33358
ascertaining the driver's physical fitness for such employment.	33359
The examination shall be performed by one of the following:	33360
(1) A person licensed under Chapter 4731. or 4734. of the	33361
Revised Code or by another state to practice medicine and surgery,	33362
osteopathic medicine and surgery, or chiropractic;	33363

(2) A physician assistant;	33364
(3) A certified nurse practitioner;	33365
(4) A clinical nurse specialist;	33366
(5) A certified nurse-midwife;	33367
(6) A medical examiner who is listed on the national registry	33368
of certified medical examiners established by the federal motor	33369
carrier safety administration in accordance with 49 C.F.R. part	33370
390.	33371
Any written documentation of the physical examination shall	33372
be completed by the individual who performed the examination.	33373
Any certificate may be revoked by the authority granting the	33374
same on proof that the holder has been guilty of failing to comply	33375
with division (D)(2) of this section.	33376
(C) Any person who drives a school bus or motor van must give	33377
satisfactory and sufficient bond except a driver who is an	33378
employee of a school district and who drives a bus or motor van	33379
owned by the school district.	33380
(D) No person employed as driver of a school bus or motor van	33381
under this section who is convicted of a traffic violation or who	33382
has had the person's commercial driver's license suspended shall	33383
drive a school bus or motor van until the person has filed a	33384
written notice of the conviction or suspension, as follows:	33385
(1) If the person is employed under division (A) of this	33386
section, the person shall file the notice with the superintendent,	33387
or a person designated by the superintendent, of the school	33388
district for which the person drives a school bus or motor van as	33389
an employee or drives a privately owned and operated school bus or	33390
motor van under contract.	33391
(2) If employed under division (B) of this section, the	33392
person shall file the notice with the employing school	33393

administrator or contractor, or a person designated by the 33394  
administrator or contractor. 33395

(E) In addition to resulting in possible revocation of a 33396  
certificate as authorized by divisions (A) and (B) of this 33397  
section, violation of division (D) of this section is a minor 33398  
misdemeanor. 33399

(F)(1) Not later than thirty days after June 30, 2007, each 33400  
owner of a school bus or motor van shall obtain the complete 33401  
driving record for each person who is currently employed or 33402  
otherwise authorized to drive the school bus or motor van. An 33403  
owner of a school bus or motor van shall not permit a person to 33404  
operate the school bus or motor van for the first time before the 33405  
owner has obtained the person's complete driving record. 33406  
Thereafter, the owner of a school bus or motor van shall obtain 33407  
the person's driving record not less frequently than semiannually 33408  
if the person remains employed or otherwise authorized to drive 33409  
the school bus or motor van. An owner of a school bus or motor van 33410  
shall not permit a person to resume operating a school bus or 33411  
motor van, after an interruption of one year or longer, before the 33412  
owner has obtained the person's complete driving record. 33413

(2) The owner of a school bus or motor van shall not permit a 33414  
person to operate the school bus or motor van for ten years after 33415  
the date on which the person pleads guilty to or is convicted of a 33416  
violation of section 4511.19 of the Revised Code or a 33417  
substantially equivalent municipal ordinance. 33418

(3) An owner of a school bus or motor van shall not permit 33419  
any person to operate such a vehicle unless the person meets all 33420  
other requirements contained in rules adopted by the state board 33421  
of education prescribing qualifications of drivers of school buses 33422  
and other student transportation. 33423

(G) No superintendent of a school district, educational 33424

service center, community school, or public or private employer 33425  
shall permit the operation of a vehicle used for pupil 33426  
transportation within this state by an individual unless both of 33427  
the following apply: 33428

(1) Information pertaining to that driver has been submitted 33429  
to the department of education, pursuant to procedures adopted by 33430  
that department. Information to be reported shall include the name 33431  
of the employer or school district, name of the driver, driver 33432  
license number, date of birth, date of hire, status of physical 33433  
evaluation, and status of training. 33434

(2) The most recent criminal records check required by 33435  
division (J) of this section has been completed and received by 33436  
the superintendent or public or private employer. 33437

(H) A person, school district, educational service center, 33438  
community school, nonpublic school, or other public or nonpublic 33439  
entity that owns a school bus or motor van, or that contracts with 33440  
another entity to operate a school bus or motor van, may impose 33441  
more stringent restrictions on drivers than those prescribed in 33442  
this section, in any other section of the Revised Code, and in 33443  
rules adopted by the state board. 33444

(I) For qualified drivers who, on July 1, 2007, are employed 33445  
by the owner of a school bus or motor van to drive the school bus 33446  
or motor van, any instance in which the driver was convicted of or 33447  
pleaded guilty to a violation of section 4511.19 of the Revised 33448  
Code or a substantially equivalent municipal ordinance prior to 33449  
two years prior to July 1, 2007, shall not be considered a 33450  
disqualifying event with respect to division (F) of this section. 33451

(J)(1) This division applies to persons hired by a school 33452  
district, educational service center, community school, chartered 33453  
nonpublic school, or science, technology, engineering, and 33454  
mathematics school established under Chapter 3326. of the Revised 33455

Code to operate a vehicle used for pupil transportation. 33456

For each person to whom this division applies who is hired on 33457  
or after November 14, 2007, the employer shall request a criminal 33458  
records check in accordance with section 3319.39 of the Revised 33459  
Code and every six years thereafter. For each person to whom this 33460  
division applies who is hired prior to that date, the employer 33461  
shall request a criminal records check by a date prescribed by the 33462  
department of education and every six years thereafter. 33463

(2) This division applies to persons hired by a public or 33464  
private employer not described in division (J)(1) of this section 33465  
to operate a vehicle used for pupil transportation. 33466

For each person to whom this division applies who is hired on 33467  
or after November 14, 2007, the employer shall request a criminal 33468  
records check prior to the person's hiring and every six years 33469  
thereafter. For each person to whom this division applies who is 33470  
hired prior to that date, the employer shall request a criminal 33471  
records check by a date prescribed by the department and every six 33472  
years thereafter. 33473

(3) Each request for a criminal records check under division 33474  
(J) of this section shall be made to the superintendent of the 33475  
bureau of criminal identification and investigation in the manner 33476  
prescribed in section 3319.39 of the Revised Code, except that if 33477  
both of the following conditions apply to the person subject to 33478  
the records check, the employer shall request the superintendent 33479  
only to obtain any criminal records that the federal bureau of 33480  
investigation has on the person: 33481

(a) The employer previously requested the superintendent to 33482  
determine whether the bureau of criminal identification and 33483  
investigation has any information, gathered pursuant to division 33484  
(A) of section 109.57 of the Revised Code, on the person in 33485  
conjunction with a criminal records check requested under section 33486

3319.39 of the Revised Code or under division (J) of this section. 33487

(b) The person presents proof that the person has been a 33488  
resident of this state for the five-year period immediately prior 33489  
to the date upon which the person becomes subject to a criminal 33490  
records check under this section. 33491

Upon receipt of a request, the superintendent shall conduct 33492  
the criminal records check in accordance with section 109.572 of 33493  
the Revised Code as if the request had been made under section 33494  
3319.39 of the Revised Code. However, as specified in division 33495  
(B)(2) of section 109.572 of the Revised Code, if the employer 33496  
requests the superintendent only to obtain any criminal records 33497  
that the federal bureau of investigation has on the person for 33498  
whom the request is made, the superintendent shall not conduct the 33499  
review prescribed by division (B)(1) of that section. 33500

(K)(1) Until the effective date of the amendments to rule 33501  
3301-83-23 of the Ohio Administrative Code required by the second 33502  
paragraph of division (E) of section 3319.39 of the Revised Code, 33503  
any person who is the subject of a criminal records check under 33504  
division (J) of this section and has been convicted of or pleaded 33505  
guilty to any offense described in division (B)(1) of section 33506  
3319.39 of the Revised Code shall not be hired or shall be 33507  
released from employment, as applicable, unless the person meets 33508  
the rehabilitation standards prescribed for nonlicensed school 33509  
personnel by rule 3301-20-03 of the Ohio Administrative Code. 33510

(2) Beginning on the effective date of the amendments to rule 33511  
3301-83-23 of the Ohio Administrative Code required by the second 33512  
paragraph of division (E) of section 3319.39 of the Revised Code, 33513  
any person who is the subject of a criminal records check under 33514  
division (J) of this section and has been convicted of or pleaded 33515  
guilty to any offense that, under the rule, disqualifies a person 33516  
for employment to operate a vehicle used for pupil transportation 33517  
shall not be hired or shall be released from employment, as 33518

applicable, unless the person meets the rehabilitation standards 33519  
prescribed by the rule. 33520

**Sec. 3328.24.** A college-preparatory boarding school 33521  
established under this chapter and its board of trustees shall 33522  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 33523  
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 33524  
3313.6024, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668, 33525  
3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and 33526  
Chapter 3365. of the Revised Code as if the school were a school 33527  
district and the school's board of trustees were a district board 33528  
of education. 33529

**Sec. 3333.052.** (A) The chancellor of higher education, with 33530  
the assistance of the department of job and family services, shall 33531  
establish the community college acceleration program to enhance 33532  
financial, academic, and personal support services to students in 33533  
need of support from local social service agencies. The program 33534  
shall identify the services and resources available to assist 33535  
eligible students enrolled in a community college established 33536  
under Chapter 3354., a state community college established under 33537  
Chapter 3358., a technical college established under Chapter 33538  
3357., or a university branch campus established under Chapter 33539  
3355. of the Revised Code. 33540

(B) The chancellor shall adopt rules to administer the 33541  
program. The rules shall specify the types of services provided by 33542  
the program, which may include any of the following: 33543

(1) Comprehensive and personalized advisement; 33544

(2) Career counseling; 33545

(3) Tutoring; 33546

(4) Tuition waivers; 33547

(5) Financial assistance to defray the costs of 33548  
transportation and textbooks. 33549

Sec. 3333.167. (A) As used in this section: 33550

(1) "Approved course" means a career-technical education 33551  
course offered by a career-technical planning district to which 33552  
either of the following applies: 33553

(a) The course complies with the criteria, policies, and 33554  
procedures established under section 3333.162 of the Revised Code. 33555

(b) The course is approved through an articulation agreement 33556  
that a career-technical planning district has entered into with a 33557  
state institution of higher education. 33558

(2) "Career-technical planning district" has the same meaning 33559  
as in section 3317.023 of the Revised Code. 33560

(3) "State institution of higher education" has the same 33561  
meaning as in section 3345.011 of the Revised Code. 33562

(B) The chancellor of higher education, in consultation with 33563  
the superintendent of public instruction, shall develop and, if 33564  
determined appropriate by the chancellor and the state 33565  
superintendent, implement a statewide plan that permits a high 33566  
school student enrolled in a career-technical planning district to 33567  
receive post-secondary credit on a college transcript in a manner 33568  
comparable to the college credit plus program established under 33569  
Chapter 3365. of the Revised Code for the completion of an 33570  
approved course. 33571

(C) The statewide plan developed under division (B) of this 33572  
section shall do all of the following: 33573

(1) Identify and define the criteria, policies, procedures, 33574  
and timelines necessary for a high school student to receive 33575  
post-secondary credit on a college transcript for completing an 33576  
approved course; 33577

<u>(2) Identify any technology solutions or statewide data</u>	33578
<u>information systems necessary to streamline and facilitate the</u>	33579
<u>electronic exchange of student data to improve the credit</u>	33580
<u>verification process for students, career-technical planning</u>	33581
<u>districts, and state institutions of higher education;</u>	33582
<u>(3) Identify any regional or national accreditation</u>	33583
<u>requirements or state policy barriers that currently exist that</u>	33584
<u>need to be considered in developing the statewide plan;</u>	33585
<u>(4) If the chancellor and the state superintendent determine</u>	33586
<u>it appropriate to implement the statewide plan, recommend a date</u>	33587
<u>and the method by which the statewide plan shall be implemented.</u>	33588
<u>(D) The chancellor shall convene a group of stakeholders to</u>	33589
<u>assist in preparing the plan under division (B) of this section.</u>	33590
<u>The group shall include a representative from each of the</u>	33591
<u>following:</u>	33592
<u>(1) The Ohio association of career-technical education;</u>	33593
<u>(2) The Ohio association of career-technical superintendents;</u>	33594
<u>(3) The Ohio association of compact and comprehensive</u>	33595
<u>career-technical schools;</u>	33596
<u>(4) The Ohio association of community colleges;</u>	33597
<u>(5) The inter-university council of Ohio;</u>	33598
<u>(6) The association of independent colleges and universities</u>	33599
<u>of Ohio;</u>	33600
<u>(7) Any other stakeholders determined appropriate by the</u>	33601
<u>chancellor.</u>	33602
<u>(E) Not later than June 30, 2020, the chancellor shall submit</u>	33603
<u>to the governor, the president and minority leader of the senate,</u>	33604
<u>and the speaker and minority leader of the house of</u>	33605
<u>representatives, the completed plan developed under division (B)</u>	33606
<u>of this section.</u>	33607

Sec. 3333.26. (A) Any citizen of this state who has resided 33608  
within the state for one year, who was in the active service of 33609  
the United States as a soldier, sailor, nurse, or marine between 33610  
April 6, 1917, and November 11, 1918, and who has been honorably 33611  
discharged from that service, shall be admitted to any school, 33612  
college, or university that receives state funds in support 33613  
thereof, without being required to pay any tuition or 33614  
matriculation fee, but is not relieved from the payment of 33615  
laboratory or similar fees. 33616

(B)(1) As used in this division: 33617

(a) "Volunteer firefighter" has the meaning as in division 33618  
(B)(1) of section 146.01 of the Revised Code. 33619

(b) "Public service officer" means an Ohio firefighter, 33620  
volunteer firefighter, police officer, member of the state highway 33621  
patrol, employee designated to exercise the powers of police 33622  
officers pursuant to section 1545.13 of the Revised Code, or other 33623  
peace officer as defined by division (B) of section 2935.01 of the 33624  
Revised Code, or a person holding any equivalent position in 33625  
another state. 33626

(c) "Qualified former spouse" means the former spouse of a 33627  
public service officer, or of a member of the armed services of 33628  
the United States, who is the custodial parent of a minor child of 33629  
that marriage pursuant to an order allocating the parental rights 33630  
and responsibilities for care of the child issued pursuant to 33631  
section 3109.04 of the Revised Code. 33632

(d) "Operation enduring freedom" means that period of 33633  
conflict which began October 7, 2001, and ends on a date declared 33634  
by the president of the United States or the congress. 33635

(e) "Operation Iraqi freedom" means that period of conflict 33636  
which began March 20, 2003, and ends on a date declared by the 33637

president of the United States or the congress. 33638

(f) "Combat zone" means an area that the president of the 33639  
United States by executive order designates, for purposes of 26 33640  
U.S.C. 112, as an area in which armed forces of the United States 33641  
are or have engaged in combat. 33642

(2) Any resident of this state who is under twenty-six years 33643  
of age, or under thirty years of age if the resident has been 33644  
honorably discharged from the armed services of the United States, 33645  
who is the child of a public service officer killed in the line of 33646  
duty or of a member of the armed services of the United States 33647  
killed in the line of duty during operation enduring freedom or 33648  
operation Iraqi freedom, and who is admitted to any state 33649  
university or college as defined in division (A)(1) of section 33650  
3345.12 of the Revised Code, community college, state community 33651  
college, university branch, or technical college shall not be 33652  
required to pay any tuition or any student fee for up to four 33653  
academic years of education, which shall be at the undergraduate 33654  
level. 33655

A child of a member of the armed services of the United 33656  
States killed in the line of duty during operation enduring 33657  
freedom or operation Iraqi freedom is eligible for a waiver of 33658  
tuition and student fees under this division only if the student 33659  
is not eligible for a war orphans and severely disabled veterans' 33660  
children scholarship authorized by Chapter 5910. of the Revised 33661  
Code. In any year in which the war orphans and severely disabled 33662  
veterans' children scholarship board reduces the percentage of 33663  
tuition covered by a war orphans and severely disabled veterans' 33664  
children scholarship below one hundred per cent pursuant to 33665  
division (A) of section 5910.04 of the Revised Code, the waiver of 33666  
tuition and student fees under this division for a child of a 33667  
member of the armed services of the United States killed in the 33668  
line of duty during operation enduring freedom or operation Iraqi 33669

freedom shall be reduced by the same percentage. 33670

(3) Any resident of this state who is the spouse or qualified 33671  
former spouse of a public service officer killed in the line of 33672  
duty, and who is admitted to any state university or college as 33673  
defined in division (A)(1) of section 3345.12 of the Revised Code, 33674  
community college, state community college, university branch, or 33675  
technical college, shall not be required to pay any tuition or any 33676  
student fee for up to four academic years of education, which 33677  
shall be at the undergraduate level. 33678

(4) Any resident of this state who is the spouse or qualified 33679  
former spouse of a member of the armed services of the United 33680  
States killed in the line of duty while serving in a combat zone 33681  
after May 7, 1975, and who is admitted to any state university or 33682  
college as defined in division (A)(1) of section 3345.12 of the 33683  
Revised Code, community college, state community college, 33684  
university branch, or technical college, shall not be required to 33685  
pay any tuition or any student fee for up to four years of 33686  
academic education, which shall be at the undergraduate level. In 33687  
order to qualify under division (B)(4) of this section, the spouse 33688  
or qualified former spouse shall have been a resident of this 33689  
state at the time the member was killed in the line of duty. 33690

(C) Any institution that is not subject to division (B) of 33691  
this section and that holds a valid certificate of registration 33692  
issued under Chapter 3332. of the Revised Code, a valid 33693  
certificate issued under Chapter 4709. of the Revised Code, or a 33694  
valid license issued under Chapter 4713. of the Revised Code, or 33695  
that is nonprofit and has a certificate of authorization issued 33696  
under section 1713.02 of the Revised Code, or that is a private 33697  
institution exempt from regulation under Chapter 3332. of the 33698  
Revised Code as prescribed in section 3333.046 of the Revised 33699  
Code, which reduces tuition and student fees of a student who is 33700  
eligible to attend an institution of higher education under the 33701

provisions of division (B) of this section by an amount indicated 33702  
by the chancellor of higher education shall be eligible to receive 33703  
a grant in that amount from the chancellor. 33704

Each institution that enrolls students under division (B) of 33705  
this section shall report to the chancellor, by the first day of 33706  
July of each year, the number of students who were so enrolled and 33707  
the average amount of all such tuition and student fees waived 33708  
during the preceding year. The chancellor shall determine the 33709  
average amount of all such tuition and student fees waived during 33710  
the preceding year. The average amount of the tuition and student 33711  
fees waived under division (B) of this section during the 33712  
preceding year shall be the amount of grants that participating 33713  
institutions shall receive under this division during the current 33714  
year, but no grant under this division shall exceed the tuition 33715  
and student fees due and payable by the student prior to the 33716  
reduction referred to in this division. The grants shall be made 33717  
for four years of undergraduate education of an eligible student. 33718

**Sec. 3333.59.** (A) As used in this section: 33719

(1) "Allocated state share of instruction" means, for any 33720  
fiscal year, the amount of the state share of instruction 33721  
appropriated to the department of higher education by the general 33722  
assembly that is allocated to a community or technical college or 33723  
community or technical college district for such fiscal year. 33724

(2) "Issuing authority" has the same meaning as in section 33725  
154.01 of the Revised Code. 33726

(3) "Bond service charges" has the same meaning as in section 33727  
154.01 of the Revised Code. 33728

(4) "Chancellor" means the chancellor of higher education. 33729

(5) "Community or technical college" or "college" means any 33730  
of the following state-supported or state-assisted institutions of 33731

higher education:	33732
(a) A community college as defined in section 3354.01 of the Revised Code;	33733 33734
(b) A technical college as defined in section 3357.01 of the Revised Code;	33735 33736
(c) A state community college as defined in section 3358.01 of the Revised Code.	33737 33738
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	33739 33740 33741
(a) A community college district as defined in section 3354.01 of the Revised Code;	33742 33743
(b) A technical college district as defined in section 3357.01 of the Revised Code;	33744 33745
(c) A state community college district as defined in section 3358.01 of the Revised Code.	33746 33747
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	33748 33749
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	33750 33751
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, <del>or</del> <u>3358.10, or 3358.11</u> of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the	33752 33753 33754 33755 33756 33757 33758 33759 33760 33761

community or technical college it operates in respect of its 33762  
allocated state share of instruction, for the payment of bond 33763  
service charges on such obligations. 33764

The board of trustees shall deliver to the chancellor a copy 33765  
of the resolution and any additional pertinent information the 33766  
chancellor may require. 33767

The chancellor and the office of budget and management, and 33768  
the issuing authority in the case of obligations to be issued by 33769  
the issuing authority, shall evaluate each request received from a 33770  
community or technical college district under this section. The 33771  
chancellor, with the advice and consent of the director of budget 33772  
and management and the issuing authority in the case of 33773  
obligations to be issued by the issuing authority, shall approve 33774  
each request if all of the following conditions are met: 33775

(1) Approval of the request will enhance the marketability of 33776  
the obligations for which the request is made; 33777

(2) The chancellor and the office of budget and management, 33778  
and the issuing authority in the case of obligations to be issued 33779  
by the issuing authority, have no reason to believe the requesting 33780  
community or technical college district or the community or 33781  
technical college it operates will be unable to pay when due the 33782  
bond service charges on the obligations for which the request is 33783  
made, and bond service charges on those obligations are therefore 33784  
not anticipated to be paid pursuant to this section from the 33785  
allocated state share of instruction for purposes of Section 17 of 33786  
Article VIII, Ohio Constitution. 33787

(3) Any other pertinent conditions established in rules 33788  
adopted under division (H) of this section. 33789

(C) If the chancellor approves the request of a community or 33790  
technical college district to withhold and deposit funds pursuant 33791  
to this section, the chancellor shall enter into a written 33792

agreement with the district and the primary paying agent or fiscal agent for the obligations, which agreement shall provide for the withholding of funds pursuant to this section for the payment of bond service charges on those obligations. The agreement may also include both of the following:

(1) Provisions for certification by the district to the chancellor, prior to the deadline for payment of the applicable bond service charges, whether the district and the community or technical college it operates are able to pay those bond service charges when due;

(2) Requirements that the district or the community or technical college it operates deposits amounts for the payment of those bond service charges with the primary paying agent or fiscal agent for the obligations prior to the date on which the bond service charges are due to the owners or holders of the obligations.

(D) Whenever a district or the community or technical college it operates notifies the chancellor that it will not be able to pay the bond service charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the chancellor that it has not timely received from a district or from the college it operates the full amount needed for payment of the bond service charges when due to the holders or owners of such obligations, the chancellor shall immediately contact the district or college and the paying agent or fiscal agent to confirm that the district and the college are not able to make the required payment by the date on which it is due.

If the chancellor confirms that the district and the college are not able to make the payment and the payment will not be made pursuant to a credit enhancement facility, the chancellor shall promptly pay to the applicable primary paying agent or fiscal

agent the lesser of the amount due for bond service charges or the 33825  
amount of the next periodic distribution scheduled to be made to 33826  
the district or to the college in respect of its allocated state 33827  
share of instruction. If this amount is insufficient to pay the 33828  
total amount then due the agent for the payment of bond service 33829  
charges, the chancellor shall continue to pay to the agent from 33830  
each periodic distribution thereafter, and until the full amount 33831  
due the agent for unpaid bond service charges is paid in full, the 33832  
lesser of the remaining amount due the agent for bond service 33833  
charges or the amount of the next periodic distribution scheduled 33834  
to be made to the district or college in respect of its allocated 33835  
state share of instruction. 33836

(E) The chancellor may make any payments under this section 33837  
by direct deposit of funds by electronic transfer. 33838

Any amount received by a paying agent or fiscal agent under 33839  
this section shall be applied only to the payment of bond service 33840  
charges on the obligations of the community or technical college 33841  
district or community or technical college subject to this section 33842  
or to the reimbursement of the provider of a credit enhancement 33843  
facility that has paid the bond service charges. 33844

(F) The chancellor may make payments under this section to 33845  
paying agents or fiscal agents during any fiscal biennium of the 33846  
state only from and to the extent that money is appropriated to 33847  
the department by the general assembly for distribution during 33848  
such biennium for the state share of instruction and only to the 33849  
extent that a portion of the state share of instruction has been 33850  
allocated to the community or technical college district or 33851  
community or technical college. Obligations of the issuing 33852  
authority or of a community or technical college district to which 33853  
this section is made applicable do not constitute an obligation or 33854  
a debt or a pledge of the faith, credit, or taxing power of the 33855  
state, and the holders or owners of those obligations have no 33856

right to have excises or taxes levied or appropriations made by 33857  
the general assembly for the payment of bond service charges on 33858  
the obligations, and the obligations shall contain a statement to 33859  
that effect. The agreement for or the actual withholding and 33860  
payment of money under this section does not constitute the 33861  
assumption by the state of any debt of a community or technical 33862  
college district or a community or technical college, and bond 33863  
service charges on the related obligations are not anticipated to 33864  
be paid from the state general revenue fund for purposes of 33865  
Section 17 of Article VIII, Ohio Constitution. 33866

(G) In the case of obligations subject to the withholding 33867  
provisions of this section, the issuing community or technical 33868  
college district, or the issuing authority in the case of 33869  
obligations issued by the issuing authority, shall appoint a 33870  
paying agent or fiscal agent who is not an officer or employee of 33871  
the district or college. 33872

(H) The chancellor, with the advice and consent of the office 33873  
of budget and management, may adopt reasonable rules not 33874  
inconsistent with this section for the implementation of this 33875  
section to secure payment of bond service charges on obligations 33876  
issued by a community or technical college district or by the 33877  
issuing authority for the benefit of a community or technical 33878  
college district or the community or technical college it 33879  
operates. Those rules shall include criteria for the evaluation 33880  
and approval or denial of community or technical college district 33881  
requests for withholding under this section. 33882

(I) The authority granted by this section is in addition to 33883  
and not a limitation on any other authorizations granted by or 33884  
pursuant to law for the same or similar purposes. 33885

**Sec. 3333.61.** The chancellor of higher education shall 33886  
establish and administer the Ohio innovation partnership, which 33887

shall consist of the choose Ohio first scholarship program and the 33888  
Ohio research scholars program. Under the programs, the 33889  
chancellor, subject to approval by the controlling board, shall 33890  
make awards to state universities or colleges for programs and 33891  
initiatives that recruit students and scientists in the fields of 33892  
science, technology, engineering, mathematics, medicine, and 33893  
dentistry to state universities or colleges, in order to enhance 33894  
regional educational and economic strengths and meet the needs of 33895  
the state's regional economies. Awards may be granted for programs 33896  
and initiatives to be implemented by a state university or college 33897  
alone or in collaboration with other state institutions of higher 33898  
education, nonpublic Ohio universities and colleges, or other 33899  
public or private Ohio entities. If the chancellor makes an award 33900  
to a program or initiative that is intended to be implemented by a 33901  
state university or college in collaboration with other state 33902  
institutions of higher education or nonpublic Ohio universities or 33903  
colleges, the chancellor may provide that some portion of the 33904  
award be received directly by the collaborating universities or 33905  
colleges consistent with all terms of the Ohio innovation 33906  
partnership. 33907

The choose Ohio first scholarship program shall assign a 33908  
number of scholarships to state universities and colleges to 33909  
recruit Ohio residents as undergraduate, or as provided in section 33910  
3333.66 of the Revised Code graduate, students in the fields of 33911  
science, technology, engineering, mathematics, medicine, and 33912  
dentistry, or in science, technology, engineering, mathematics, 33913  
medical, or dental education. The chancellor also may assign a 33914  
number of choose Ohio first scholarships to state universities and 33915  
colleges to recruit Ohio residents to enroll in certificate 33916  
programs in the fields of science, technology, engineering, 33917  
mathematics, medicine, and dentistry. Choose Ohio first 33918  
scholarships shall be awarded to each participating eligible 33919  
student as a grant to the state university or college the student 33920

is attending and shall be reflected on the student's tuition bill. 33921  
Choose Ohio first scholarships are student-centered grants from 33922  
the state to students to use to attend a university or college and 33923  
are not grants from the state to universities or colleges. 33924

Notwithstanding any other provision of this section or 33925  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 33926  
four-year Ohio institution of higher education may submit a 33927  
proposal for choose Ohio first scholarships or Ohio research 33928  
scholars grants. If the chancellor awards a nonpublic institution 33929  
scholarships or grants, the nonpublic institution shall comply 33930  
with all requirements of this section, sections 3333.62 to 3333.69 33931  
of the Revised Code, and the rules adopted under this section that 33932  
apply to state universities or colleges awarded choose Ohio first 33933  
scholarships or Ohio research scholars grants. 33934

The Ohio research scholars program shall award grants to use 33935  
in recruiting scientists to the faculties of state universities or 33936  
colleges. 33937

The chancellor shall adopt rules in accordance with Chapter 33938  
119. of the Revised Code to administer the programs. 33939

**Sec. 3333.62.** The chancellor of higher education shall 33940  
establish a competitive process for making awards under the choose 33941  
Ohio first scholarship program and the Ohio research scholars 33942  
program. The chancellor, on completion of that process, shall make 33943  
a recommendation to the controlling board asking for approval of 33944  
each award selected by the chancellor. 33945

Any state university or college may apply for one or more 33946  
awards under one or both programs. The state university or college 33947  
shall submit a proposal and other documentation required by the 33948  
chancellor, in the form and manner prescribed by the chancellor, 33949  
for each award it seeks. A proposal may propose an initiative to 33950  
be implemented solely by the state university or college or in 33951

collaboration with other state institutions of higher education, 33952  
nonpublic Ohio universities or colleges, or other public or 33953  
nonpublic Ohio entities. A single proposal may seek an award under 33954  
one or both programs. 33955

The chancellor shall determine which proposals will receive 33956  
awards each fiscal year, and the amount of each award, on the 33957  
basis of the merit of each proposal, which the chancellor, subject 33958  
to approval by the controlling board, shall determine based on one 33959  
or more of the following criteria: 33960

(A) The quality of the program that is the subject of the 33961  
proposal and the extent to which additional resources will enhance 33962  
its quality; 33963

(B) The extent to which the proposal is integrated with the 33964  
strengths of the regional economy; 33965

(C) The extent to which the proposal is integrated with 33966  
centers of research excellence within the private sector; 33967

(D) The amount of other institutional, public, or private 33968  
resources, whether monetary or nonmonetary, that the proposal 33969  
pledges to leverage; 33970

(E) The extent to which the proposal is collaborative with 33971  
other public or nonpublic Ohio institutions of higher education; 33972

(F) The extent to which the proposal is integrated with the 33973  
university's or college's mission and does not displace existing 33974  
resources already committed to the mission; 33975

(G) The extent to which the proposal facilitates a more 33976  
efficient utilization of existing faculty and programs; 33977

(H) The extent to which the proposal meets a statewide 33978  
educational need; 33979

(I) The demonstrated productivity or future capacity of the 33980  
students or scientists to be recruited; 33981

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	33982 33983
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	33984 33985 33986 33987 33988 33989
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	33990 33991 33992
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	33993 33994 33995 33996 33997
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	33998 33999 34000
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	34001 34002 34003 34004
(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;	34005 34006 34007 34008 34009
(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science,	34010 34011 34012

technology, engineering, mathematics, or medicine or in science, 34013  
technology, engineering, mathematics, or medical education; 34014

(R) The extent to which the proposal will increase the number 34015  
of women participating in the choose Ohio first scholarship 34016  
program; 34017

(S) The extent to which the proposal encourages students to 34018  
complete a certificate program at a state university or college. 34019

**Sec. 3333.66.** (A)(1) Except as provided in ~~division~~ divisions 34020  
(A)(2), (3), and (4) of this section, in each academic year, no 34021  
student who receives a choose Ohio first scholarship shall receive 34022  
less than one thousand five hundred dollars or more than one-half 34023  
of the highest in-state undergraduate instructional and general 34024  
fees charged by all state universities. For this purpose, if Miami 34025  
university is implementing the pilot tuition restructuring plan 34026  
originally recognized in Am. Sub. H.B. 95 of the 125th general 34027  
assembly, that university's instructional and general fees shall 34028  
be considered to be the average full-time in-state undergraduate 34029  
instructional and general fee amount after taking into account the 34030  
Ohio resident and Ohio leader scholarships and any other credit 34031  
provided to all Ohio residents. 34032

(2) The chancellor of higher education may authorize a state 34033  
university or college or a nonpublic Ohio institution of higher 34034  
education to award a choose Ohio first scholarship in an amount 34035  
greater than one-half of the highest in-state undergraduate 34036  
instructional and general fees charged by all state universities 34037  
to either of the following: 34038

(a) Any undergraduate student who qualifies for a scholarship 34039  
and is enrolled in a program leading to a teaching profession in 34040  
science, technology, engineering, mathematics, or medicine; 34041

(b) Any graduate student who qualifies for a scholarship, if 34042

any initiatives are selected for award under division (B) of this section. 34043  
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(3) The chancellor may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in the amount of not less than five hundred dollars but not more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to a student enrolled in a certificate program designated as an eligible program by the chancellor. 34045  
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(4) A student receiving multiple awards under division (A) of this section may exceed the maximum permitted provided that each award is within its permitted amount. 34053  
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(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following: 34056  
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(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award. 34062  
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(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who 34071  
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received, or will receive, a degree in science, technology, 34074  
engineering, mathematics, or medicine to participate in a 34075  
graduate-level teacher education masters program in one of those 34076  
fields that requires the student to establish a domicile in the 34077  
state and to commit to teach for a minimum of three years in a 34078  
hard-to-staff school district in the state upon completion of the 34079  
master's degree program. The chancellor may require a college or 34080  
university to give priority to qualified candidates who graduated 34081  
from a high school in this state. 34082

"Hard-to-staff" shall be as defined by the department of 34083  
education. 34084

(C) The general assembly intends that money appropriated for 34085  
the choose Ohio first scholarship program in each fiscal year be 34086  
used for scholarships in the following academic year. 34087

**Sec. 3345.48.** (A) As used in this section: 34088

(1) "Cohort" means a group of students who will complete 34089  
their bachelor's degree requirements and graduate from a state 34090  
university at the same time. A cohort may include transfer 34091  
students and other selected undergraduate student academic 34092  
programs as determined by the board of trustees of a state 34093  
university. 34094

(2) "Eligible student" means an undergraduate student who: 34095

(a) Is enrolled full-time in a bachelor's degree program at a 34096  
state university; 34097

(b) Is a resident of this state, as defined by the chancellor 34098  
of higher education under section 3333.31 of the Revised Code. 34099

(3) "State university" has the same meaning as in section 34100  
3345.011 of the Revised Code. 34101

(B) The board of trustees of a each state university ~~may~~ 34102  
shall establish an undergraduate tuition guarantee program that 34103

allows eligible students in the same cohort to pay a fixed rate 34104  
for general and instructional fees for four years. A board of 34105  
trustees may include room and board and any additional fees in the 34106  
program. 34107

~~If the board of trustees chooses to establish such a program,~~ 34108  
~~the~~ The board shall adopt rules for the program that include, but 34109  
are not limited to, all of the following: 34110

(1) The number of credit hours required to earn an 34111  
undergraduate degree in each major; 34112

(2) A guarantee that the general and instructional fees for 34113  
each student in the cohort shall remain constant for four years so 34114  
long as the student complies with the requirements of the program, 34115  
except that, notwithstanding any law to the contrary, the board 34116  
may increase the guaranteed amount by up to six per cent above 34117  
what has been charged in the previous academic year one time for 34118  
the first cohort enrolled under the tuition guarantee program. If 34119  
the board of trustees determines that economic conditions or other 34120  
circumstances require an increase for the first cohort of above 34121  
six per cent, the board shall submit a request to increase the 34122  
amount by a specified percentage to the chancellor. The 34123  
chancellor, based on information the chancellor requires from the 34124  
board of trustees, shall approve or disapprove such a request. 34125  
Thereafter, the board of trustees may increase the guaranteed 34126  
amount by up to the sum of the following above what has been 34127  
charged in the previous academic year one time per subsequent 34128  
cohort: 34129

(a) The average rate of inflation, as measured by the 34130  
consumer price index prepared by the bureau of labor statistics of 34131  
the United States department of labor (all urban consumers, all 34132  
items), for the previous ~~sixty-month~~ thirty-six-month period; and 34133

(b) The percentage amount the general assembly restrains 34134

increases on in-state undergraduate instructional and general fees 34135  
for the applicable fiscal year. If the general assembly does not 34136  
enact a limit on the increase of in-state undergraduate 34137  
instructional and general fees, then no limit shall apply under 34138  
this division for the cohort that first enrolls in any academic 34139  
year for which the general assembly does not prescribe a limit. 34140

If, beginning with the academic year that starts four years 34141  
after September 29, 2013, the board of trustees determines that 34142  
the general and instructional fees charged under the tuition 34143  
guarantee have fallen significantly lower than those of other 34144  
state universities, the board of trustees may submit a request to 34145  
increase the amount charged to a cohort by a specified percentage 34146  
to the chancellor, who shall approve or disapprove such a request. 34147

(3) A benchmark by which the board sets annual increases in 34148  
general and instructional fees. This benchmark and any subsequent 34149  
change to the benchmark shall be subject to approval of the 34150  
chancellor. 34151

(4) Eligibility requirements for students to participate in 34152  
the program; 34153

(5) Student rights and privileges under the program; 34154

(6) Consequences to the university for students unable to 34155  
complete a degree program within four years, as follows: 34156

(a) For a student who could not complete the program in four 34157  
years due to a lack of available classes or space in classes 34158  
provided by the university, the university shall provide the 34159  
necessary course or courses for completion to the student free of 34160  
charge. 34161

(b) For a student who could not complete the program in four 34162  
years due to military service or other circumstances beyond a 34163  
student's control, as determined by the board of trustees, the 34164  
university shall provide the necessary course or courses for 34165

completion to the student at the student's initial cohort rate.	34166
(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.	34167 34168 34169 34170 34171 34172
(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;	34173 34174 34175
(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.	34176 34177 34178
<del>(C) If a board of trustees implements a program under this section, the</del> The board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.	34179 34180 34181 34182
The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.	34183 34184 34185
(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.	34186 34187 34188
<del>(E) Within five years after September 29, 2013, the chancellor shall publish on the chancellor's web site a report that includes all of the following:</del>	34189 34190 34191
<del>(1) The state universities that have adopted an undergraduate tuition guarantee program under this section;</del>	34192 34193
<del>(2) The details of each undergraduate tuition guarantee program established under this section;</del>	34194 34195

~~(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities.~~

~~(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section.~~

**Sec. 3345.55.** (A) For purposes of this section, "university" includes a state institution of higher education as defined in section 3345.011 of the Revised Code and a university housing commission created under section 3347.01 of the Revised Code.

(B) Each university may enter into a lease agreement with a nonpublic vendor to provide housing services in campus housing facilities to students of the university. The lease agreement may require the vendor to construct new campus housing facilities or improve existing campus housing facilities to serve students. The vendor with whom the university enters into an agreement shall be responsible for the operation and maintenance of the housing facilities. The lease shall be for a term of at least twenty years but shall not exceed ~~thirty~~ seventy-five years. The lease agreement shall specify that the vendor is required to lease housing units to students of the university. Any university housing policies shall extend to and be enforced by the vendors with whom the university contracts.

(C) If the vendors with whom the university has entered into a lease agreement violate the terms of the lease, the university may revoke the lease and regain operational control over the dormitory.

(D) Any campus housing facilities included in a lease agreement entered into under this section, including campus

housing facilities constructed by a nonpublic vendor under a lease agreement, shall retain an exemption from property taxes and assessments in accordance with division (M) of section 3345.12 of the Revised Code. 34227  
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**Sec. 3345.57.** (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 34231  
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(B) A state institution of higher education may establish a program under which an employee of the institution may donate that employee's accrued but unused paid leave to another employee of the institution who has no accrued but unused paid leave and who has a critical need for it because of circumstances such as a serious illness or the serious illness of a member of the employee's immediate family. If a state institution of higher education establishes a leave donation program under this section, the institution shall adopt rules in accordance with ~~Chapter 119-~~ section 111.15 of the Revised Code to provide for the administration of the program. These rules shall include, but not be limited to, provisions that identify the circumstances under which leave may be donated and that specify the amount, types, and value of leave that may be donated. 34234  
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**Sec. 3353.07.** (A) There is hereby created the Ohio government telecommunications service. The Ohio government telecommunications service shall provide the state government and affiliated organizations with multimedia support including audio, visual, and internet services, multimedia streaming, and hosting multimedia programs. 34248  
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Services relating to the official activities of the general assembly and the executive offices provided by the Ohio government telecommunications service shall be funded through grants to an 34254  
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educational television broadcasting station that will manage the 34257  
staff and provide the services of the Ohio government 34258  
telecommunications service. The Ohio educational television 34259  
stations shall select a member station to manage the Ohio 34260  
government telecommunications service. The Ohio government 34261  
telecommunications service shall receive grants from, or contract 34262  
with, any of the three branches of Ohio government, and their 34263  
affiliates, to provide additional services. Services provided by 34264  
the Ohio government telecommunications service shall not be used 34265  
for political purposes included in campaign materials, or 34266  
otherwise used to influence an election, legislation, issue, 34267  
judicial decision, or other policy of state government. 34268

(B)(1) There is hereby created the legislative programming 34269  
committee of the Ohio government telecommunications service that 34270  
shall consist of the president of the senate, speaker of the house 34271  
of representatives, minority leader of the senate, and minority 34272  
leader of the house of representatives, or their designees, and 34273  
the clerks of the senate and house of representatives as 34274  
nonvoting, ex officio members. By a vote of a majority of its 34275  
members, the program committee may add additional members to the 34276  
committee. 34277

(2) The legislative programming committee shall adopt rules 34278  
that govern the operation of the Ohio government 34279  
telecommunications service relating to the general assembly and 34280  
any affiliated organizations. 34281

(C) The Ohio government telecommunications service is 34282  
authorized to broadcast and record any committee meeting of the 34283  
senate or house of representatives as directed by the presiding 34284  
officer of the senate or house of representatives. 34285

As used in this division, "committee" and "meeting" have the 34286  
same meanings as in section 101.15 of the Revised Code. 34287

Sec. 3358.02. (A) A state community college district may be 34288  
created to take the place of a technical college or a university 34289  
branch with the approval of the ~~Ohio board of regents~~ chancellor 34290  
of higher education upon the proposal of the board of trustees of 34291  
a technical college district, or upon the proposal of the board of 34292  
trustees of a state university, or upon the joint proposal of both 34293  
such boards, and pursuant to an agreement entered into under 34294  
section 3358.05 of the Revised Code. A state community college 34295  
district may not be created to take the place of both a technical 34296  
college district and a university branch without the consent of 34297  
both boards of trustees. 34298

The attorney general shall be the attorney for each state 34299  
community college district and shall provide legal advice in all 34300  
matters relating to its powers and duties. 34301

(B)(1) Qualified electors residing in a county, or in two or 34302  
more contiguous counties, with a total population of at least one 34303  
hundred fifty thousand may, in the manner prescribed in division 34304  
(C) of section 3354.02 of the Revised Code, execute a petition 34305  
proposing the creation of a state community college district 34306  
within the territory of the county or counties. Upon the 34307  
certification to the ~~board of regents~~ chancellor that a majority 34308  
of the electors voting on the proposition in the territory in 34309  
which the proposed college is to be located voted in favor 34310  
thereof, the ~~board~~ chancellor may create a state community college 34311  
district comprising the territory included in the petition. 34312

(2) The board of county commissioners of a county in which 34314  
there is no university branch or technical college and which has a 34315  
population of not less than one hundred fifty thousand may, by 34316  
resolution approved by two-thirds of its members, propose the 34317  
creation of a state community college district within the county. 34318

Upon certification to the ~~board of regents~~ chancellor of a copy of 34319  
such resolution, the ~~board~~ chancellor may create a state community 34320  
college district comprising a county. 34321

(3) The boards of county commissioners of any two or more 34322  
contiguous counties in which there is no university branch or 34323  
technical college and which have a combined population of not less 34324  
than one hundred fifty thousand may, by a resolution approved by 34325  
two-thirds of the members of each such board, jointly propose the 34326  
creation of a state community college district within the 34327  
territory of the counties. Upon certification to the ~~board of~~ 34328  
~~regents~~ chancellor of a copy of the resolution, the ~~board~~ 34329  
chancellor may create a state community college district 34330  
comprising the counties. 34331

(C) A state community college district may be expanded to 34332  
include one or more counties, by a majority vote of the board of 34333  
trustees and upon approval by the ~~board of regents~~ chancellor. 34334

(D) Upon a proposal of the board of trustees of a state 34335  
community college district, the ~~board of regents~~ chancellor may 34336  
amend the charter of a state community college to change it into a 34337  
community college as defined in section 3354.01 of the Revised 34338  
Code, in order to permit the college to seek a local levy. Such 34339  
amendment of the charter is effective immediately upon its 34340  
acceptance by the ~~board of regents~~ chancellor, and the state 34341  
community college district shall thereupon become a community 34342  
college district. If a levy is defeated by the voters or if no 34343  
levy is approved by the electors within one year after the date 34344  
the amendment takes effect, such amendment becomes void, and the 34345  
college shall thereupon become a a state community college, and 34346  
the district operating such college shall become a state community 34347  
college district. On the effective date of a charter amendment the 34348  
board of trustees of the state community college district shall 34349  
become the initial board of trustees for the community college 34350

district to serve for the balance of their existing terms, and the board or boards of county commissioners from the counties involved shall fill the first six vacancies occurring on the community college board, and thereafter board members shall be appointed under section 3354.05 of the Revised Code. If such an amendment takes effect and is subsequently voided under this section, any persons appointed to the board during the period the amendment was in effect shall be considered members of the state community college district board, and thereafter trustees shall be appointed in accordance with section 3358.03 of the Revised Code.

Within thirty days after approval by the ~~board of regents~~ chancellor of a state community college district proposed under this section, the ~~board of regents~~ chancellor shall file with the secretary of state a copy of ~~its~~ the chancellor's certification ~~or resolution~~ creating the district. This copy shall be recorded in the office of the secretary of state, who shall then declare the district to be established.

In addition to the process described in this division, a state community college may seek a local levy in accordance with section 3358.11 of the Revised Code for the purposes prescribed in that section.

**Sec. 3358.06.** (A)(1) The treasurer of each state community college district shall be its fiscal officer, and the treasurer shall receive and disburse all funds under the direction of the college president. No contract of the college's board of trustees involving the expenditure of money shall become effective until the treasurer certifies that there are funds of the board otherwise uncommitted and sufficient to provide therefor, subject to division (A)(2) of this section.

When the treasurer ceases to hold the office, the treasurer or the treasurer's legal representative shall deliver to the

treasurer's successor or the president all moneys, books, papers, 34382  
and other property of the college. 34383

Before entering upon the discharge of official duties, the 34384  
treasurer shall give bond to the state or be insured for the 34385  
faithful performance of official duties and the proper accounting 34386  
for all moneys coming into the treasurer's care. The amount of the 34387  
bond or insurance shall be determined by the board but shall not 34388  
be for a sum less than the estimated amount that may come into the 34389  
treasurer's control at any time, less any reasonable deductible. 34390

(2) If the board of trustees levies a tax under section 34391  
3358.11 of the Revised Code, the board and the treasurer are 34392  
subject to and shall comply with division (D) of section 5705.41 34393  
of the Revised Code. 34394

(B) The board of trustees may provide for the investment of 34395  
district funds. Investments may be made in securities of the 34396  
United States government or of its agencies or instrumentalities, 34397  
the treasurer of state's pooled investment program, obligations of 34398  
this state or any political subdivision of this state, 34399  
certificates of deposit of any national bank located in this 34400  
state, written repurchase agreements with any eligible Ohio 34401  
financial institution that is a member of the federal reserve 34402  
system or federal home loan bank, money market funds, or bankers 34403  
acceptances maturing in two hundred seventy days or less which are 34404  
eligible for purchase by the federal reserve system, as a reserve. 34405  
Notwithstanding the foregoing or any provision of the Revised Code 34406  
to the contrary, the board of trustees of a state community 34407  
college district may provide for the investment of district funds 34408  
in any manner authorized under section 3345.05 of the Revised 34409  
Code. 34410

Sec. 3358.11. (A) In the same manner as a tax may be proposed 34411  
by a board of trustees of a community college district under 34412

section 3354.12 of the Revised Code, the board of trustees of a 34413  
state community college district may adopt and certify a 34414  
resolution to the board of elections of one or more of the 34415  
counties comprising the state community college district directing 34416  
the board of elections to place on the ballot at any general or 34417  
special election the question of levying a tax in excess of the 34418  
ten-mill limitation on all the taxable property in that county or 34419  
those counties. The tax may be for any of the following purposes, 34420  
as stated in the resolution: 34421

(1) The acquisition of sites in that county or those 34422  
counties; 34423

(2) The erection, furnishing, and equipment of buildings in 34424  
that county or those counties; 34425

(3) The acquisition, construction, or improvement of any 34426  
property in that county or those counties which the board of 34427  
trustees of a state community college is authorized to acquire, 34428  
construct, or improve and which has an estimated life or 34429  
usefulness of five years or more as certified by the treasurer of 34430  
the board of trustees. 34431

The resolution shall declare that the proceeds of the levy or 34432  
issue may be used solely within the county or counties in which 34433  
the tax is levied and state the term of the tax, which may be for 34434  
any term authorized for a tax levied under section 3354.12 of the 34435  
Revised Code. The question of such a tax may not be submitted at 34436  
more than two special elections held in any one calendar year. 34437  
Levies for a continuing period of time adopted under this section 34438  
may be reduced in accordance with section 5705.261 of the Revised 34439  
Code. 34440

The election shall be held, canvassed, and certified in the 34441  
manner provided for the submission of a tax levy under section 34442  
3354.12 of the Revised Code. A tax levied under this section may 34443

be renewed in the same manner as a tax levied under section 34444  
3354.12 of the Revised Code or replaced in accordance with section 34445  
5705.192 of the Revised Code. 34446

If electors approve the levy, the board of trustees may 34447  
anticipate a fraction of the proceeds of the levy and may, from 34448  
time to time, issue anticipation notes in the same manner and 34449  
subject to the same limitations provided under section 3354.12 of 34450  
the Revised Code. 34451

(B) In accordance with Chapter 133. of the Revised Code, the 34452  
board of trustees of a state community college district may adopt 34453  
and certify a resolution to the board of elections of one or more 34454  
of the counties comprising the district directing the board of 34455  
elections to place on the ballot at any election authorized under 34456  
section 133.18 of the Revised Code both of the following 34457  
questions: 34458

(1) The question of issuing bonds for paying all or part of 34459  
the cost of the following: 34460

(a) The purchase of sites in that county or those counties; 34461

(b) The erection, furnishings, and equipment of buildings in 34462  
that county or those counties; 34463

(c) The acquisition or construction of any property in that 34464  
county or those counties which the board of trustees is authorized 34465  
to acquire or construct and which has an estimated life or 34466  
usefulness of five years or more as certified by the treasurer of 34467  
the board of trustees. 34468

(2) The question of levying a tax in excess of the ten-mill 34469  
limitation on all the taxable property in that county or those 34470  
counties to pay the interest on and retire any bonds approved by 34471  
the electors under division (B)(1) of this section. 34472

The election shall be held, canvassed, and certified in the 34473

manner provided for the submission of a bond issuance and tax levy 34474  
under section 3354.11 of the Revised Code. Bonds approved by 34475  
electors under division (B)(1) of this section may be issued for 34476  
one or more improvements which the district is authorized to 34477  
acquire or construct, notwithstanding the fact that such 34478  
improvements may not be for more than one purpose under Chapter 34479  
133. of the Revised Code. 34480

Notes may be issued in anticipation of any bonds that may be 34481  
approved by the electors under division (B)(1) of this section in 34482  
the manner provided under section 133.22 of the Revised Code. 34483

For the purpose of applying Chapter 133. of the Revised Code 34484  
to division (B) of this section, the treasurer of the state 34485  
community college district shall be considered to be the 34486  
district's fiscal officer, and the board of trustees of the state 34487  
community college district shall be considered to be the taxing 34488  
authority. 34489

(C) The board of trustees of a state community college 34490  
district that levies a tax or proposes to levy a tax under 34491  
division (A) or (B) of this section shall be considered to be a 34492  
taxing authority, the county or counties in which the tax is 34493  
levied shall be considered to be a subdivision, and the treasurer 34494  
of the board of trustees shall be considered to be a fiscal 34495  
officer for the purposes of Chapter 5705. of the Revised Code, 34496  
except for section 5705.19 of the Revised Code. 34497

**Sec. 3501.01.** As used in the sections of the Revised Code 34498  
relating to elections and political communications: 34499

(A) "General election" means the election held on the first 34500  
Tuesday after the first Monday in each November. 34501

(B) "Regular municipal election" means the election held on 34502  
the first Tuesday after the first Monday in November in each 34503

odd-numbered year. 34504

(C) "Regular state election" means the election held on the 34505  
first Tuesday after the first Monday in November in each 34506  
even-numbered year. 34507

(D) "Special election" means any election other than those 34508  
elections defined in other divisions of this section. A special 34509  
election may be held only on the first Tuesday after the first 34510  
Monday in May, August, or November, or on the day authorized by a 34511  
particular municipal or county charter for the holding of a 34512  
primary election, except that in any year in which a presidential 34513  
primary election is held, no special election shall be held in 34514  
May, except as authorized by a municipal or county charter, but 34515  
may be held on the ~~second~~ third Tuesday after the first Monday in 34516  
March. 34517

(E)(1) "Primary" or "primary election" means an election held 34518  
for the purpose of nominating persons as candidates of political 34519  
parties for election to offices, and for the purpose of electing 34520  
persons as members of the controlling committees of political 34521  
parties and as delegates and alternates to the conventions of 34522  
political parties. Primary elections shall be held on the first 34523  
Tuesday after the first Monday in May of each year except in years 34524  
in which a presidential primary election is held. 34525

(2) "Presidential primary election" means a primary election 34526  
as defined by division (E)(1) of this section at which an election 34527  
is held for the purpose of choosing delegates and alternates to 34528  
the national conventions of the major political parties pursuant 34529  
to section 3513.12 of the Revised Code. Unless otherwise 34530  
specified, presidential primary elections are included in 34531  
references to primary elections. In years in which a presidential 34532  
primary election is held, all primary elections shall be held on 34533  
the ~~second~~ third Tuesday after the first Monday in March except as 34534  
otherwise authorized by a municipal or county charter. 34535

(F) "Political party" means any group of voters meeting the requirements set forth in section 3517.01 of the Revised Code for the formation and existence of a political party.

(1) "Major political party" means any political party organized under the laws of this state whose candidate for governor or nominees for presidential electors received not less than twenty per cent of the total vote cast for such office at the most recent regular state election.

(2) "Minor political party" means any political party organized under the laws of this state that meets either of the following requirements:

(a) Except as otherwise provided in this division, the political party's candidate for governor or nominees for presidential electors received less than twenty per cent but not less than three per cent of the total vote cast for such office at the most recent regular state election. A political party that meets the requirements of this division remains a political party for a period of four years after meeting those requirements.

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular

state election at which a governor was elected received more votes 34567  
than any other person received for election to that office in such 34568  
precinct at such election. 34569

(H) "Candidate" means any qualified person certified in 34570  
accordance with the provisions of the Revised Code for placement 34571  
on the official ballot of a primary, general, or special election 34572  
to be held in this state, or any qualified person who claims to be 34573  
a write-in candidate, or who knowingly assents to being 34574  
represented as a write-in candidate by another at either a 34575  
primary, general, or special election to be held in this state. 34576

(I) "Independent candidate" means any candidate who claims 34577  
not to be affiliated with a political party, and whose name has 34578  
been certified on the office-type ballot at a general or special 34579  
election through the filing of a statement of candidacy and 34580  
nominating petition, as prescribed in section 3513.257 of the 34581  
Revised Code. 34582

(J) "Nonpartisan candidate" means any candidate whose name is 34583  
required, pursuant to section 3505.04 of the Revised Code, to be 34584  
listed on the nonpartisan ballot, including all candidates for 34585  
judicial office, for member of any board of education, for 34586  
municipal or township offices in which primary elections are not 34587  
held for nominating candidates by political parties, and for 34588  
offices of municipal corporations having charters that provide for 34589  
separate ballots for elections for these offices. 34590

(K) "Party candidate" means any candidate who claims to be a 34591  
member of a political party and who has been certified to appear 34592  
on the office-type ballot at a general or special election as the 34593  
nominee of a political party because the candidate has won the 34594  
primary election of the candidate's party for the public office 34595  
the candidate seeks, has been nominated under section 3517.012, or 34596  
is selected by party committee in accordance with section 3513.31 34597  
of the Revised Code. 34598

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division

of elections in the capacity of attorney, administrative officer,	34629
administrative assistant, elections administrator, office manager,	34630
or clerical supervisor;	34631
(3) Director of a board of elections;	34632
(4) Deputy director of a board of elections;	34633
(5) Member of a board of elections;	34634
(6) Employees of a board of elections;	34635
(7) Precinct election officials;	34636
(8) Employees appointed by the boards of elections on a	34637
temporary or part-time basis.	34638
(V) "Acknowledgment notice" means a notice sent by a board of	34639
elections, on a form prescribed by the secretary of state,	34640
informing a voter registration applicant or an applicant who	34641
wishes to change the applicant's residence or name of the status	34642
of the application; the information necessary to complete or	34643
update the application, if any; and if the application is	34644
complete, the precinct in which the applicant is to vote.	34645
(W) "Confirmation notice" means a notice sent by a board of	34646
elections, on a form prescribed by the secretary of state, to a	34647
registered elector to confirm the registered elector's current	34648
address.	34649
(X) "Designated agency" means an office or agency in the	34650
state that provides public assistance or that provides	34651
state-funded programs primarily engaged in providing services to	34652
persons with disabilities and that is required by the National	34653
Voter Registration Act of 1993 to implement a program designed and	34654
administered by the secretary of state for registering voters, or	34655
any other public or government office or agency that implements a	34656
program designed and administered by the secretary of state for	34657
registering voters, including the department of job and family	34658

services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) "Photo identification" means a document that meets each of the following requirements:

(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook.

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.

(3) It shows a photograph of the individual to whom it was issued.

(4) It includes an expiration date that has not passed.

(5) It was issued by the government of the United States or

this state. 34689

**Sec. 3501.05.** The secretary of state shall do all of the 34690  
following: 34691

(A) Appoint all members of boards of elections; 34692

(B) Issue instructions by directives and advisories in 34693  
accordance with section 3501.053 of the Revised Code to members of 34694  
the boards as to the proper methods of conducting elections. 34695

(C) Prepare rules and instructions for the conduct of 34696  
elections; 34697

(D) Publish and furnish to the boards from time to time a 34698  
sufficient number of indexed copies of all election laws then in 34699  
force; 34700

(E) Edit and issue all pamphlets concerning proposed laws or 34701  
amendments required by law to be submitted to the voters; 34702

(F) Prescribe the form of registration cards, blanks, and 34703  
records; 34704

(G) Determine and prescribe the forms of ballots and the 34705  
forms of all blanks, cards of instructions, pollbooks, tally 34706  
sheets, certificates of election, and forms and blanks required by 34707  
law for use by candidates, committees, and boards; 34708

(H) Prepare the ballot title or statement to be placed on the 34709  
ballot for any proposed law or amendment to the constitution to be 34710  
submitted to the voters of the state; 34711

(I) Except as otherwise provided in section 3519.08 of the 34712  
Revised Code, certify to the several boards the forms of ballots 34713  
and names of candidates for state offices, and the form and 34714  
wording of state referendum questions and issues, as they shall 34715  
appear on the ballot; 34716

(J) Except as otherwise provided in division (I)(2)(b) of 34717

section 3501.38 of the Revised Code, give final approval to ballot 34718  
language for any local question or issue approved and transmitted 34719  
by boards of elections under section 3501.11 of the Revised Code; 34720

(K) Receive all initiative and referendum petitions on state 34721  
questions and issues and determine and certify to the sufficiency 34722  
of those petitions; 34723

(L) Require such reports from the several boards as are 34724  
provided by law, or as the secretary of state considers necessary; 34725

(M) Compel the observance by election officers in the several 34726  
counties of the requirements of the election laws; 34727

(N)(1) Except as otherwise provided in division (N)(2) of 34728  
this section, investigate the administration of election laws, 34729  
frauds, and irregularities in elections in any county, and report 34730  
violations of election laws to the attorney general or prosecuting 34731  
attorney, or both, for prosecution; 34732

(2) On and after August 24, 1995, report a failure to comply 34733  
with or a violation of a provision in sections 3517.08 to 3517.13, 34734  
~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, or 3599.031 of the 34735  
Revised Code, whenever the secretary of state has or should have 34736  
knowledge of a failure to comply with or a violation of a 34737  
provision in one of those sections, by filing a complaint with the 34738  
Ohio elections commission under section 3517.153 of the Revised 34739  
Code. 34740

(O) Make an annual report to the governor containing the 34741  
results of elections, the cost of elections in the various 34742  
counties, a tabulation of the votes in the several political 34743  
subdivisions, and other information and recommendations relative 34744  
to elections the secretary of state considers desirable; 34745

(P) Prescribe and distribute to boards of elections a list of 34746  
instructions indicating all legal steps necessary to petition 34747  
successfully for local option elections under sections 4301.32 to 34748

4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 34749

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 34750  
for the removal by boards of elections of ineligible voters from 34751  
the statewide voter registration database and, if applicable, from 34752  
the poll list or signature pollbook used in each precinct, which 34753  
rules shall provide for all of the following: 34754

(1) A process for the removal of voters who have changed 34755  
residence, which shall be uniform, nondiscriminatory, and in 34756  
compliance with the Voting Rights Act of 1965 and the National 34757  
Voter Registration Act of 1993, including a program that uses the 34758  
national change of address service provided by the United States 34759  
postal system through its licensees; 34760

(2) A process for the removal of ineligible voters under 34761  
section 3503.21 of the Revised Code; 34762

(3) A uniform system for marking or removing the name of a 34763  
voter who is ineligible to vote from the statewide voter 34764  
registration database and, if applicable, from the poll list or 34765  
signature pollbook used in each precinct and noting the reason for 34766  
that mark or removal. 34767

(R) Prescribe a general program for registering voters or 34768  
updating voter registration information, such as name and 34769  
residence changes, by boards of elections, designated agencies, 34770  
offices of deputy registrars of motor vehicles, public high 34771  
schools and vocational schools, public libraries, and offices of 34772  
county treasurers consistent with the requirements of section 34773  
3503.09 of the Revised Code; 34774

(S) Prescribe a program of distribution of voter registration 34775  
forms through boards of elections, designated agencies, offices of 34776  
the registrar and deputy registrars of motor vehicles, public high 34777  
schools and vocational schools, public libraries, and offices of 34778  
county treasurers; 34779

(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state; 34780  
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(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter; 34783  
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(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following: 34788  
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(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities; 34791  
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(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters; 34793  
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34795  
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(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment. 34797  
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(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system; 34800  
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(X) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result of any conference or teleconference call with a board of elections to discuss the proper methods and procedures for conducting elections, to answer questions regarding elections, or to discuss the interpretation of directives, advisories, or other 34805  
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instructions issued by the secretary of state are posted on a web 34811  
site of the office of the secretary of state as soon as is 34812  
practicable after the completion of the conference or 34813  
teleconference call, but not later than the close of business on 34814  
the same day as the conference or teleconference call takes place. 34815

(Y) Publish a report on a web site of the office of the 34816  
secretary of state not later than one month after the completion 34817  
of the canvass of the election returns for each primary and 34818  
general election, identifying, by county, the number of absent 34819  
voter's ballots cast and the number of those ballots that were 34820  
counted, and the number of provisional ballots cast and the number 34821  
of those ballots that were counted, for that election. The 34822  
secretary of state shall maintain the information on the web site 34823  
in an archive format for each subsequent election. 34824

(Z) Conduct voter education outlining voter identification, 34825  
absent voters ballot, provisional ballot, and other voting 34826  
requirements; 34827

(AA) Establish a procedure by which a registered elector may 34828  
make available to a board of elections a more recent signature to 34829  
be used in the poll list or signature pollbook produced by the 34830  
board of elections of the county in which the elector resides; 34831

(BB) Disseminate information, which may include all or part 34832  
of the official explanations and arguments, by means of direct 34833  
mail or other written publication, broadcast, or other means or 34834  
combination of means, as directed by the Ohio ballot board under 34835  
division (F) of section 3505.062 of the Revised Code, in order to 34836  
inform the voters as fully as possible concerning each proposed 34837  
constitutional amendment, proposed law, or referendum; 34838

(CC) Be the single state office responsible for the 34839  
implementation of the "Uniformed and Overseas Citizens Absentee 34840  
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 34841

et seq., as amended, in this state. The secretary of state may 34842  
delegate to the boards of elections responsibilities for the 34843  
implementation of that act, including responsibilities arising 34844  
from amendments to that act made by the "Military and Overseas 34845  
Voter Empowerment Act," Subtitle H of the "National Defense 34846  
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 34847  
Stat. 3190. 34848

(DD) Adopt rules, under Chapter 119. of the Revised Code, to 34849  
establish procedures and standards for determining when a board of 34850  
elections shall be placed under the official oversight of the 34851  
secretary of state, placing a board of elections under the 34852  
official oversight of the secretary of state, a board that is 34853  
under official oversight to transition out of official oversight, 34854  
and the secretary of state to supervise a board of elections that 34855  
is under official oversight of the secretary of state. 34856

(EE) Perform other duties required by law. 34857

Whenever a primary election is held under section 3513.32 of 34858  
the Revised Code or a special election is held under section 34859  
3521.03 of the Revised Code to fill a vacancy in the office of 34860  
representative to congress, the secretary of state shall establish 34861  
a deadline, notwithstanding any other deadline required under the 34862  
Revised Code, by which any or all of the following shall occur: 34863  
the filing of a declaration of candidacy and petitions or a 34864  
statement of candidacy and nominating petition together with the 34865  
applicable filing fee; the filing of protests against the 34866  
candidacy of any person filing a declaration of candidacy or 34867  
nominating petition; the filing of a declaration of intent to be a 34868  
write-in candidate; the filing of campaign finance reports; the 34869  
preparation of, and the making of corrections or challenges to, 34870  
precinct voter registration lists; the receipt of applications for 34871  
absent voter's ballots or uniformed services or overseas absent 34872  
voter's ballots; the supplying of election materials to precincts 34873

by boards of elections; the holding of hearings by boards of 34874  
elections to consider challenges to the right of a person to 34875  
appear on a voter registration list; and the scheduling of 34876  
programs to instruct or reinstruct election officers. 34877

In the performance of the secretary of state's duties as the 34878  
chief election officer, the secretary of state may administer 34879  
oaths, issue subpoenas, summon witnesses, compel the production of 34880  
books, papers, records, and other evidence, and fix the time and 34881  
place for hearing any matters relating to the administration and 34882  
enforcement of the election laws. 34883

In any controversy involving or arising out of the adoption 34884  
of registration or the appropriation of funds for registration, 34885  
the secretary of state may, through the attorney general, bring an 34886  
action in the name of the state in the court of common pleas of 34887  
the county where the cause of action arose or in an adjoining 34888  
county, to adjudicate the question. 34889

In any action involving the laws in Title XXXV of the Revised 34890  
Code wherein the interpretation of those laws is in issue in such 34891  
a manner that the result of the action will affect the lawful 34892  
duties of the secretary of state or of any board of elections, the 34893  
secretary of state may, on the secretary of state's motion, be 34894  
made a party. 34895

The secretary of state may apply to any court that is hearing 34896  
a case in which the secretary of state is a party, for a change of 34897  
venue as a substantive right, and the change of venue shall be 34898  
allowed, and the case removed to the court of common pleas of an 34899  
adjoining county named in the application or, if there are cases 34900  
pending in more than one jurisdiction that involve the same or 34901  
similar issues, the court of common pleas of Franklin county. 34902

Public high schools and vocational schools, public libraries, 34903  
and the office of a county treasurer shall implement voter 34904

registration programs as directed by the secretary of state 34905  
pursuant to this section. 34906

The secretary of state may mail unsolicited applications for 34907  
absent voter's ballots to individuals only for a general election 34908  
and only if the general assembly has made an appropriation for 34909  
that particular mailing. Under no other circumstance shall a 34910  
public office, or a public official or employee who is acting in 34911  
an official capacity, mail unsolicited applications for absent 34912  
voter's ballots to any individuals. 34913

**Sec. 3501.12.** (A) The annual compensation of members of the 34914  
board of elections shall be determined on the basis of the 34915  
population of the county according to the next preceding federal 34916  
census, and shall be paid monthly out of the appropriations made 34917  
to the board and upon vouchers or payrolls certified by the 34918  
chairperson, or a member of the board designated by it, and 34919  
countersigned by the director or in the director's absence by the 34920  
deputy director. Upon presentation of any such voucher or payroll, 34921  
the county auditor shall issue a warrant upon the county treasurer 34922  
for the amount thereof as in the case of vouchers or payrolls for 34923  
county offices and the treasurer shall pay such warrant. 34924

(B) In calendar year 2018, the amount of annual compensation 34925  
of each member of the board of elections shall be ~~as follows~~ the 34926  
greater of the following: 34927

(1) ~~One~~ The sum of the following: 34928

(a) One hundred two dollars and forty-one cents for each full 34929  
one thousand of the first one hundred thousand population; 34930

~~(2)~~ (b) Forty-eight dollars and seventy-nine cents for each 34931  
full one thousand of the second one hundred thousand population; 34932

~~(3)~~ (c) Twenty-six dollars and fifty cents for each full one 34933  
thousand of the third one hundred thousand population; 34934

~~(4)(d)~~ Eight dollars and thirteen cents for each full one thousand above three hundred thousand population. 34935  
34936

(2) Six thousand dollars. 34937

(C) In calendar year 2019 and in each calendar year 34938  
thereafter through calendar year 2028, the annual compensation of 34939  
each member of the board shall be computed after increasing the 34940  
dollar amounts specified in ~~division~~ divisions (B)(1) and (2) of 34941  
this section by one and three-quarters per cent. 34942

~~Such compensation shall not be less than six thousand 34943  
dollars.~~ 34944

(D) For the purposes of this section, members of boards of 34945  
elections shall be deemed to be appointed and not elected, and 34946  
therefore not subject to Section 20 of Article II of the Ohio 34947  
Constitution. 34948

**Sec. 3501.22.** (A)(1) ~~On~~ Except as otherwise provided in 34949  
division (A)(2) of this section, on or before the fifteenth day of 34950  
September in each year, the board of elections by a majority vote 34951  
shall, after careful examination and investigation as to their 34952  
qualifications, appoint for each election precinct four residents 34953  
of the county in which the precinct is located, as precinct 34954  
election officials. Except as otherwise provided in division (C) 34955  
of this section, all precinct election officials shall be 34956  
qualified electors. The precinct election officials shall 34957  
constitute the election officers of the precinct. Not more than 34958  
one-half of the total number of precinct election officials shall 34959  
be members of the same political party. The term of such precinct 34960  
officers shall be for one year. The board may, at any time, 34961  
designate any number of election officers, not more than one-half 34962  
of whom shall be members of the same political party, to perform 34963  
their duties at any precinct in any election. The board may 34964  
appoint additional officials, equally divided between the two 34965

major political parties, when necessary to expedite voting. If the 34966  
board of elections determines that four precinct election 34967  
officials are not required in a precinct for a special election, 34968  
the board of elections may select two of the precinct's election 34969  
officers, who are not members of the same political party, to 34970  
serve as the precinct election officials for that precinct in that 34971  
special election. 34972

Vacancies for unexpired terms shall be filled by the board. 34973  
When new precincts have been created, the board shall appoint 34974  
precinct election officials for those precincts for the unexpired 34975  
term. Any precinct election official may be summarily removed from 34976  
office at any time by the board for neglect of duty, malfeasance, 34977  
or misconduct in office or for any other good and sufficient 34978  
reason. 34979

Precinct election officials shall perform all of the duties 34980  
provided by law for receiving the ballots and supplies, opening 34981  
and closing the polls, and overseeing the casting of ballots 34982  
during the time the polls are open, and any other duties required 34983  
by section 3501.26 of the Revised Code. 34984

A board of elections may designate two precinct election 34985  
officials as counting officials to count and tally the votes cast 34986  
and certify the results of the election at each precinct, and 34987  
perform other duties as provided by law. To expedite the counting 34988  
of votes at each precinct, the board may appoint additional 34989  
officials, not more than one-half of whom shall be members of the 34990  
same political party. 34991

Except as otherwise provided in division (A)(2) of this 34992  
section, the board shall designate one of the precinct election 34993  
officials who is a member of the dominant political party to serve 34994  
as a voting location manager, whose duty it is to deliver the 34995  
returns of the election and all supplies to the office of the 34996  
board. For these services, the voting location manager shall 34997

receive additional compensation in an amount, consistent with 34998  
section 3501.28 of the Revised Code, determined by the board of 34999  
elections. 35000

The board shall issue to each precinct election official a 35001  
certificate of appointment, which the official shall present to 35002  
the voting location manager at the time the polls are opened. 35003

(2) If the board of elections, by a vote of at least three 35004  
members of the board, opts to have a single voting location serve 35005  
more than one precinct, the board may do ~~both~~ any of the 35006  
following: 35007

(a) Designate a single ~~presiding judge voting location~~ 35008  
manager for the voting location. The ~~presiding judge voting~~ 35009  
location manager shall be a member of the political party whose 35010  
candidate received the highest number of votes for governor at the 35011  
most recent general election for that office in the precincts 35012  
whose polling places are located at the applicable voting 35013  
location, when tallying the combined vote for governor in all such 35014  
precincts. 35015

(b) Combine the pollbooks for those precincts to create a 35016  
single pollbook for the voting location; 35017

(c) If electronic pollbooks are being used in the voting 35018  
location, as described in section 3506.021 of the Revised Code, 35019  
appoint not less than two precinct election officials for each 35020  
precinct, so long as the board approves the decision to reduce the 35021  
number of precinct election officials by the affirmative vote of 35022  
at least three of its members. 35023

(B) If the board of elections determines that not enough 35024  
qualified electors in a precinct are available to serve as 35025  
precinct officers, it may appoint persons to serve as precinct 35026  
officers at a primary, special, or general election who are at 35027  
least seventeen years of age and are registered to vote in 35028

accordance with section 3503.07 of the Revised Code. 35029

(C)(1) A board of elections, in conjunction with the board of 35030  
education of a city, local, or exempted village school district, 35031  
the governing authority of a community school established under 35032  
Chapter 3314. of the Revised Code, or the chief administrator of a 35033  
nonpublic school may establish a program permitting certain high 35034  
school students to apply and, if appointed by the board of 35035  
elections, to serve as precinct officers at a primary, special, or 35036  
general election. 35037

In addition to the requirements established by division 35038  
(C)(2) of this section, a board of education, governing authority, 35039  
or chief administrator that establishes a program under this 35040  
division in conjunction with a board of elections may establish 35041  
additional criteria that students shall meet to be eligible to 35042  
participate in that program. 35043

(2)(a) To be eligible to participate in a program established 35044  
under division (C)(1) of this section, a student shall be a United 35045  
States citizen, a resident of the county, at least seventeen years 35046  
of age, and enrolled in the senior year of high school. 35047

(b) Any student applying to participate in a program 35048  
established under division (C)(1) of this section, as part of the 35049  
student's application process, shall declare the student's 35050  
political party affiliation with the board of elections. 35051

(3) No student appointed as a precinct officer pursuant to a 35052  
program established under division (C)(1) of this section shall be 35053  
designated as a voting location manager. 35054

(4) Any student participating in a program established under 35055  
division (C)(1) of this section shall be excused for that 35056  
student's absence from school on the day of an election at which 35057  
the student is serving as a precinct officer. 35058

(D) In any precinct with six or more precinct officers, up to 35059

two students participating in a program established under division 35060  
(C)(1) of this section who are under eighteen years of age may 35061  
serve as precinct officers. Not more than one precinct officer in 35062  
any given precinct with fewer than six precinct officers shall be 35063  
under eighteen years of age. 35064

**Sec. 3505.21.** (A) As used in this section~~;~~: 35065

(1) "during During the casting of the ballots" includes any 35066  
of the following: 35067

~~(1)~~(a) Any time during which a board of elections permits an 35068  
elector to vote an absent voter's ballot in person at the office 35069  
of the board; 35070

~~(2)~~(b) Any time ballots may be cast in a precinct polling 35071  
place on the day of an election; 35072

~~(3)~~(c) Any time during which a board of elections processes 35073  
absent voter's ballots before the time for counting those ballots. 35074

(2) "During the counting of the ballots" includes any time 35075  
during which the election officials count and tally ballots, make 35076  
the official canvass of election returns, or conduct an audit of 35077  
the official results of an election. 35078

(B) At any primary, special, or general election, any 35079  
political party supporting candidates to be voted upon at such 35080  
election and any group of five or more candidates may appoint to 35081  
the board of elections or to any of the precincts in the county or 35082  
city one person, a qualified elector, who shall serve as observer 35083  
for such party or such candidates during the casting of the 35084  
ballots and during the counting of the ballots; provided that 35085  
separate observers may be appointed to serve during the casting 35086  
and during the counting of the ballots. No candidate, no uniformed 35087  
peace officer as defined by section 2935.01 of the Revised Code, 35088  
no uniformed state highway patrol trooper, no uniformed member of 35089

any fire department, no uniformed member of the armed services, no 35090  
uniformed member of the organized militia, no person wearing any 35091  
other uniform, and no person carrying a firearm or other deadly 35092  
weapon shall serve as an observer, nor shall any candidate be 35093  
represented by more than one observer at any one precinct or at 35094  
the board of elections except that a candidate who is a member of 35095  
a party controlling committee, as defined in section 3517.03 of 35096  
the Revised Code, may serve as an observer. 35097

(C) Any political party or group of candidates appointing 35098  
observers shall notify the board of elections of the names and 35099  
addresses of its appointees and the precincts at which they shall 35100  
serve or that they will serve at the board of elections. 35101  
Notification of observers appointed to serve on the day of an 35102  
election shall take place not less than eleven days before the day 35103  
of the election on forms prescribed by the secretary of state and 35104  
may be amended by filing an amendment with the board of elections 35105  
at any time until four p.m. of the day before the election. 35106  
Notification of observers appointed to serve at the office of the 35107  
board during the time absent voter's ballots may be cast in person 35108  
or during the time in which the board processes absent voter's 35109  
ballots before the time for counting those ballots shall take 35110  
place not less than eleven days before absent voter's ballots are 35111  
required to be ready for use pursuant to section 3509.01 of the 35112  
Revised Code on forms prescribed by the secretary of state and may 35113  
be amended by filing an amendment with the board of elections at 35114  
any time until four p.m. of the day before the observer is 35115  
appointed to serve. The observer serving on behalf of a political 35116  
party shall be appointed in writing by the chairperson and 35117  
secretary of the respective controlling party committee. Observers 35118  
serving for any five or more candidates shall have their 35119  
certificates signed by those candidates. Observers appointed to a 35120  
precinct may file their certificates of appointment with the 35121  
voting location manager of the precinct at the meeting on the 35122

evening prior to the election, or with the voting location manager 35123  
of the precinct on the day of the election. Observers appointed to 35124  
the office of the board to observe the casting of absent voter's 35125  
ballots in person prior to the day of the election or the 35126  
processing of absent voter's ballots before the time for counting 35127  
those ballots may file their certificates with the director of the 35128  
board of elections the day before or on the day that the observers 35129  
are scheduled to serve at the office of the board. 35130

Upon the filing of a certificate, the person named as 35131  
observer in the certificate shall be permitted to be in and about 35132  
the applicable polling place during the casting of the ballots and 35133  
shall be permitted to watch every proceeding of the precinct 35134  
election officials from the time of the opening until the closing 35135  
of the polls. The observer also may inspect the counting of all 35136  
ballots in the polling place or board of elections from the time 35137  
of the closing of the polls until the counting is completed and 35138  
the final returns are certified and signed. Observers appointed to 35139  
serve at the board of elections on the day of an election under 35140  
this section may observe at the board of elections and may observe 35141  
at any precinct in the county. The precinct election officials 35142  
shall protect such observers in all of the rights and privileges 35143  
granted to them by Title XXXV of the Revised Code. 35144

(D) No persons other than the precinct election officials, 35145  
the observers, a police officer, other persons who are detailed to 35146  
any precinct on request of the board of elections, or the 35147  
secretary of state or the secretary of state's legal 35148  
representative shall be admitted to the polling place, or any room 35149  
in which a board of elections is counting ballots, after the 35150  
closing of the polls until the counting, certifying, and signing 35151  
of the final returns of each election have been completed. 35152

(E) Not later than four p.m. of the twentieth day prior to an 35153  
election at which questions are to be submitted to a vote of the 35154

people, any committee that in good faith advocates or opposes a 35155  
measure may file a petition with the board of any county asking 35156  
that the petitioners be recognized as the committee entitled to 35157  
appoint observers to the count at the election. If more than one 35158  
committee alleging themselves to advocate or oppose the same 35159  
measure file such a petition, the board shall decide and announce 35160  
by registered mail to each committee not less than twelve days 35161  
immediately preceding the election which committee is recognized 35162  
as being entitled to appoint observers. The decision shall not be 35163  
final, but any aggrieved party may institute mandamus proceedings 35164  
in the court of common pleas of the county in which the board has 35165  
jurisdiction to compel the precinct election officials to accept 35166  
the appointees of such aggrieved party. Any such recognized 35167  
committee may appoint an observer to the count in each precinct. 35168  
Committees appointing observers shall notify the board of 35169  
elections of the names and addresses of its appointees and the 35170  
precincts at which they shall serve. Notification shall take place 35171  
not less than eleven days before the election on forms prescribed 35172  
by the secretary of state and may be amended by filing an 35173  
amendment with the board of elections at any time until four p.m. 35174  
on the day before the election. A person so appointed shall file 35175  
the person's certificate of appointment with the voting location 35176  
manager in the precinct in which the person has been appointed to 35177  
serve. Observers shall file their certificates before the polls 35178  
are closed. In no case shall more than six observers be appointed 35179  
for any one election in any one precinct. If more than three 35180  
questions are to be voted on, the committees which have appointed 35181  
observers may agree upon not to exceed six observers, and the 35182  
precinct election officials shall appoint such observers. If such 35183  
committees fail to agree, the precinct election officials shall 35184  
appoint six observers from the appointees so certified, in such 35185  
manner that each side of the several questions shall be 35186  
represented. 35187

(F) No person shall serve as an observer at any precinct or 35188  
at the board of elections unless the board of elections of the 35189  
county in which such observer is to serve has first been notified 35190  
of the name, address, and location at which such observer is to 35191  
serve. Notification to the board of elections shall be given by 35192  
the political party, group of candidates, or committee appointing 35193  
such observer as prescribed in this section. No such observers 35194  
shall receive any compensation from the county, municipal 35195  
corporation, or township, and they shall take the following oath, 35196  
to be administered by one of the precinct election officials: 35197

"You do solemnly swear that you will faithfully and 35198  
impartially discharge the duties as an official observer, assigned 35199  
by law; that you will not cause any delay to persons offering to 35200  
vote; and that you will not disclose or communicate to any person 35201  
how any elector has voted at such election." 35202

Sec. 3505.331. (A) After declaring the official results of a 35203  
general election or of a primary election held in an even-numbered 35204  
year, as described in section 3505.33 of the Revised Code, the 35205  
board of elections shall audit those results in accordance with 35206  
this section. Except as otherwise provided in this division, the 35207  
board shall begin the audit not earlier than six days after it 35208  
declares the official results and shall complete the audit not 35209  
later than the twenty-first day after it declares the official 35210  
results. If the board conducts a recount, the board shall begin 35211  
the audit immediately after the board certifies the results of the 35212  
recount and shall complete the audit not later than the fourteenth 35213  
day after it certifies the results of the recount. 35214

(B) The board shall conduct the audit in accordance with 35215  
procedures prescribed by the secretary of state, which shall 35216  
include all of the following: 35217

(1)(a) Except as otherwise provided in division (B)(1)(b) of 35218

this section, a requirement that the board audit not less than 35219  
three contested races, questions, or issues, as directed by the 35220  
secretary of state. If fewer than three contested races, 35221  
questions, or issues appear on the ballot at the election, then 35222  
the board shall audit every contested race, question, and issue. 35223  
In any election, every contested race, question, or issue shall be 35224  
eligible to be audited. 35225

(b) If the board ordered a countywide recount of the results 35226  
of a race, question, or issue under section 3515.011 of the 35227  
Revised Code, the recount shall be considered an audit for 35228  
purposes of meeting the requirement that the board audit not less 35229  
than three contested races, questions, or issues. 35230

(2) A requirement that every ballot that was included in the 35231  
canvass of the election returns be eligible to be audited, 35232  
including regular ballots cast on the day of the election, absent 35233  
voter's ballots, and provisional ballots. 35234

(3) Either a provision allowing the board to choose one of 35235  
the following protocols to use in conducting the audit or a 35236  
provision requiring the board to use a protocol selected by the 35237  
secretary of state from the following protocols in conducting the 35238  
audit: 35239

(a) A risk-limiting audit protocol, which shall use 35240  
statistical methods to limit to acceptable levels the risk of 35241  
certifying an incorrect outcome for a particular race, question, 35242  
or issue. The protocol shall require bipartisan teams of election 35243  
officials to physically examine and hand count randomly sampled 35244  
ballots and to continue the hand counting until the results of the 35245  
hand count provide sufficiently strong evidence that a hand count 35246  
of all of the ballots would confirm the election result declared 35247  
under section 3505.33 of the Revised Code or until all of the 35248  
ballots have been hand counted, whichever occurs first. 35249

(b)(i) A percentage-based audit protocol, which shall require 35250  
bipartisan teams of election officials to physically examine and 35251  
hand count a number of randomly sampled ballots equal to a given 35252  
percentage of the total number of ballots cast in the county at 35253  
that election, as prescribed by the secretary of state. After the 35254  
election officials complete the initial audit, the board shall 35255  
calculate, as a percentage, the accuracy rate of each audited 35256  
race, question, or issue by dividing the sum of any discrepancies 35257  
for the race, question, or issue discovered during the audit by 35258  
the total number of ballots audited for the race, question, or 35259  
issue and subtracting the resulting number from one. 35260

(ii) If the accuracy rate for an audited race, question, or 35261  
issue is less than the acceptable accuracy rate prescribed by the 35262  
secretary of state, the board shall escalate the audit of that 35263  
race, question, or issue by requiring bipartisan teams of election 35264  
officials to physically examine and hand count a second set of 35265  
randomly sampled ballots equal to a given percentage of the total 35266  
number of ballots cast in the county at that election, as 35267  
prescribed by the secretary of state. The second set of ballots 35268  
shall not include any ballots that were included in the first set 35269  
of audited ballots. After the election officials have counted the 35270  
second set of ballots, the board shall calculate the combined 35271  
accuracy rate for both audited sets of ballots for that race, 35272  
question, or issue. 35273

(c) Another audit protocol approved by the secretary of 35274  
state. 35275

(C) The board shall give public notice of the times and 35276  
places for preparing for and conducting the audit in accordance 35277  
with section 121.22 of the Revised Code. At all times while the 35278  
board prepares for and conducts the audit, the board shall permit 35279  
observers appointed under section 3505.21 of the Revised Code. 35280

No person other than a member of the board or a designated 35281

employee of the board shall be permitted to handle a ballot. 35282

(D)(1) Not later than five days after completing the audit, 35283  
the board shall certify the results of the audit to the secretary 35284  
of state in the form and by the method prescribed by the secretary 35285  
of state. The secretary of state shall make the results of the 35286  
audit available to the public on the secretary of state's official 35287  
web site. 35288

(2) If the board conducted a percentage-based audit and was 35289  
required to escalate the audit of a race, question, or issue under 35290  
division (B)(3)(b)(ii) of this section, and the combined accuracy 35291  
rate for that race, question, or issue is less than the acceptable 35292  
combined accuracy rate prescribed by the secretary of state, the 35293  
secretary of state may require the board to order bipartisan teams 35294  
of election officials to physically examine and hand count all 35295  
ballots cast for that race, question, or issue. The requirements 35296  
of division (C) of this section apply to any full hand count 35297  
conducted under this division. 35298

(3) If the results of the completed audit or the results of 35299  
any full hand count ordered under division (D)(2) of this section 35300  
indicate that the canvass or the previously declared official 35301  
election results must be amended, the board promptly shall amend 35302  
the canvass or issue an amended declaration of the official 35303  
results, as applicable. 35304

(E) As used in this section: 35305

(1) "Ballot" means either a paper ballot or the relevant 35306  
entry on a voter verified paper audit trail. 35307

(2) "Voter verified paper audit trail" has the same meaning 35308  
as in section 3506.01 of the Revised Code. 35309

**Sec. 3513.01.** (A) Except as otherwise provided in this 35310  
section and section 3517.012 of the Revised Code, ~~on the second~~ 35311

~~Tuesday after the first Monday in March of 2016 and every fourth~~ 35312  
~~year thereafter, and on the first Tuesday after the first Monday~~ 35313  
~~in May of every other year,~~ primary elections shall be held as 35314  
provided in division (E) of section 3501.01 of the Revised Code 35315  
for the purpose of nominating persons as candidates of political 35316  
parties for election to offices to be voted for at the succeeding 35317  
general election. 35318

(B) The manner of nominating persons as candidates for 35319  
election as officers of a municipal corporation having a 35320  
population of two thousand or more, as ascertained by the most 35321  
recent federal census, shall be the same as the manner in which 35322  
candidates were nominated for election as officers in the 35323  
municipal corporation in 1989 unless the manner of nominating such 35324  
candidates is changed under division (C), (D), or (E) of this 35325  
section. 35326

(C) Primary elections shall not be held for the nomination of 35327  
candidates for election as officers of any township, or any 35328  
municipal corporation having a population of less than two 35329  
thousand, unless a majority of the electors of any such township 35330  
or municipal corporation, as determined by the total number of 35331  
votes cast in such township or municipal corporation for the 35332  
office of governor at the most recent regular state election, 35333  
files with the board of elections of the county within which such 35334  
township or municipal corporation is located, or within which the 35335  
major portion of the population thereof is located, if the 35336  
municipal corporation is situated in more than one county, not 35337  
later than one hundred twenty days before the day of a primary 35338  
election, a petition signed by such electors asking that 35339  
candidates for election as officers of such township or municipal 35340  
corporation be nominated as candidates of political parties, in 35341  
which event primary elections shall be held in such township or 35342  
municipal corporation for the purpose of nominating persons as 35343

candidates of political parties for election as officers of such township or municipal corporation to be voted for at the succeeding regular municipal election. In a township or municipal corporation where a majority of the electors have filed a petition asking that candidates for election as officers of the township or municipal corporation be nominated as candidates of political parties, the nomination of candidates for a nonpartisan election may be reestablished in the manner prescribed in division (E) of this section.

(D)(1) The electors in a municipal corporation having a population of two thousand or more, in which municipal officers were nominated in the most recent election by nominating petition and elected by nonpartisan election, may place on the ballot in the manner prescribed in division (D)(2) of this section the question of changing to the primary-election method of nominating persons as candidates for election as officers of the municipal corporation.

(2) The board of elections of the county within which the municipal corporation is located, or, if the municipal corporation is located in more than one county, of the county within which the major portion of the population of the municipal corporation is located, shall, upon receipt of a petition signed by electors of the municipal corporation equal in number to at least ten per cent of the vote cast at the most recent regular municipal election, submit to the electors of the municipal corporation the question of changing to the primary-election method of nominating persons as candidates for election as officers of the municipal corporation. The ballot language shall be substantially as follows:

"Shall candidates for election as officers of .....  
(name of municipal corporation) in the county of .....  
(name of county) be nominated as candidates of political parties?"

..... yes 35376

..... no" 35377

The question shall be placed on the ballot at the next 35378  
general election in an even-numbered year occurring at least 35379  
ninety days after the petition is filed with the board. If a 35380  
majority of the electors voting on the question vote in the 35381  
affirmative, candidates for election as officers of the municipal 35382  
corporation shall thereafter be nominated as candidates of 35383  
political parties in primary elections, under division (A) of this 35384  
section, unless a change in the manner of nominating persons as 35385  
candidates for election as officers of the municipal corporation 35386  
is made under division (E) of this section. 35387

(E)(1) The electors in a township or municipal corporation in 35388  
which the township or municipal officers are nominated as 35389  
candidates of political parties in a primary election may place on 35390  
the ballot, in the manner prescribed in division (E)(2) of this 35391  
section, the question of changing to the nonpartisan method of 35392  
nominating persons as candidates for election as officers of the 35393  
township or municipal corporation. 35394

(2) The board of elections of the county within which the 35395  
township or municipal corporation is located, or, if the municipal 35396  
corporation is located in more than one county, of the county 35397  
within which the major portion of the population of the municipal 35398  
corporation is located, shall, upon receipt of a petition signed 35399  
by electors of the township or municipal corporation equal in 35400  
number to at least ten per cent of the vote cast at the most 35401  
recent regular township or municipal election, as appropriate, 35402  
submit to the electors of the township or municipal corporation, 35403  
as appropriate, the question of changing to the nonpartisan method 35404  
of nominating persons as candidates for election as officers of 35405  
the township or municipal corporation. The ballot language shall 35406  
be substantially as follows: 35407

"Shall candidates for election as officers of ..... 35408  
(name of the township or municipal corporation) in the county of 35409  
..... (name of county) be nominated as candidates by 35410  
nominating petition and be elected only in a nonpartisan election? 35411  
..... yes 35412  
..... no" 35413

The question shall appear on the ballot at the next general 35414  
election in an even-numbered year occurring at least ninety days 35415  
after the petition is filed with the board. If a majority of 35416  
electors voting on the question vote in the affirmative, 35417  
candidates for officer of the township or municipal corporation 35418  
shall thereafter be nominated by nominating petition and be 35419  
elected only in a nonpartisan election, unless a change in the 35420  
manner of nominating persons as candidates for election as 35421  
officers of the township or municipal corporation is made under 35422  
division (C) or (D) of this section. 35423

**Sec. 3513.12.** At a presidential primary election, which shall 35424  
~~be held on the second Tuesday after the first Monday in March in~~ 35425  
~~the year 2016, and similarly in every fourth year thereafter~~ as 35426  
provided in division (E)(2) of section 3501.01 of the Revised 35427  
Code, delegates and alternates to the national conventions of the 35428  
different major political parties shall be chosen by direct vote 35429  
of the electors as provided in this chapter. Candidates for 35430  
delegate and alternate shall be qualified and the election shall 35431  
be conducted in the manner prescribed in this chapter for the 35432  
nomination of candidates for state and district offices, except as 35433  
provided in section 3513.151 of the Revised Code and except that 35434  
whenever any group of candidates for delegate at large or 35435  
alternate at large, or any group of candidates for delegates or 35436  
alternates from districts, file with the secretary of state 35437  
statements as provided by this section, designating the same 35438

persons as their first and second choices for president of the 35439  
United States, such a group of candidates may submit a group 35440  
petition containing a declaration of candidacy for each of such 35441  
candidates. The group petition need be signed only by the number 35442  
of electors required for the petition of a single candidate. No 35443  
group petition shall be submitted except by a group of candidates 35444  
equal in number to the whole number of delegates at large or 35445  
alternates at large to be elected or equal in number to the whole 35446  
number of delegates or alternates from a district to be elected. 35447

Each person seeking to be elected as delegate or alternate to 35448  
the national convention of the person's political party shall file 35449  
with the person's declaration of candidacy and certificate a 35450  
statement in writing signed by the person in which the person 35451  
shall state the person's first and second choices for nomination 35452  
as the candidate of the person's party for the presidency of the 35453  
United States. The secretary of state shall not permit any 35454  
declaration of candidacy and certificate of a candidate for 35455  
election as such delegate or alternate to be filed unless 35456  
accompanied by such statement in writing. The name of a candidate 35457  
for the presidency shall not be so used without the candidate's 35458  
written consent. 35459

A person who is a first choice for president of candidates 35460  
seeking election as delegates and alternates shall file with the 35461  
secretary of state, prior to the day of the election, a list 35462  
indicating the order in which certificates of election are to be 35463  
issued to delegate or alternate candidates to whose candidacy the 35464  
person has consented, if fewer than all of such candidates are 35465  
entitled under party rules to be certified as elected. Each 35466  
candidate for election as such delegate or alternate may also file 35467  
along with the candidate's declaration of candidacy and 35468  
certificate a statement in writing signed by the candidate in the 35469  
following form: 35470

"Statement of Candidate	35471
For Election as ..... (Delegate) (Alternate) to the	35472
..... (name of political party) National Convention	35473
I hereby declare to the voters of my political party in the	35474
State of Ohio that, if elected as ..... (delegate)	35475
(alternate) to their national party convention, I shall, to the	35476
best of my judgment and ability, support that candidate for	35477
President of the United States who shall have been selected at	35478
this primary by the voters of my party in the manner provided in	35479
Chapter 3513. of the Ohio Revised Code, as their candidate for	35480
such office.	35481
..... (name),	35482
Candidate for .....	35483
(Delegate) (Alternate)"	35484
The procedures for the selection of candidates for delegate	35485
and alternate to the national convention of a political party set	35486
forth in this section and in section 3513.121 of the Revised Code	35487
are alternative procedures, and if the procedures of this section	35488
are followed, the procedures of section 3513.121 of the Revised	35489
Code need not be followed.	35490
<b>Sec. 3517.01.</b> (A)(1) A political party within the meaning of	35491
Title XXXV of the Revised Code is any group of voters that meets	35492
either of the following requirements:	35493
(a) Except as otherwise provided in this division, at the	35494
most recent regular state election, the group polled for its	35495
candidate for governor in the state or nominees for presidential	35496
electors at least three per cent of the entire vote cast for that	35497
office. A group that meets the requirements of this division	35498
remains a political party for a period of four years after meeting	35499
those requirements.	35500

(b) The group filed with the secretary of state, subsequent to its failure to meet the requirements of division (A)(1)(a) of this section, a party formation petition that meets all of the following requirements:

(i) The petition is signed by qualified electors equal in number to at least one per cent of the total vote for governor or nominees for presidential electors at the most recent election for such office.

(ii) The petition is signed by not fewer than five hundred qualified electors from each of at least a minimum of one-half of the congressional districts in this state. If an odd number of congressional districts exists in this state, the number of districts that results from dividing the number of congressional districts by two shall be rounded up to the next whole number.

(iii) The petition declares the petitioners' intention of organizing a political party, the name of which shall be stated in the declaration, and of participating in the succeeding general election, held in even-numbered years, that occurs more than one hundred twenty-five days after the date of filing.

(iv) The petition designates a committee of not less than three nor more than five individuals of the petitioners, who shall represent the petitioners in all matters relating to the petition. Notice of all matters or proceedings pertaining to the petition may be served on the committee, or any of them, either personally or by registered mail, or by leaving such notice at the usual place of residence of each of them.

(2) No such group of electors shall assume a name or designation that is similar, in the opinion of the secretary of state, to that of an existing political party as to confuse or mislead the voters at an election.

(B) A campaign committee shall be legally liable for any

debts, contracts, or expenditures incurred or executed in its 35532  
name. 35533

(C) Notwithstanding the definitions found in section 3501.01 35534  
of the Revised Code, as used in this section and sections 3517.08 35535  
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 35536

(1) "Campaign committee" means a candidate or a combination 35537  
of two or more persons authorized by a candidate under section 35538  
3517.081 of the Revised Code to receive contributions and make 35539  
expenditures. 35540

(2) "Campaign treasurer" means an individual appointed by a 35541  
candidate under section 3517.081 of the Revised Code. 35542

(3) "Candidate" has the same meaning as in division (H) of 35543  
section 3501.01 of the Revised Code and also includes any person 35544  
who, at any time before or after an election, receives 35545  
contributions or makes expenditures or other use of contributions, 35546  
has given consent for another to receive contributions or make 35547  
expenditures or other use of contributions, or appoints a campaign 35548  
treasurer, for the purpose of bringing about the person's 35549  
nomination or election to public office. When two persons jointly 35550  
seek the offices of governor and lieutenant governor, "candidate" 35551  
means the pair of candidates jointly. "Candidate" does not include 35552  
candidates for election to the offices of member of a county or 35553  
state central committee, presidential elector, and delegate to a 35554  
national convention or conference of a political party. 35555

(4) "Continuing association" means an association, other than 35556  
a campaign committee, political party, legislative campaign fund, 35557  
political contributing entity, or labor organization, that is 35558  
intended to be a permanent organization that has a primary purpose 35559  
other than supporting or opposing specific candidates, political 35560  
parties, or ballot issues, and that functions on a regular basis 35561  
throughout the year. "Continuing association" includes 35562

organizations that are determined to be not organized for profit 35563  
under subsection 501 and that are described in subsection 35564  
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 35565

(5) "Contribution" means a loan, gift, deposit, forgiveness 35566  
of indebtedness, donation, advance, payment, or transfer of funds 35567  
or anything of value, including a transfer of funds from an inter 35568  
vivos or testamentary trust or decedent's estate, and the payment 35569  
by any person other than the person to whom the services are 35570  
rendered for the personal services of another person, which 35571  
contribution is made, received, or used for the purpose of 35572  
influencing the results of an election. Any loan, gift, deposit, 35573  
forgiveness of indebtedness, donation, advance, payment, or 35574  
transfer of funds or of anything of value, including a transfer of 35575  
funds from an inter vivos or testamentary trust or decedent's 35576  
estate, and the payment by any campaign committee, political 35577  
action committee, legislative campaign fund, political party, 35578  
political contributing entity, or person other than the person to 35579  
whom the services are rendered for the personal services of 35580  
another person, that is made, received, or used by a state or 35581  
county political party, other than ~~moneys a state or county~~ 35582  
~~political party receives from the Ohio political party fund~~ 35583  
~~pursuant to section 3517.17 of the Revised Code and the moneys an~~ 35584  
entity may receive under sections 3517.101, 3517.1012, and 35585  
3517.1013 of the Revised Code, shall be considered to be a 35586  
"contribution" for the purpose of section 3517.10 of the Revised 35587  
Code and shall be included on a statement of contributions filed 35588  
under that section. 35589

"Contribution" does not include any of the following: 35590

(a) Services provided without compensation by individuals 35591  
volunteering a portion or all of their time on behalf of a person; 35592

(b) Ordinary home hospitality; 35593

(c) The personal expenses of a volunteer paid for by that	35594
volunteer campaign worker;	35595
(d) Any gift given to an entity pursuant to section 3517.101	35596
of the Revised Code;	35597
(e) Any contribution as defined in section 3517.1011 of the	35598
Revised Code that is made, received, or used to pay the direct	35599
costs of producing or airing an electioneering communication;	35600
(f) Any gift given to a state or county political party for	35601
the party's restricted fund under division (A)(2) of section	35602
3517.1012 of the Revised Code;	35603
(g) Any gift given to a state political party for deposit in	35604
a Levin account pursuant to section 3517.1013 of the Revised Code.	35605
As used in this division, "Levin account" has the same meaning as	35606
in that section.	35607
(h) Any donation given to a transition fund under section	35608
3517.1014 of the Revised Code.	35609
(6) "Expenditure" means the disbursement or use of a	35610
contribution for the purpose of influencing the results of an	35611
election or of making a charitable donation under division (G) of	35612
section 3517.08 of the Revised Code. Any disbursement or use of a	35613
contribution by a state or county political party is an	35614
expenditure and shall be considered either to be made for the	35615
purpose of influencing the results of an election or to be made as	35616
a charitable donation under division (G) of section 3517.08 of the	35617
Revised Code and shall be reported on a statement of expenditures	35618
filed under section 3517.10 of the Revised Code. During the thirty	35619
days preceding a primary or general election, any disbursement to	35620
pay the direct costs of producing or airing a broadcast, cable, or	35621
satellite communication that refers to a clearly identified	35622
candidate shall be considered to be made for the purpose of	35623
influencing the results of that election and shall be reported as	35624

an expenditure or as an independent expenditure under section 35625  
3517.10 or 3517.105 of the Revised Code, as applicable, except 35626  
that the information required to be reported regarding 35627  
contributors for those expenditures or independent expenditures 35628  
shall be the same as the information required to be reported under 35629  
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 35630

As used in this division, "broadcast, cable, or satellite 35631  
communication" and "refers to a clearly identified candidate" have 35632  
the same meanings as in section 3517.1011 of the Revised Code. 35633

(7) "Personal expenses" includes, but is not limited to, 35634  
ordinary expenses for accommodations, clothing, food, personal 35635  
motor vehicle or airplane, and home telephone. 35636

(8) "Political action committee" means a combination of two 35637  
or more persons, the primary or major purpose of which is to 35638  
support or oppose any candidate, political party, or issue, or to 35639  
influence the result of any election through express advocacy, and 35640  
that is not a political party, a campaign committee, a political 35641  
contributing entity, or a legislative campaign fund. "Political 35642  
action committee" does not include either of the following: 35643

(a) A continuing association that makes disbursements for the 35644  
direct costs of producing or airing electioneering communications 35645  
and that does not engage in express advocacy; 35646

(b) A political club that is formed primarily for social 35647  
purposes and that consists of one hundred members or less, has 35648  
officers and periodic meetings, has less than two thousand five 35649  
hundred dollars in its treasury at all times, and makes an 35650  
aggregate total contribution of one thousand dollars or less per 35651  
calendar year. 35652

(9) "Public office" means any state, county, municipal, 35653  
township, or district office, except an office of a political 35654  
party, that is filled by an election and the offices of United 35655

States senator and representative.	35656
(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code.	35657 35658
(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or public official or employee and for whose benefit a campaign fund exists.	35659 35660 35661 35662 35663
(12) "Campaign fund" means money or other property, including contributions.	35664 35665
(13) "Public official or employee" has the same meaning as in section 102.01 of the Revised Code.	35666 35667
(14) "Caucus" means all of the members of the house of representatives or all of the members of the senate of the general assembly who are members of the same political party.	35668 35669 35670
(15) "Legislative campaign fund" means a fund that is established as an auxiliary of a state political party and associated with one of the houses of the general assembly.	35671 35672 35673
(16) "In-kind contribution" means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, legislative campaign fund, political party, political action committee, or political contributing entity and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefited candidate, committee, fund, party, or entity. The financing of the dissemination, distribution, or republication, in whole or part, of any broadcast or of any written, graphic, or other form of campaign materials prepared by the candidate, the candidate's campaign committee, or their authorized agents is an in-kind contribution to the candidate and	35674 35675 35676 35677 35678 35679 35680 35681 35682 35683 35684 35685 35686

an expenditure by the candidate. 35687

(17) "Independent expenditure" means an expenditure by a 35688  
person advocating the election or defeat of an identified 35689  
candidate or candidates, that is not made with the consent of, in 35690  
coordination, cooperation, or consultation with, or at the request 35691  
or suggestion of any candidate or candidates or of the campaign 35692  
committee or agent of the candidate or candidates. As used in 35693  
division (C)(17) of this section: 35694

(a) "Person" means an individual, partnership, unincorporated 35695  
business organization or association, political action committee, 35696  
political contributing entity, separate segregated fund, 35697  
association, or other organization or group of persons, but not a 35698  
labor organization or a corporation unless the labor organization 35699  
or corporation is a political contributing entity. 35700

(b) "Advocating" means any communication containing a message 35701  
advocating election or defeat. 35702

(c) "Identified candidate" means that the name of the 35703  
candidate appears, a photograph or drawing of the candidate 35704  
appears, or the identity of the candidate is otherwise apparent by 35705  
unambiguous reference. 35706

(d) "Made in coordination, cooperation, or consultation with, 35707  
or at the request or suggestion of, any candidate or the campaign 35708  
committee or agent of the candidate" means made pursuant to any 35709  
arrangement, coordination, or direction by the candidate, the 35710  
candidate's campaign committee, or the candidate's agent prior to 35711  
the publication, distribution, display, or broadcast of the 35712  
communication. An expenditure is presumed to be so made when it is 35713  
any of the following: 35714

(i) Based on information about the candidate's plans, 35715  
projects, or needs provided to the person making the expenditure 35716  
by the candidate, or by the candidate's campaign committee or 35717

agent, with a view toward having an expenditure made; 35718

(ii) Made by or through any person who is, or has been, 35719  
authorized to raise or expend funds, who is, or has been, an 35720  
officer of the candidate's campaign committee, or who is, or has 35721  
been, receiving any form of compensation or reimbursement from the 35722  
candidate or the candidate's campaign committee or agent; 35723

(iii) Except as otherwise provided in division (D) of section 35724  
3517.105 of the Revised Code, made by a political party in support 35725  
of a candidate, unless the expenditure is made by a political 35726  
party to conduct voter registration or voter education efforts. 35727

(e) "Agent" means any person who has actual oral or written 35728  
authority, either express or implied, to make or to authorize the 35729  
making of expenditures on behalf of a candidate, or means any 35730  
person who has been placed in a position with the candidate's 35731  
campaign committee or organization such that it would reasonably 35732  
appear that in the ordinary course of campaign-related activities 35733  
the person may authorize expenditures. 35734

(18) "Labor organization" means a labor union; an employee 35735  
organization; a federation of labor unions, groups, locals, or 35736  
other employee organizations; an auxiliary of a labor union, 35737  
employee organization, or federation of labor unions, groups, 35738  
locals, or other employee organizations; or any other bona fide 35739  
organization in which employees participate and that exists for 35740  
the purpose, in whole or in part, of dealing with employers 35741  
concerning grievances, labor disputes, wages, hours, and other 35742  
terms and conditions of employment. 35743

(19) "Separate segregated fund" means a separate segregated 35744  
fund established pursuant to the Federal Election Campaign Act. 35745

(20) "Federal Election Campaign Act" means the "Federal 35746  
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 35747  
seq., as amended. 35748

(21) "Restricted fund" means the fund a state or county political party must establish under division (A)(1) of section 3517.1012 of the Revised Code.

(22) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.

(23) "Express advocacy" means a communication that contains express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction.

(24) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code.

(25) "Political contributing entity" means any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. For purposes of this division, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.

(26) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

**Sec. 3517.10.** (A) Except as otherwise provided in this division, every campaign committee, political action committee, legislative campaign fund, political party, and political contributing entity that made or received a contribution or made an expenditure in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall file, on a

form prescribed under this section or by electronic means of 35779  
transmission as provided in this section and section 3517.106 of 35780  
the Revised Code, a full, true, and itemized statement, made under 35781  
penalty of election falsification, setting forth in detail the 35782  
contributions and expenditures, not later than four p.m. of the 35783  
following dates: 35784

(1) The twelfth day before the election to reflect 35785  
contributions received and expenditures made from the close of 35786  
business on the last day reflected in the last previously filed 35787  
statement, if any, to the close of business on the twentieth day 35788  
before the election; 35789

(2) The thirty-eighth day after the election to reflect the 35790  
contributions received and expenditures made from the close of 35791  
business on the last day reflected in the last previously filed 35792  
statement, if any, to the close of business on the seventh day 35793  
before the filing of the statement; 35794

(3) The last business day of January of every year to reflect 35795  
the contributions received and expenditures made from the close of 35796  
business on the last day reflected in the last previously filed 35797  
statement, if any, to the close of business on the last day of 35798  
December of the previous year; 35799

(4) The last business day of July of every year to reflect 35800  
the contributions received and expenditures made from the close of 35801  
business on the last day reflected in the last previously filed 35802  
statement, if any, to the close of business on the last day of 35803  
June of that year. 35804

A campaign committee shall only be required to file the 35805  
statements prescribed under divisions (A)(1) and (2) of this 35806  
section in connection with the nomination or election of the 35807  
committee's candidate. 35808

The statement required under division (A)(1) of this section 35809

shall not be required of any campaign committee, political action 35810  
committee, legislative campaign fund, political party, or 35811  
political contributing entity that has received contributions of 35812  
less than one thousand dollars and has made expenditures of less 35813  
than one thousand dollars at the close of business on the 35814  
twentieth day before the election. Those contributions and 35815  
expenditures shall be reported in the statement required under 35816  
division (A)(2) of this section. 35817

If an election to select candidates to appear on the general 35818  
election ballot is held within sixty days before a general 35819  
election, the campaign committee of a successful candidate in the 35820  
earlier election may file the statement required by division 35821  
(A)(1) of this section for the general election instead of the 35822  
statement required by division (A)(2) of this section for the 35823  
earlier election if the pregeneral election statement reflects the 35824  
status of contributions and expenditures for the period twenty 35825  
days before the earlier election to twenty days before the general 35826  
election. 35827

If a person becomes a candidate less than twenty days before 35828  
an election, the candidate's campaign committee is not required to 35829  
file the statement required by division (A)(1) of this section. 35830

No statement under division (A)(3) of this section shall be 35831  
required for any year in which a campaign committee, political 35832  
action committee, legislative campaign fund, political party, or 35833  
political contributing entity is required to file a postgeneral 35834  
election statement under division (A)(2) of this section. However, 35835  
a statement under division (A)(3) of this section may be filed, at 35836  
the option of the campaign committee, political action committee, 35837  
legislative campaign fund, political party, or political 35838  
contributing entity. 35839

No campaign committee of a candidate for the office of chief 35840  
justice or justice of the supreme court, and no campaign committee 35841

of a candidate for the office of judge of any court in this state, 35842  
shall be required to file a statement under division (A)(4) of 35843  
this section. 35844

Except as otherwise provided in this paragraph and in the 35845  
next paragraph of this section, the only campaign committees 35846  
required to file a statement under division (A)(4) of this section 35847  
are the campaign committee of a statewide candidate and the 35848  
campaign committee of a candidate for county office. The campaign 35849  
committee of a candidate for any other nonjudicial office is 35850  
required to file a statement under division (A)(4) of this section 35851  
if that campaign committee receives, during that period, 35852  
contributions exceeding ten thousand dollars. 35853

No statement under division (A)(4) of this section shall be 35854  
required of a campaign committee, a political action committee, a 35855  
legislative campaign fund, a political party, or a political 35856  
contributing entity for any year in which the campaign committee, 35857  
political action committee, legislative campaign fund, political 35858  
party, or political contributing entity is required to file a 35859  
postprimary election statement under division (A)(2) of this 35860  
section. However, a statement under division (A)(4) of this 35861  
section may be filed at the option of the campaign committee, 35862  
political action committee, legislative campaign fund, political 35863  
party, or political contributing entity. 35864

No statement under division (A)(3) or (4) of this section 35865  
shall be required if the campaign committee, political action 35866  
committee, legislative campaign fund, political party, or 35867  
political contributing entity has no contributions that it has 35868  
received and no expenditures that it has made since the last date 35869  
reflected in its last previously filed statement. However, the 35870  
campaign committee, political action committee, legislative 35871  
campaign fund, political party, or political contributing entity 35872  
shall file a statement to that effect, on a form prescribed under 35873

this section and made under penalty of election falsification, on 35874  
the date required in division (A)(3) or (4) of this section, as 35875  
applicable. 35876

The campaign committee of a statewide candidate shall file a 35877  
monthly statement of contributions received during each of the 35878  
months of July, August, and September in the year of the general 35879  
election in which the candidate seeks office. The campaign 35880  
committee of a statewide candidate shall file the monthly 35881  
statement not later than three business days after the last day of 35882  
the month covered by the statement. During the period beginning on 35883  
the nineteenth day before the general election in which a 35884  
statewide candidate seeks election to office and extending through 35885  
the day of that general election, each time the campaign committee 35886  
of the joint candidates for the offices of governor and lieutenant 35887  
governor or of a candidate for the office of secretary of state, 35888  
auditor of state, treasurer of state, or attorney general receives 35889  
a contribution from a contributor that causes the aggregate amount 35890  
of contributions received from that contributor during that period 35891  
to equal or exceed ten thousand dollars and each time the campaign 35892  
committee of a candidate for the office of chief justice or 35893  
justice of the supreme court receives a contribution from a 35894  
contributor that causes the aggregate amount of contributions 35895  
received from that contributor during that period to exceed ten 35896  
thousand dollars, the campaign committee shall file a 35897  
two-business-day statement reflecting that contribution. 35898  
Contributions reported on a two-business-day statement required to 35899  
be filed by a campaign committee of a statewide candidate in a 35900  
primary election shall also be included in the postprimary 35901  
election statement required to be filed by that campaign committee 35902  
under division (A)(2) of this section. A two-business-day 35903  
statement required by this paragraph shall be filed not later than 35904  
two business days after receipt of the contribution. The 35905  
statements required by this paragraph shall be filed in addition 35906

to any other statements required by this section. 35907

Subject to the secretary of state having implemented, tested, 35908  
and verified the successful operation of any system the secretary 35909  
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 35910  
this section and division (H)(1) of section 3517.106 of the 35911  
Revised Code for the filing of campaign finance statements by 35912  
electronic means of transmission, a campaign committee of a 35913  
statewide candidate shall file a two-business-day statement under 35914  
the preceding paragraph by electronic means of transmission if the 35915  
campaign committee is required to file a pre-election, 35916  
postelection, or monthly statement of contributions and 35917  
expenditures by electronic means of transmission under this 35918  
section or section 3517.106 of the Revised Code. 35919

If a campaign committee or political action committee has no 35920  
balance on hand and no outstanding obligations and desires to 35921  
terminate itself, it shall file a statement to that effect, on a 35922  
form prescribed under this section and made under penalty of 35923  
election falsification, with the official with whom it files a 35924  
statement under division (A) of this section after filing a final 35925  
statement of contributions and a final statement of expenditures, 35926  
if contributions have been received or expenditures made since the 35927  
period reflected in its last previously filed statement. 35928

(B) Except as otherwise provided in division (C)(7) of this 35929  
section, each statement required by division (A) of this section 35930  
shall contain the following information: 35931

(1) The full name and address of each campaign committee, 35932  
political action committee, legislative campaign fund, political 35933  
party, or political contributing entity, including any treasurer 35934  
of the committee, fund, party, or entity, filing a contribution 35935  
and expenditure statement; 35936

(2)(a) In the case of a campaign committee, the candidate's 35937

full name and address; 35938

(b) In the case of a political action committee, the 35939  
registration number assigned to the committee under division 35940  
(D)(1) of this section. 35941

(3) The date of the election and whether it was or will be a 35942  
general, primary, or special election; 35943

(4) A statement of contributions received, which shall 35944  
include the following information: 35945

(a) The month, day, and year of the contribution; 35946

(b)(i) The full name and address of each person, political 35947  
party, campaign committee, legislative campaign fund, political 35948  
action committee, or political contributing entity from whom 35949  
contributions are received and the registration number assigned to 35950  
the political action committee under division (D)(1) of this 35951  
section. The requirement of filing the full address does not apply 35952  
to any statement filed by a state or local committee of a 35953  
political party, to a finance committee of such committee, or to a 35954  
committee recognized by a state or local committee as its 35955  
fund-raising auxiliary. Notwithstanding division (F) of this 35956  
section, the requirement of filing the full address shall be 35957  
considered as being met if the address filed is the same address 35958  
the contributor provided under division (E)(1) of this section. 35959

(ii) If a political action committee, political contributing 35960  
entity, legislative campaign fund, or political party that is 35961  
required to file campaign finance statements by electronic means 35962  
of transmission under section 3517.106 of the Revised Code or a 35963  
campaign committee of a statewide candidate or candidate for the 35964  
office of member of the general assembly receives a contribution 35965  
from an individual that exceeds one hundred dollars, the name of 35966  
the individual's current employer, if any, or, if the individual 35967  
is self-employed, the individual's occupation and the name of the 35968

individual's business, if any; 35969

(iii) If a campaign committee of a statewide candidate or 35970  
candidate for the office of member of the general assembly 35971  
receives a contribution transmitted pursuant to section 3599.031 35972  
of the Revised Code from amounts deducted from the wages and 35973  
salaries of two or more employees that exceeds in the aggregate 35974  
one hundred dollars during any one filing period under division 35975  
(A)(1), (2), (3), or (4) of this section, the full name of the 35976  
employees' employer and the full name of the labor organization of 35977  
which the employees are members, if any. 35978

(c) A description of the contribution received, if other than 35979  
money; 35980

(d) The value in dollars and cents of the contribution; 35981

(e) A separately itemized account of all contributions and 35982  
expenditures regardless of the amount, except a receipt of a 35983  
contribution from a person in the sum of twenty-five dollars or 35984  
less at one social or fund-raising activity and a receipt of a 35985  
contribution transmitted pursuant to section 3599.031 of the 35986  
Revised Code from amounts deducted from the wages and salaries of 35987  
employees if the contribution from the amount deducted from the 35988  
wages and salary of any one employee is twenty-five dollars or 35989  
less aggregated in a calendar year. An account of the total 35990  
contributions from each social or fund-raising activity shall 35991  
include a description of and the value of each in-kind 35992  
contribution received at that activity from any person who made 35993  
one or more such contributions whose aggregate value exceeded two 35994  
hundred fifty dollars and shall be listed separately, together 35995  
with the expenses incurred and paid in connection with that 35996  
activity. A campaign committee, political action committee, 35997  
legislative campaign fund, political party, or political 35998  
contributing entity shall keep records of contributions from each 35999  
person in the amount of twenty-five dollars or less at one social 36000

or fund-raising activity and contributions from amounts deducted 36001  
under section 3599.031 of the Revised Code from the wages and 36002  
salary of each employee in the amount of twenty-five dollars or 36003  
less aggregated in a calendar year. No continuing association that 36004  
is recognized by a state or local committee of a political party 36005  
as an auxiliary of the party and that makes a contribution from 36006  
funds derived solely from regular dues paid by members of the 36007  
auxiliary shall be required to list the name or address of any 36008  
members who paid those dues. 36009

Contributions that are other income shall be itemized 36010  
separately from all other contributions. The information required 36011  
under division (B)(4) of this section shall be provided for all 36012  
other income itemized. As used in this paragraph, "other income" 36013  
means a loan, investment income, or interest income. 36014

(f) In the case of a campaign committee of a state elected 36015  
officer, if a person doing business with the state elected officer 36016  
in the officer's official capacity makes a contribution to the 36017  
campaign committee of that officer, the information required under 36018  
division (B)(4) of this section in regard to that contribution, 36019  
which shall be filed together with and considered a part of the 36020  
committee's statement of contributions as required under division 36021  
(A) of this section but shall be filed on a separate form provided 36022  
by the secretary of state. As used in this division: 36023

(i) "State elected officer" has the same meaning as in 36024  
section 3517.092 of the Revised Code. 36025

(ii) "Person doing business" means a person or an officer of 36026  
an entity who enters into one or more contracts with a state 36027  
elected officer or anyone authorized to enter into contracts on 36028  
behalf of that officer to receive payments for goods or services, 36029  
if the payments total, in the aggregate, more than five thousand 36030  
dollars during a calendar year. 36031

(5) A statement of expenditures which shall include the following information: 36032  
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(a) The month, day, and year of the expenditure; 36034

(b) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity to whom the expenditure was made and the registration number assigned to the political action committee under division (D)(1) of this section; 36035  
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(c) The object or purpose for which the expenditure was made; 36040

(d) The amount of each expenditure. 36041

(C)(1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (H) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form. 36042  
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(2) The person filing the statement, under penalty of election falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor. 36053  
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(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that 36058  
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each such contribution was voluntarily made. 36063

(4) A campaign committee that did not receive contributions 36064  
or make expenditures in connection with the nomination or election 36065  
of its candidate shall file a statement to that effect, on a form 36066  
prescribed under this section and made under penalty of election 36067  
falsification, on the date required in division (A)(2) of this 36068  
section. 36069

(5) The campaign committee of any person who attempts to 36070  
become a candidate and who, for any reason, does not become 36071  
certified in accordance with Title XXXV of the Revised Code for 36072  
placement on the official ballot of a primary, general, or special 36073  
election to be held in this state, and who, at any time prior to 36074  
or after an election, receives contributions or makes 36075  
expenditures, or has given consent for another to receive 36076  
contributions or make expenditures, for the purpose of bringing 36077  
about the person's nomination or election to public office, shall 36078  
file the statement or statements prescribed by this section and a 36079  
termination statement, if applicable. Division (C)(5) of this 36080  
section does not apply to any person with respect to an election 36081  
to the offices of member of a county or state central committee, 36082  
presidential elector, or delegate to a national convention or 36083  
conference of a political party. 36084

(6)(a) The statements required to be filed under this section 36085  
shall specify the balance in the hands of the campaign committee, 36086  
political action committee, legislative campaign fund, political 36087  
party, or political contributing entity and the disposition 36088  
intended to be made of that balance. 36089

(b) The secretary of state shall prescribe the form for all 36090  
statements required to be filed under this section and shall 36091  
furnish the forms to the boards of elections in the several 36092  
counties. The boards of elections shall supply printed copies of 36093  
those forms without charge. The secretary of state shall prescribe 36094

the appropriate methodology, protocol, and data file structure for 36095  
statements required or permitted to be filed by electronic means 36096  
of transmission under division (A) of this section, divisions (E), 36097  
(F), and (G) of section 3517.106, division (D) of section 36098  
3517.1011, division (B) of section 3517.1012, division (C) of 36099  
section 3517.1013, and divisions (D) and (I) of section 3517.1014 36100  
of the Revised Code. Subject to division (A) of this section, 36101  
divisions (E), (F), and (G) of section 3517.106, division (D) of 36102  
section 3517.1011, division (B) of section 3517.1012, division (C) 36103  
of section 3517.1013, and divisions (D) and (I) of section 36104  
3517.1014 of the Revised Code, the statements required to be 36105  
stored on computer by the secretary of state under division (B) of 36106  
section 3517.106 of the Revised Code shall be filed in whatever 36107  
format the secretary of state considers necessary to enable the 36108  
secretary of state to store the information contained in the 36109  
statements on computer. Any such format shall be of a type and 36110  
nature that is readily available to whoever is required to file 36111  
the statements in that format. 36112

(c) The secretary of state shall assess the need for training 36113  
regarding the filing of campaign finance statements by electronic 36114  
means of transmission and regarding associated technologies for 36115  
candidates, campaign committees, political action committees, 36116  
legislative campaign funds, political parties, or political 36117  
contributing entities, for individuals, partnerships, or other 36118  
entities, for persons making disbursements to pay the direct costs 36119  
of producing or airing electioneering communications, or for 36120  
treasurers of transition funds, required or permitted to file 36121  
statements by electronic means of transmission under this section 36122  
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 36123  
3517.1014 of the Revised Code. If, in the opinion of the secretary 36124  
of state, training in these areas is necessary, the secretary of 36125  
state shall arrange for the provision of voluntary training 36126  
programs for candidates, campaign committees, political action 36127

committees, legislative campaign funds, political parties, or 36128  
political contributing entities, for individuals, partnerships, 36129  
and other entities, for persons making disbursements to pay the 36130  
direct costs of producing or airing electioneering communications, 36131  
or for treasurers of transition funds, as appropriate. 36132

(7) Each monthly statement and each two-business-day 36133  
statement required by division (A) of this section shall contain 36134  
the information required by divisions (B)(1) to (4), (C)(2), and, 36135  
if appropriate, (C)(3) of this section. Each statement shall be 36136  
signed as required by division (C)(1) of this section. 36137

(D)(1) Prior to receiving a contribution or making an 36138  
expenditure, every campaign committee, political action committee, 36139  
legislative campaign fund, political party, or political 36140  
contributing entity shall appoint a treasurer and shall file, on a 36141  
form prescribed by the secretary of state, a designation of that 36142  
appointment, including the full name and address of the treasurer 36143  
and of the campaign committee, political action committee, 36144  
legislative campaign fund, political party, or political 36145  
contributing entity. That designation shall be filed with the 36146  
official with whom the campaign committee, political action 36147  
committee, legislative campaign fund, political party, or 36148  
political contributing entity is required to file statements under 36149  
section 3517.11 of the Revised Code. The name of a campaign 36150  
committee shall include at least the last name of the campaign 36151  
committee's candidate. If two or more candidates are the 36152  
beneficiaries of a single campaign committee under division (B) of 36153  
section 3517.081 of the Revised Code, the name of the campaign 36154  
committee shall include at least the last name of each candidate 36155  
who is a beneficiary of that campaign committee. The secretary of 36156  
state shall assign a registration number to each political action 36157  
committee that files a designation of the appointment of a 36158  
treasurer under this division if the political action committee is 36159

required by division (A)(1) of section 3517.11 of the Revised Code 36160  
to file the statements prescribed by this section with the 36161  
secretary of state. 36162

(2) The treasurer appointed under division (D)(1) of this 36163  
section shall keep a strict account of all contributions, from 36164  
whom received and the purpose for which they were disbursed. 36165

(3)(a) Except as otherwise provided in section 3517.108 of 36166  
the Revised Code, a campaign committee shall deposit all monetary 36167  
contributions received by the committee into an account separate 36168  
from a personal or business account of the candidate or campaign 36169  
committee. 36170

(b) A political action committee shall deposit all monetary 36171  
contributions received by the committee into an account separate 36172  
from all other funds. 36173

(c) A state or county political party may establish a state 36174  
candidate fund that is separate from ~~an account that contains the~~ 36175  
~~public moneys received from the Ohio political party fund under~~ 36176  
~~section 3517.17 of the Revised Code and from~~ all other funds. A 36177  
state or county political party may deposit into its state 36178  
candidate fund any amounts of monetary contributions that are made 36179  
to or accepted by the political party subject to the applicable 36180  
limitations, if any, prescribed in section 3517.102 of the Revised 36181  
Code. A state or county political party shall deposit all other 36182  
monetary contributions received by the party into one or more 36183  
accounts that are separate from its state candidate fund ~~and from~~ 36184  
~~its account that contains the public moneys received from the Ohio~~ 36185  
~~political party fund under section 3517.17 of the Revised Code.~~ 36186

(d) Each state political party shall have only one 36187  
legislative campaign fund for each house of the general assembly. 36188  
Each such fund shall be separate from any other funds or accounts 36189  
of that state party. A legislative campaign fund is authorized to 36190

receive contributions and make expenditures for the primary 36191  
purpose of furthering the election of candidates who are members 36192  
of that political party to the house of the general assembly with 36193  
which that legislative campaign fund is associated. Each 36194  
legislative campaign fund shall be administered and controlled in 36195  
a manner designated by the caucus. As used in this division, 36196  
"caucus" has the same meaning as in section 3517.01 of the Revised 36197  
Code and includes, as an ex officio member, the chairperson of the 36198  
state political party with which the caucus is associated or that 36199  
chairperson's designee. 36200

(4) Every expenditure in excess of twenty-five dollars shall 36201  
be vouched for by a receipted bill, stating the purpose of the 36202  
expenditure, that shall be filed with the statement of 36203  
expenditures. A canceled check with a notation of the purpose of 36204  
the expenditure is a receipted bill for purposes of division 36205  
(D)(4) of this section. 36206

(5) The secretary of state or the board of elections, as the 36207  
case may be, shall issue a receipt for each statement filed under 36208  
this section and shall preserve a copy of the receipt for a period 36209  
of at least six years. All statements filed under this section 36210  
shall be open to public inspection in the office where they are 36211  
filed and shall be carefully preserved for a period of at least 36212  
six years after the year in which they are filed. 36213

(6) The secretary of state, by rule adopted pursuant to 36214  
section 3517.23 of the Revised Code, shall prescribe both of the 36215  
following: 36216

(a) The manner of immediately acknowledging, with date and 36217  
time received, and preserving the receipt of statements that are 36218  
transmitted by electronic means of transmission to the secretary 36219  
of state pursuant to this section or section 3517.106, 3517.1011, 36220  
3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 36221

(b) The manner of preserving the contribution and 36222  
expenditure, contribution and disbursement, deposit and 36223  
disbursement, gift and disbursement, or donation and disbursement 36224  
information in the statements described in division (D)(6)(a) of 36225  
this section. The secretary of state shall preserve the 36226  
contribution and expenditure, contribution and disbursement, 36227  
deposit and disbursement, gift and disbursement, or donation and 36228  
disbursement information in those statements for at least ten 36229  
years after the year in which they are filed by electronic means 36230  
of transmission. 36231

(7) The secretary of state, pursuant to division (I) of 36232  
section 3517.106 of the Revised Code, shall make available online 36233  
to the public through the internet the contribution and 36234  
expenditure, contribution and disbursement, deposit and 36235  
disbursement, gift and disbursement, or donation and disbursement 36236  
information in all statements, all addenda, amendments, or other 36237  
corrections to statements, and all amended statements filed with 36238  
the secretary of state by electronic or other means of 36239  
transmission under this section, division (B)(2)(b) or (C)(2)(b) 36240  
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 36241  
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 36242  
secretary of state may remove the information from the internet 36243  
after a reasonable period of time. 36244

(E)(1) Any person, political party, campaign committee, 36245  
legislative campaign fund, political action committee, or 36246  
political contributing entity that makes a contribution in 36247  
connection with the nomination or election of any candidate or in 36248  
connection with any ballot issue or question at any election held 36249  
or to be held in this state shall provide its full name and 36250  
address to the recipient of the contribution at the time the 36251  
contribution is made. The political action committee also shall 36252  
provide the registration number assigned to the committee under 36253

division (D)(1) of this section to the recipient of the 36254  
contribution at the time the contribution is made. 36255

(2) Any individual who makes a contribution that exceeds one 36256  
hundred dollars to a political action committee, political 36257  
contributing entity, legislative campaign fund, or political party 36258  
or to a campaign committee of a statewide candidate or candidate 36259  
for the office of member of the general assembly shall provide the 36260  
name of the individual's current employer, if any, or, if the 36261  
individual is self-employed, the individual's occupation and the 36262  
name of the individual's business, if any, to the recipient of the 36263  
contribution at the time the contribution is made. Sections 36264  
3599.39 and 3599.40 of the Revised Code do not apply to division 36265  
(E)(2) of this section. 36266

(3) If a campaign committee shows that it has exercised its 36267  
best efforts to obtain, maintain, and submit the information 36268  
required under divisions (B)(4)(b)(ii) and (iii) of this section, 36269  
that committee is considered to have met the requirements of those 36270  
divisions. A campaign committee shall not be considered to have 36271  
exercised its best efforts unless, in connection with written 36272  
solicitations, it regularly includes a written request for the 36273  
information required under division (B)(4)(b)(ii) of this section 36274  
from the contributor or the information required under division 36275  
(B)(4)(b)(iii) of this section from whoever transmits the 36276  
contribution. 36277

(4) Any check that a political action committee uses to make 36278  
a contribution or an expenditure shall contain the full name and 36279  
address of the committee and the registration number assigned to 36280  
the committee under division (D)(1) of this section. 36281

(F) As used in this section: 36282

(1)(a) Except as otherwise provided in division (F)(1) of 36283  
this section, "address" means all of the following if they exist: 36284

apartment number, street, road, or highway name and number, rural 36285  
delivery route number, city or village, state, and zip code as 36286  
used in a person's post-office address, but not post-office box. 36287

(b) Except as otherwise provided in division (F)(1) of this 36288  
section, if an address is required in this section, a post-office 36289  
box and office, room, or suite number may be included in addition 36290  
to, but not in lieu of, an apartment, street, road, or highway 36291  
name and number. 36292

(c) If an address is required in this section, a campaign 36293  
committee, political action committee, legislative campaign fund, 36294  
political party, or political contributing entity may use the 36295  
business or residence address of its treasurer or deputy 36296  
treasurer. The post-office box number of the campaign committee, 36297  
political action committee, legislative campaign fund, political 36298  
party, or political contributing entity may be used in addition to 36299  
that address. 36300

(d) For the sole purpose of a campaign committee's reporting 36301  
of contributions on a statement of contributions received under 36302  
division (B)(4) of this section, "address" has one of the 36303  
following meanings at the option of the campaign committee: 36304

(i) The same meaning as in division (F)(1)(a) of this 36305  
section; 36306

(ii) All of the following, if they exist: the contributor's 36307  
post-office box number and city or village, state, and zip code as 36308  
used in the contributor's post-office address. 36309

(e) As used with regard to the reporting under this section 36310  
of any expenditure, "address" means all of the following if they 36311  
exist: apartment number, street, road, or highway name and number, 36312  
rural delivery route number, city or village, state, and zip code 36313  
as used in a person's post-office address, or post-office box. If 36314  
an address concerning any expenditure is required in this section, 36315

a campaign committee, political action committee, legislative 36316  
campaign fund, political party, or political contributing entity 36317  
may use the business or residence address of its treasurer or 36318  
deputy treasurer or its post-office box number. 36319

(2) "Statewide candidate" means the joint candidates for the 36320  
offices of governor and lieutenant governor or a candidate for the 36321  
office of secretary of state, auditor of state, treasurer of 36322  
state, attorney general, member of the state board of education, 36323  
chief justice of the supreme court, or justice of the supreme 36324  
court. 36325

(3) "Candidate for county office" means a candidate for the 36326  
office of county auditor, county treasurer, clerk of the court of 36327  
common pleas, judge of the court of common pleas, sheriff, county 36328  
recorder, county engineer, county commissioner, prosecuting 36329  
attorney, or coroner. 36330

(G) An independent expenditure shall be reported whenever and 36331  
in the same manner that an expenditure is required to be reported 36332  
under this section and shall be reported pursuant to division 36333  
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 36334

(H)(1) Except as otherwise provided in division (H)(2) of 36335  
this section, if, during the combined pre-election and 36336  
postelection reporting periods for an election, a campaign 36337  
committee has received contributions of five hundred dollars or 36338  
less and has made expenditures in the total amount of five hundred 36339  
dollars or less, it may file a statement to that effect, under 36340  
penalty of election falsification, in lieu of the statement 36341  
required by division (A)(2) of this section. The statement shall 36342  
indicate the total amount of contributions received and the total 36343  
amount of expenditures made during those combined reporting 36344  
periods. 36345

(2) In the case of a successful candidate at a primary 36346

election, if either the total contributions received by or the 36347  
total expenditures made by the candidate's campaign committee 36348  
during the preprimary, postprimary, pregeneral, and postgeneral 36349  
election periods combined equal more than five hundred dollars, 36350  
the campaign committee may file the statement under division 36351  
(H)(1) of this section only for the primary election. The first 36352  
statement that the campaign committee files in regard to the 36353  
general election shall reflect all contributions received and all 36354  
expenditures made during the preprimary and postprimary election 36355  
periods. 36356

(3) Divisions (H)(1) and (2) of this section do not apply if 36357  
a campaign committee receives contributions or makes expenditures 36358  
prior to the first day of January of the year of the election at 36359  
which the candidate seeks nomination or election to office or if 36360  
the campaign committee does not file a termination statement with 36361  
its postprimary election statement in the case of an unsuccessful 36362  
primary election candidate or with its postgeneral election 36363  
statement in the case of other candidates. 36364

(I) In the case of a contribution made by a partner of a 36365  
partnership or an owner or a member of another unincorporated 36366  
business from any funds of the partnership or other unincorporated 36367  
business, all of the following apply: 36368

(1) The recipient of the contribution shall report the 36369  
contribution by listing both the partnership or other 36370  
unincorporated business and the name of the partner, owner, or 36371  
member making the contribution. 36372

(2) In reporting the contribution, the recipient of the 36373  
contribution shall be entitled to conclusively rely upon the 36374  
information provided by the partnership or other unincorporated 36375  
business, provided that the information includes one of the 36376  
following: 36377

(a) The name of each partner, owner, or member as of the date 36378  
of the contribution or contributions, and a statement that the 36379  
total contributions are to be allocated equally among all of the 36380  
partners, owners, or members; or 36381

(b) The name of each partner, owner, or member as of the date 36382  
of the contribution or contributions who is participating in the 36383  
contribution or contributions, and a statement that the 36384  
contribution or contributions are to be allocated to those 36385  
individuals in accordance with the information provided by the 36386  
partnership or other unincorporated business to the recipient of 36387  
the contribution. 36388

(3) For purposes of section 3517.102 of the Revised Code, the 36389  
contribution shall be considered to have been made by the partner, 36390  
owner, or member reported under division (I)(1) of this section. 36391

(4) No contribution from a partner of a partnership or an 36392  
owner or a member of another unincorporated business shall be 36393  
accepted from any funds of the partnership or other unincorporated 36394  
business unless the recipient reports the contribution under 36395  
division (I)(1) of this section together with the information 36396  
provided under division (I)(2) of this section. 36397

(5) No partnership or other unincorporated business shall 36398  
make a contribution or contributions solely in the name of the 36399  
partnership or other unincorporated business. 36400

(6) As used in division (I) of this section, "partnership or 36401  
other unincorporated business" includes, but is not limited to, a 36402  
cooperative, a sole proprietorship, a general partnership, a 36403  
limited partnership, a limited partnership association, a limited 36404  
liability partnership, and a limited liability company. 36405

(J) A candidate shall have only one campaign committee at any 36406  
given time for all of the offices for which the person is a 36407  
candidate or holds office. 36408

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the certificate is void and thereafter the campaign committee shall file the statements required by division (A) of this section. If the campaign committee has not previously filed a statement, then on the first statement the campaign committee is required to file under division (A) of this section after the committee's certificate is void, the committee shall report all contributions

received and expenditures made from the time the candidate filed 36441  
the candidate's declaration of candidacy and petition, nominating 36442  
petition, or declaration of intent to be a write-in candidate. 36443

(4) As used in division (K) of this section, "election 36444  
period" means the period of time beginning on the day a person 36445  
files a declaration of candidacy and petition, nominating 36446  
petition, or declaration of intent to be a write-in candidate 36447  
through the day of the election at which the person seeks 36448  
nomination to office if the person is not elected to office, or, 36449  
if the candidate was nominated in a primary election, the day of 36450  
the election at which the candidate seeks office. 36451

(L) A political contributing entity that receives 36452  
contributions from the dues, membership fees, or other assessments 36453  
of its members or from its officers, shareholders, and employees 36454  
may report the aggregate amount of contributions received from 36455  
those contributors and the number of individuals making those 36456  
contributions, for each filing period under divisions (A)(1), (2), 36457  
(3), and (4) of this section, rather than reporting information as 36458  
required under division (B)(4) of this section, including, when 36459  
applicable, the name of the current employer, if any, of a 36460  
contributor whose contribution exceeds one hundred dollars or, if 36461  
such a contributor is self-employed, the contributor's occupation 36462  
and the name of the contributor's business, if any. Division 36463  
(B)(4) of this section applies to a political contributing entity 36464  
with regard to contributions it receives from all other 36465  
contributors. 36466

**Sec. 3517.102.** (A) Except as otherwise provided in section 36467  
3517.103 of the Revised Code, as used in this section and sections 36468  
3517.103 and 3517.104 of the Revised Code: 36469

(1) "Candidate" has the same meaning as in section 3517.01 of 36470  
the Revised Code but includes only candidates for the offices of 36471

governor, lieutenant governor, secretary of state, auditor of 36472  
state, treasurer of state, attorney general, member of the state 36473  
board of education, member of the general assembly, chief justice 36474  
of the supreme court, and justice of the supreme court. 36475

(2) "Statewide candidate" or "any one statewide candidate" 36476  
means the joint candidates for the offices of governor and 36477  
lieutenant governor or a candidate for the office of secretary of 36478  
state, auditor of state, treasurer of state, attorney general, 36479  
member of the state board of education, chief justice of the 36480  
supreme court, or justice of the supreme court. 36481

(3) "Senate candidate" means a candidate for the office of 36482  
state senator. 36483

(4) "House candidate" means a candidate for the office of 36484  
state representative. 36485

(5)(a) "Primary election period" for a candidate begins on 36486  
the beginning date of the candidate's pre-filing period specified 36487  
in division (A)(9) of section 3517.109 of the Revised Code and 36488  
ends on the day of the primary election. 36489

(b) In regard to any candidate, the "general election period" 36490  
begins on the day after the primary election immediately preceding 36491  
the general election at which the candidate seeks an office 36492  
specified in division (A)(1) of this section and ends on the 36493  
thirty-first day of December following that general election. 36494

(6) "State candidate fund" means the state candidate fund 36495  
established by a state or county political party under division 36496  
(D)(3)(c) of section 3517.10 of the Revised Code. 36497

(7) "Postgeneral election statement" means the statement 36498  
filed under division (A)(2) of section 3517.10 of the Revised Code 36499  
by the campaign committee of a candidate after the general 36500  
election in which the candidate ran for office or filed by 36501  
legislative campaign fund after the general election in an 36502

even-numbered year. 36503

(8) "Contribution" means any contribution that is required to 36504  
be reported in the statement of contributions under section 36505  
3517.10 of the Revised Code. 36506

(9)(a) Except as otherwise provided in division (A)(9)(b) of 36507  
this section, "designated state campaign committee" means: 36508

(i) In the case of contributions to or from a state political 36509  
party, a campaign committee of a statewide candidate, statewide 36510  
officeholder, senate candidate, house candidate, or member of the 36511  
general assembly. 36512

(ii) In the case of contributions to or from a county 36513  
political party, a campaign committee of a senate candidate or 36514  
house candidate whose candidacy is to be submitted to some or all 36515  
of the electors in that county, or member of the general assembly 36516  
whose district contains all or part of that county. 36517

(iii) In the case of contributions to or from a legislative 36518  
campaign fund, a campaign committee of any of the following: 36519

(I) A senate or house candidate who, if elected, will be a 36520  
member of the same party that established the legislative campaign 36521  
fund and the same house with which the legislative campaign fund 36522  
is associated; 36523

(II) A state senator or state representative who is a member 36524  
of the same party that established the legislative campaign fund 36525  
and the same house with which the legislative campaign fund is 36526  
associated. 36527

(b) A campaign committee is no longer a "designated state 36528  
campaign committee" after the campaign committee's candidate 36529  
changes the designation of treasurer required to be filed under 36530  
division (D)(1) of section 3517.10 of the Revised Code to indicate 36531  
that the person intends to be a candidate for, or becomes a 36532

candidate for nomination or election to, any office that, if 36533  
elected, would not qualify that candidate's campaign committee as 36534  
a "designated state campaign committee" under division (A)(9)(a) 36535  
of this section. 36536

(B)(1)(a) No individual who is seven years of age or older 36537  
shall make a contribution or contributions aggregating more than: 36538

(i) Ten thousand dollars to the campaign committee of any one 36539  
statewide candidate in a primary election period or in a general 36540  
election period; 36541

(ii) Ten thousand dollars to the campaign committee of any 36542  
one senate candidate in a primary election period or in a general 36543  
election period; 36544

(iii) Ten thousand dollars to the campaign committee of any 36545  
one house candidate in a primary election period or in a general 36546  
election period; 36547

(iv) Ten thousand dollars to a county political party of the 36548  
county in which the individual's designated Ohio residence is 36549  
located for the party's state candidate fund in a calendar year; 36550

(v) Fifteen thousand dollars to any one legislative campaign 36551  
fund in a calendar year; 36552

(vi) Thirty thousand dollars to any one state political party 36553  
for the party's state candidate fund in a calendar year; 36554

(vii) Ten thousand dollars to any one political action 36555  
committee in a calendar year; 36556

(viii) Ten thousand dollars to any one political contributing 36557  
entity in a calendar year. 36558

(b) No individual shall make a contribution or contributions 36559  
to the state candidate fund of a county political party of any 36560  
county other than the county in which the individual's designated 36561  
Ohio residence is located. 36562

(c) No individual who is under seven years of age shall make any contribution. 36563  
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(2)(a) Subject to division (D)(1) of this section, no political action committee shall make a contribution or contributions aggregating more than: 36565  
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(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period; 36568  
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(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period; 36571  
36572  
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(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period; 36574  
36575  
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(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year; 36577  
36578

(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year; 36579  
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(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person. 36581  
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(b) No political action committee shall make a contribution	36594
or contributions to a county political party for the party's state	36595
candidate fund.	36596
(3) No campaign committee shall make a contribution or	36597
contributions aggregating more than:	36598
(a) Ten thousand dollars to the campaign committee of any one	36599
statewide candidate in a primary election period or in a general	36600
election period;	36601
(b) Ten thousand dollars to the campaign committee of any one	36602
senate candidate in a primary election period or in a general	36603
election period;	36604
(c) Ten thousand dollars to the campaign committee of any one	36605
house candidate in a primary election period or in a general	36606
election period;	36607
(d) Ten thousand dollars to any one political action	36608
committee in a calendar year;	36609
(e) Ten thousand dollars to any one political contributing	36610
entity in a calendar year.	36611
(4)(a) Subject to division (D)(3) of this section, no	36612
political party shall make a contribution or contributions	36613
aggregating more than ten thousand dollars to any one political	36614
action committee or to any one political contributing entity in a	36615
calendar year.	36616
(b) No county political party shall make a contribution or	36617
contributions to another county political party.	36618
(5)(a) Subject to division (B)(5)(b) of this section, no	36619
campaign committee, other than a designated state campaign	36620
committee, shall make a contribution or contributions aggregating	36621
in a calendar year more than:	36622
(i) Thirty thousand dollars to any one state political party	36623

for the party's state candidate fund;	36624
(ii) Fifteen thousand dollars to any one legislative campaign fund;	36625 36626
(iii) Ten thousand dollars to any one county political party for the party's state candidate fund.	36627 36628
(b) No campaign committee shall make a contribution or contributions to a county political party for the party's state candidate fund unless one of the following applies:	36629 36630 36631
(i) The campaign committee's candidate will appear on a ballot in that county.	36632 36633
(ii) The campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is made.	36634 36635 36636
(6)(a) No state candidate fund of a county political party shall make a contribution or contributions, except a contribution or contributions to a designated state campaign committee, in a primary election period or a general election period, aggregating more than:	36637 36638 36639 36640 36641
(i) Two hundred fifty thousand dollars to the campaign committee of any one statewide candidate;	36642 36643
(ii) Ten thousand dollars to the campaign committee of any one senate candidate;	36644 36645
(iii) Ten thousand dollars to the campaign committee of any one house candidate.	36646 36647
(b)(i) No state candidate fund of a state or county political party shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee in a primary election period or in a general election period aggregating more than:	36648 36649 36650 36651 36652
(I) Five hundred thousand dollars to the campaign committee	36653

of any one statewide candidate; 36654

(II) One hundred thousand dollars to the campaign committee 36655  
of any one senate candidate; 36656

(III) Fifty thousand dollars to the campaign committee of any 36657  
one house candidate. 36658

(ii) No legislative campaign fund shall make a transfer or a 36659  
contribution or transfers or contributions of cash or cash 36660  
equivalents to a designated state campaign committee aggregating 36661  
more than: 36662

(I) Fifty thousand dollars in a primary election period or 36663  
one hundred thousand dollars in a general election period to the 36664  
campaign committee of any one senate candidate; 36665

(II) Twenty-five thousand dollars in a primary election 36666  
period or fifty thousand dollars in a general election period to 36667  
the campaign committee of any one house candidate. 36668

(iii) As used in divisions (B)(6)(b) and (C)(6) of this 36669  
section, "transfer or contribution of cash or cash equivalents" 36670  
does not include any in-kind contributions. 36671

(c) A county political party that has no state candidate fund 36672  
and that is located in a county having a population of less than 36673  
one hundred fifty thousand may make one or more contributions from 36674  
other accounts to any one statewide candidate or to any one 36675  
designated state campaign committee that do not exceed, in the 36676  
aggregate, two thousand five hundred dollars in any primary 36677  
election period or general election period. ~~As used in this 36678  
division, "other accounts" does not include an account that 36679  
contains the public moneys received from the Ohio political party 36680  
fund under section 3517.17 of the Revised Code. 36681~~

(d) No legislative campaign fund shall make a contribution, 36682  
other than to a designated state campaign committee or to the 36683

state candidate fund of a political party. 36684

(7)(a) Subject to division (D)(1) of this section, no 36685  
political contributing entity shall make a contribution or 36686  
contributions aggregating more than: 36687

(i) Ten thousand dollars to the campaign committee of any one 36688  
statewide candidate in a primary election period or in a general 36689  
election period; 36690

(ii) Ten thousand dollars to the campaign committee of any 36691  
one senate candidate in a primary election period or in a general 36692  
election period; 36693

(iii) Ten thousand dollars to the campaign committee of any 36694  
one house candidate in a primary election period or in a general 36695  
election period; 36696

(iv) Fifteen thousand dollars to any one legislative campaign 36697  
fund in a calendar year; 36698

(v) Thirty thousand dollars to any one state political party 36699  
for the party's state candidate fund in a calendar year; 36700

(vi) Ten thousand dollars to another political contributing 36701  
entity or to a political action committee in a calendar year. This 36702  
division does not apply to a political contributing entity that 36703  
makes a contribution to a political contributing entity or a 36704  
political action committee affiliated with it. For purposes of 36705  
this division, a political contributing entity is affiliated with 36706  
another political contributing entity or with a political action 36707  
committee if they are both established, financed, maintained, or 36708  
controlled by, or if they are, the same corporation, organization, 36709  
labor organization, continuing association, or other person, 36710  
including any parent, subsidiary, division, or department of that 36711  
corporation, organization, labor organization, continuing 36712  
association, or other person. 36713

(b) No political contributing entity shall make a contribution or contributions to a county political party for the party's state candidate fund.

(C)(1)(a) Subject to division (D)(1) of this section, no campaign committee of a statewide candidate shall do any of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one other campaign committee in a primary election period or in a general election period;

(iii) Accept a contribution or contributions aggregating more than two hundred fifty thousand dollars from any one or combination of state candidate funds of county political parties in a primary election period or in a general election period.

(b) No campaign committee of a statewide candidate shall accept a contribution or contributions aggregating more than two thousand five hundred dollars in a primary election period or in a general election period from a county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand.

(2)(a) Subject to division (D)(1) of this section and except for a designated state campaign committee, no campaign committee of a senate candidate shall do either of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(ii) Accept a contribution or contributions aggregating more

than ten thousand dollars from any one individual who is seven 36744  
years of age or older, from any one political action committee, 36745  
from any one political contributing entity, from any one state 36746  
candidate fund of a county political party, or from any one other 36747  
campaign committee in a primary election period or in a general 36748  
election period. 36749

(b) No campaign committee of a senate candidate shall accept 36750  
a contribution or contributions aggregating more than two thousand 36751  
five hundred dollars in a primary election period or in a general 36752  
election period from a county political party that has no state 36753  
candidate fund and that is located in a county having a population 36754  
of less than one hundred fifty thousand. 36755

(3)(a) Subject to division (D)(1) of this section and except 36756  
for a designated state campaign committee, no campaign committee 36757  
of a house candidate shall do either of the following: 36758

(i) Knowingly accept a contribution or contributions from any 36759  
individual who is under seven years of age; 36760

(ii) Accept a contribution or contributions aggregating more 36761  
than ten thousand dollars from any one individual who is seven 36762  
years of age or older, from any one political action committee, 36763  
from any one political contributing entity, from any one state 36764  
candidate fund of a county political party, or from any one other 36765  
campaign committee in a primary election period or in a general 36766  
election period. 36767

(b) No campaign committee of a house candidate shall accept a 36768  
contribution or contributions aggregating more than two thousand 36769  
five hundred dollars in a primary election period or in a general 36770  
election period from a county political party that has no state 36771  
candidate fund and that is located in a county having a population 36772  
of less than one hundred fifty thousand. 36773

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 36774

and except for a designated state campaign committee, no county 36775  
political party shall knowingly accept a contribution or 36776  
contributions from any individual who is under seven years of age, 36777  
or accept a contribution or contributions for the party's state 36778  
candidate fund aggregating more than ten thousand dollars from any 36779  
one individual whose designated Ohio residence is located within 36780  
that county and who is seven years of age or older or from any one 36781  
campaign committee in a calendar year. 36782

(ii) Subject to division (D)(1) of this section, no county 36783  
political party shall accept a contribution or contributions for 36784  
the party's state candidate fund from any individual whose 36785  
designated Ohio residence is located outside of that county and 36786  
who is seven years of age or older, from any campaign committee 36787  
unless the campaign committee's candidate will appear on a ballot 36788  
in that county or unless the campaign committee's candidate is the 36789  
holder of an elected public office that represents all or part of 36790  
the population of that county at the time the contribution is 36791  
accepted, or from any political action committee or any political 36792  
contributing entity. 36793

(iii) No county political party shall accept a contribution 36794  
or contributions from any other county political party. 36795

(b) Subject to division (D)(1) of this section, no state 36796  
political party shall do either of the following: 36797

(i) Knowingly accept a contribution or contributions from any 36798  
individual who is under seven years of age; 36799

(ii) Accept a contribution or contributions for the party's 36800  
state candidate fund aggregating more than thirty thousand dollars 36801  
from any one individual who is seven years of age or older, from 36802  
any one political action committee, from any one political 36803  
contributing entity, or from any one campaign committee, other 36804  
than a designated state campaign committee, in a calendar year. 36805

(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following:	36806 36807
(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age;	36808 36809
(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.	36810 36811 36812 36813 36814 36815
(6)(a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than:	36816 36817 36818 36819
(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate;	36820 36821
(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;	36822 36823
(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.	36824 36825
(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a legislative campaign fund aggregating more than:	36826 36827 36828
(i) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period, in the case of a campaign committee of a senate candidate;	36829 36830 36831
(ii) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period, in the case of a campaign committee of a house candidate.	36832 36833 36834
(c) No campaign committee of a candidate for the office of	36835

member of the general assembly, including a designated state 36836  
campaign committee, shall accept a transfer or contribution of 36837  
cash or cash equivalents from any one or combination of state 36838  
candidate funds of county political parties aggregating in a 36839  
primary election period or a general election period more than: 36840

(i) One hundred thousand dollars, in the case of a campaign 36841  
committee of a senate candidate; 36842

(ii) Fifty thousand dollars, in the case of a campaign 36843  
committee of a house candidate. 36844

(7)(a) Subject to division (D)(3) of this section, no 36845  
political action committee and no political contributing entity 36846  
shall do either of the following: 36847

(i) Knowingly accept a contribution or contributions from any 36848  
individual who is under seven years of age; 36849

(ii) Accept a contribution or contributions aggregating more 36850  
than ten thousand dollars from any one individual who is seven 36851  
years of age or older, from any one campaign committee, or from 36852  
any one political party in a calendar year. 36853

(b) Subject to division (D)(1) of this section, no political 36854  
action committee shall accept a contribution or contributions 36855  
aggregating more than ten thousand dollars from another political 36856  
action committee or from a political contributing entity in a 36857  
calendar year. Subject to division (D)(1) of this section, no 36858  
political contributing entity shall accept a contribution or 36859  
contributions aggregating more than ten thousand dollars from 36860  
another political contributing entity or from a political action 36861  
committee in a calendar year. This division does not apply to a 36862  
political action committee or political contributing entity that 36863  
accepts a contribution from a political action committee or 36864  
political contributing entity affiliated with it. For purposes of 36865  
this division, a political action committee is affiliated with 36866

another political action committee or with a political 36867  
contributing entity if they are both established, financed, 36868  
maintained, or controlled by the same corporation, organization, 36869  
labor organization, continuing association, or other person, 36870  
including any parent, subsidiary, division, or department of that 36871  
corporation, organization, labor organization, continuing 36872  
association, or other person. 36873

(D)(1)(a) For purposes of the limitations prescribed in 36874  
division (B)(2) of this section and the limitations prescribed in 36875  
divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, 36876  
whichever is applicable, all contributions made by and all 36877  
contributions accepted from political action committees that are 36878  
established, financed, maintained, or controlled by, or that are, 36879  
the same corporation, organization, labor organization, continuing 36880  
association, or other person, including any parent, subsidiary, 36881  
division, or department of that corporation, organization, labor 36882  
organization, continuing association, or other person, are 36883  
considered to have been made by or accepted from a single 36884  
political action committee. 36885

(b) For purposes of the limitations prescribed in division 36886  
(B)(7) of this section and the limitations prescribed in divisions 36887  
(C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever 36888  
is applicable, all contributions made by and all contributions 36889  
accepted from political contributing entities that are 36890  
established, financed, maintained, or controlled by, or that are, 36891  
the same corporation, organization, labor organization, continuing 36892  
association, or other person, including any parent, subsidiary, 36893  
division, or department of that corporation, organization, labor 36894  
organization, continuing association, or other person, are 36895  
considered to have been made by or accepted from a single 36896  
political contributing entity. 36897

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 36898

(B)(4)(a), and (C)(7) of this section, "political action committee" does not include a political action committee that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity. As used in divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of this section, "political contributing entity" does not include a political contributing entity that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

(3) For purposes of the limitations prescribed in divisions (B)(4) and (C)(7)(a) of this section, all contributions made by and all contributions accepted from a national political party, a state political party, and a county political party are considered to have been made by or accepted from a single political party and shall be combined with each other to determine whether the limitations have been exceeded.

(E)(1) If a legislative campaign fund has kept a total amount of contributions exceeding one hundred fifty thousand dollars at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code, the legislative campaign fund shall comply with division (E)(2) of this section.

(2)(a) Any legislative campaign fund that has kept a total amount of contributions in excess of the amount specified in division (E)(1) of this section at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code shall dispose of the excess amount in the manner prescribed in division

(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 36931  
days after the day the postgeneral election statement is required 36932  
to be filed under section 3517.10 of the Revised Code. Any 36933  
legislative campaign fund that is required to dispose of an excess 36934  
amount of contributions under this division shall file a statement 36935  
on the ninetieth day after the postgeneral election statement is 36936  
required to be filed under section 3517.10 of the Revised Code 36937  
indicating the total amount of contributions the fund has at the 36938  
close of business on the seventh day before the postgeneral 36939  
election statement is required to be filed under section 3517.10 36940  
of the Revised Code and that the excess contributions were 36941  
disposed of pursuant to this division and division (E)(2)(b) of 36942  
this section. The statement shall be on a form prescribed by the 36943  
secretary of state and shall contain any additional information 36944  
the secretary of state considers necessary. 36945

(b) Any legislative campaign fund that is required to dispose 36946  
of an excess amount of contributions under division (E)(2) of this 36947  
section shall dispose of that excess amount by doing any of the 36948  
following: 36949

(i) Giving the amount to the treasurer of state for deposit 36950  
into the state treasury to the credit of the Ohio elections 36951  
commission fund created by division (I) of section 3517.152 of the 36952  
Revised Code; 36953

(ii) Giving the amount to individuals who made contributions 36954  
to that legislative campaign fund as a refund of all or part of 36955  
their contributions; 36956

(iii) Giving the amount to a corporation that is exempt from 36957  
federal income taxation under subsection 501(a) and described in 36958  
subsection 501(c) of the Internal Revenue Code. 36959

(F)(1) No legislative campaign fund shall fail to file a 36960  
statement required by division (E) of this section. 36961

(2) No legislative campaign fund shall fail to dispose of 36962  
excess contributions as required by division (E) of this section. 36963

(G) Nothing in this section shall affect, be used in 36964  
determining, or supersede a limitation on campaign contributions 36965  
as provided for in the Federal Election Campaign Act. 36966

**Sec. 3517.1012.** (A)(1) Each state and county political party 36967  
shall establish a restricted fund that is separate from all other 36968  
accounts of the political party. 36969

(2) A state or county political party shall deposit into its 36970  
restricted fund all ~~public moneys received from the Ohio political~~ 36971  
~~party fund under section 3517.17 of the Revised Code and all~~ gifts 36972  
that are made to or accepted by the political party from a 36973  
corporation or labor organization subject to the applicable 36974  
limitations prescribed in division (X) of section 3517.13 of the 36975  
Revised Code. A state or county political party may deposit into 36976  
its restricted fund any gifts that are made to or accepted by the 36977  
political party from a source other than a corporation or labor 36978  
organization. 36979

(3) Moneys in a state or county political party's restricted 36980  
fund may be disbursed to pay costs incurred for any of the 36981  
purposes specified in division (A) of section 3517.18 of the 36982  
Revised Code. 36983

(B) Except as otherwise provided in this division, a state or 36984  
county political party shall file deposit and disbursement 36985  
statements, in the same manner as the party is required to file 36986  
statements of contributions and expenditures under section 3517.10 36987  
of the Revised Code, regarding all deposits made into, and all 36988  
disbursements made from, the party's restricted fund. Deposit and 36989  
disbursement statements filed in accordance with this division by 36990  
a county political party shall be filed by electronic means of 36991  
transmission to the office of the secretary of state at the times 36992

specified in division (A) of section 3517.10 of the Revised Code 36993  
for the filing of statements of contributions and expenditures if 36994  
the county political party accepts gifts from a corporation or 36995  
labor organization under division (A)(2) of this section. 36996

**Sec. 3517.11.** (A)(1) Campaign committees of candidates for 36997  
statewide office or the state board of education, political action 36998  
committees or political contributing entities that make 36999  
contributions to campaign committees of candidates that are 37000  
required to file the statements prescribed by section 3517.10 of 37001  
the Revised Code with the secretary of state, political action 37002  
committees or political contributing entities that make 37003  
contributions to campaign committees of candidates for member of 37004  
the general assembly, political action committees or political 37005  
contributing entities that make contributions to state and 37006  
national political parties and to legislative campaign funds, 37007  
political action committees or political contributing entities 37008  
that receive contributions or make expenditures in connection with 37009  
a statewide ballot issue, political action committees or political 37010  
contributing entities that make contributions to other political 37011  
action committees or political contributing entities, political 37012  
parties, and campaign committees, except as set forth in division 37013  
(A)(3) of this section, legislative campaign funds, and state and 37014  
national political parties shall file the statements prescribed by 37015  
section 3517.10 of the Revised Code with the secretary of state. 37016

(2)(a) Except as otherwise provided in division (F) of 37017  
section 3517.106 of the Revised Code, campaign committees of 37018  
candidates for all other offices shall file the statements 37019  
prescribed by section 3517.10 of the Revised Code with the board 37020  
of elections where their candidates are required to file their 37021  
petitions or other papers for nomination or election. 37022

(b) A campaign committee of a candidate for office of member 37023

of the general assembly or a campaign committee of a candidate for 37024  
the office of judge of a court of appeals shall file two copies of 37025  
the printed version of any statement, addendum, or amended 37026  
statement if the committee does not file pursuant to division 37027  
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 37028  
printed version only with the appropriate board of elections. The 37029  
board of elections shall send one of those copies by certified 37030  
mail or an electronic copy to the secretary of state before the 37031  
close of business on the day the board of elections receives the 37032  
statement, addendum, or amended statement. 37033

(3) Political action committees or political contributing 37034  
entities that only contribute to a county political party, 37035  
contribute to campaign committees of candidates whose nomination 37036  
or election is to be submitted only to electors within a county, 37037  
subdivision, or district, excluding candidates for member of the 37038  
general assembly, and receive contributions or make expenditures 37039  
in connection with ballot questions or issues to be submitted only 37040  
to electors within a county, subdivision, or district shall file 37041  
the statements prescribed by section 3517.10 of the Revised Code 37042  
with the board of elections in that county or in the county 37043  
contained in whole or part within the subdivision or district 37044  
having a population greater than that of any other county 37045  
contained in whole or part within that subdivision or district, as 37046  
the case may be. 37047

(4) Except as otherwise provided in division (E)(3) of 37048  
section 3517.106 of the Revised Code with respect to state 37049  
candidate funds, county political parties shall file the 37050  
statements prescribed by section 3517.10 of the Revised Code with 37051  
the board of elections of their respective counties. 37052

(B)(1) The official with whom petitions and other papers for 37053  
nomination or election to public office are filed shall furnish 37054  
each candidate at the time of that filing a copy of sections 37055

3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 37056  
3599.031 of the Revised Code and any other materials that the 37057  
secretary of state may require. Each candidate receiving the 37058  
materials shall acknowledge their receipt in writing. 37059

(2) On or before the tenth day before the dates on which 37060  
statements are required to be filed by section 3517.10 of the 37061  
Revised Code, the secretary of state shall notify every candidate 37062  
subject to the provisions of this section and sections 3517.10 and 37063  
3517.106 of the Revised Code of the requirements and applicable 37064  
penalties of those sections. The secretary of state shall notify 37065  
all candidates required to file those statements with the 37066  
secretary of state's office either by certified mail, or, if the 37067  
secretary of state has record of an internet identifier of record 37068  
associated with the candidate, by ordinary mail and by that 37069  
internet identifier of record. The board of elections of every 37070  
county shall notify by first class mail any candidate who has 37071  
personally appeared at the office of the board on or before the 37072  
tenth day before the statements are required to be filed and 37073  
signed a form, to be provided by the secretary of state, attesting 37074  
that the candidate has been notified of the candidate's 37075  
obligations under the campaign finance law. The board shall 37076  
forward the completed form to the secretary of state. The board 37077  
shall notify all other candidates required to file those 37078  
statements with it either by certified mail, or, if the secretary 37079  
of state has record of an internet identifier of record associated 37080  
with the candidate, by ordinary mail and by that internet 37081  
identifier of record. 37082

(3)(a) Any statement required to be filed under sections 37083  
3517.081 to ~~3517.17~~ 3517.14 of the Revised Code that is found to 37084  
be incomplete or inaccurate by the officer to whom it is submitted 37085  
shall be accepted on a conditional basis, and the person who filed 37086  
it shall be notified by certified mail as to the incomplete or 37087

inaccurate nature of the statement. The secretary of state may 37088  
examine statements filed for candidates for the office of member 37089  
of the general assembly and candidates for the office of judge of 37090  
a court of appeals for completeness and accuracy. The secretary of 37091  
state shall examine for completeness and accuracy statements that 37092  
campaign committees of candidates for the office of member of the 37093  
general assembly and campaign committees of candidates for the 37094  
office of judge of a court of appeals file pursuant to division 37095  
(F) or (L) of section 3517.106 of the Revised Code. If an officer 37096  
at the board of elections where a statement filed for a candidate 37097  
for the office of member of the general assembly or for a 37098  
candidate for the office of judge of a court of appeals was 37099  
submitted finds the statement to be incomplete or inaccurate, the 37100  
officer shall immediately notify the secretary of state of its 37101  
incomplete or inaccurate nature. If either an officer at the board 37102  
of elections or the secretary of state finds a statement filed for 37103  
a candidate for the office of member of the general assembly or 37104  
for a candidate for the office of judge of a court of appeals to 37105  
be incomplete or inaccurate, only the secretary of state shall 37106  
send the notification as to the incomplete or inaccurate nature of 37107  
the statement. 37108

Within twenty-one days after receipt of the notice, in the 37109  
case of a pre-election statement, a postelection statement, a 37110  
monthly statement, an annual statement, or a semiannual statement 37111  
prescribed by section 3517.10, an annual statement prescribed by 37112  
section 3517.101, or a statement prescribed by division (B)(2)(b) 37113  
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 37114  
Revised Code, the recipient shall file an addendum, amendment, or 37115  
other correction to the statement providing the information 37116  
necessary to complete or correct the statement. The secretary of 37117  
state may require that, in lieu of filing an addendum, amendment, 37118  
or other correction to a statement that is filed by electronic 37119  
means of transmission to the office of the secretary of state 37120

pursuant to section 3517.106 of the Revised Code, the recipient of 37121  
the notice described in this division file by electronic means of 37122  
transmission an amended statement that incorporates the 37123  
information necessary to complete or correct the statement. 37124

The secretary of state shall determine by rule when an 37125  
addendum, amendment, or other correction to any of the following 37126  
or when an amended statement of any of the following shall be 37127  
filed: 37128

(i) A two-business-day statement prescribed by section 37129  
3517.10 of the Revised Code; 37130

(ii) A disclosure of electioneering communications statement 37131  
prescribed by division (D) of section 3517.1011 of the Revised 37132  
Code; 37133

(iii) A deposit and disbursement statement prescribed under 37134  
division (B) of section 3517.1012 of the Revised Code; 37135

(iv) A gift and disbursement statement prescribed under 37136  
section 3517.1013 of the Revised Code; 37137

(v) A donation and disbursement statement prescribed under 37138  
section 3517.1014 of the Revised Code. 37139

An addendum, amendment, or other correction to a statement 37140  
that is filed by electronic means of transmission pursuant to 37141  
section 3517.106 of the Revised Code shall be filed in the same 37142  
manner as the statement. 37143

The provisions of sections 3517.10, 3517.106, 3517.1011, 37144  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining 37145  
to the filing of statements of contributions and expenditures, 37146  
statements of independent expenditures, disclosure of 37147  
electioneering communications statements, deposit and disbursement 37148  
statements, gift and disbursement statements, and donation and 37149  
disbursement statements by electronic means of transmission apply 37150

to the filing of addenda, amendments, or other corrections to 37151  
those statements by electronic means of transmission and the 37152  
filing of amended statements by electronic means of transmission. 37153

(b) Within five business days after the secretary of state 37154  
receives, by electronic or other means of transmission, an 37155  
addendum, amendment, or other correction to a statement or an 37156  
amended statement under division (B)(3)(a) of this section, the 37157  
secretary of state, pursuant to divisions (E), (F), (G), and (I) 37158  
of section 3517.106 or division (D) of section 3517.1011 of the 37159  
Revised Code, shall make the contribution and expenditure, 37160  
contribution and disbursement, deposit and disbursement, gift and 37161  
disbursement, or donation and disbursement information in that 37162  
addendum, amendment, correction, or amended statement available 37163  
online to the public through the internet. 37164

(4)(a) The secretary of state or the board of elections shall 37165  
examine all statements for compliance with sections 3517.08 to 37166  
~~3517.17~~ 3517.14 of the Revised Code. 37167

(b) The secretary of state may contract with an individual or 37168  
entity not associated with the secretary of state and experienced 37169  
in interpreting the campaign finance law of this state to conduct 37170  
examinations of statements filed by any statewide candidate, as 37171  
defined in section 3517.103 of the Revised Code. 37172

(c) The examination shall be conducted by a person or entity 37173  
qualified to conduct it. The results of the examination shall be 37174  
available to the public, and, when the examination is conducted by 37175  
an individual or entity not associated with the secretary of 37176  
state, the results of the examination shall be reported to the 37177  
secretary of state. 37178

(C)(1) In the event of a failure to file or a late filing of 37179  
a statement required to be filed under sections 3517.081 to 37180  
~~3517.17~~ 3517.14 of the Revised Code, or if a filed statement or 37181

any addendum, amendment, or other correction to a statement or any 37182  
amended statement, if an addendum, amendment, or other correction 37183  
or an amended statement is required to be filed, is incomplete or 37184  
inaccurate or appears to disclose a failure to comply with or a 37185  
violation of law, the official whose duty it is to examine the 37186  
statement shall promptly file a complaint with the Ohio elections 37187  
commission under section 3517.153 of the Revised Code if the law 37188  
is one over which the commission has jurisdiction to hear 37189  
complaints, or the official shall promptly report the failure or 37190  
violation to the board of elections and the board shall promptly 37191  
report it to the prosecuting attorney in accordance with division 37192  
(J) of section 3501.11 of the Revised Code. If the official files 37193  
a complaint with the commission, the commission shall proceed in 37194  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 37195

(2) For purposes of division (C)(1) of this section, a 37196  
statement or an addendum, amendment, or other correction to a 37197  
statement or an amended statement required to be filed under 37198  
sections 3517.081 to ~~3517.17~~ 3517.14 of the Revised Code is 37199  
incomplete or inaccurate under this section if the statement, 37200  
addendum, amendment, other correction, or amended statement fails 37201  
to disclose substantially all contributions, gifts, or donations 37202  
that are received or deposits that are made that are required to 37203  
be reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 37204  
3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the 37205  
statement, addendum, amendment, other correction, or amended 37206  
statement fails to disclose at least ninety per cent of the total 37207  
contributions, gifts, or donations received or deposits made or of 37208  
the total expenditures or disbursements made during the reporting 37209  
period. 37210

(D) No certificate of nomination or election shall be issued 37211  
to a person, and no person elected to an office shall enter upon 37212  
the performance of the duties of that office, until that person or 37213

that person's campaign committee, as appropriate, has fully 37214  
complied with this section and sections 3517.08, 3517.081, 37215  
3517.10, and 3517.13 of the Revised Code. 37216

**Sec. 3517.13.** (A)(1) No campaign committee of a statewide 37217  
candidate shall fail to file a complete and accurate statement 37218  
required under division (A)(1) of section 3517.10 of the Revised 37219  
Code. 37220

(2) No campaign committee of a statewide candidate shall fail 37221  
to file a complete and accurate monthly statement, and no campaign 37222  
committee of a statewide candidate or a candidate for the office 37223  
of chief justice or justice of the supreme court shall fail to 37224  
file a complete and accurate two-business-day statement, as 37225  
required under section 3517.10 of the Revised Code. 37226

As used in this division, "statewide candidate" has the same 37227  
meaning as in division (F)(2) of section 3517.10 of the Revised 37228  
Code. 37229

(B) No campaign committee shall fail to file a complete and 37230  
accurate statement required under division (A)(1) of section 37231  
3517.10 of the Revised Code. 37232

(C) No campaign committee shall fail to file a complete and 37233  
accurate statement required under division (A)(2) of section 37234  
3517.10 of the Revised Code. 37235

(D) No campaign committee shall fail to file a complete and 37236  
accurate statement required under division (A)(3) or (4) of 37237  
section 3517.10 of the Revised Code. 37238

(E) No person other than a campaign committee shall knowingly 37239  
fail to file a statement required under section 3517.10 or 37240  
3517.107 of the Revised Code. 37241

(F) No person shall make cash contributions to any person 37242  
totaling more than one hundred dollars in each primary, special, 37243

or general election. 37244

(G)(1) No person shall knowingly conceal or misrepresent 37245  
contributions given or received, expenditures made, or any other 37246  
information required to be reported by a provision in sections 37247  
3517.08 to 3517.13 and ~~3517.17~~ of the Revised Code. 37248

(2)(a) No person shall make a contribution to a campaign 37249  
committee, political action committee, political contributing 37250  
entity, legislative campaign fund, political party, or person 37251  
making disbursements to pay the direct costs of producing or 37252  
airing electioneering communications in the name of another 37253  
person. 37254

(b) A person does not make a contribution in the name of 37255  
another when either of the following applies: 37256

(i) An individual makes a contribution from a partnership or 37257  
other unincorporated business account, if the contribution is 37258  
reported by listing both the name of the partnership or other 37259  
unincorporated business and the name of the partner or owner 37260  
making the contribution as required under division (I) of section 37261  
3517.10 of the Revised Code. 37262

(ii) A person makes a contribution in that person's spouse's 37263  
name or in both of their names. 37264

(H) No person within this state, publishing a newspaper or 37265  
other periodical, shall charge a campaign committee for political 37266  
advertising a rate in excess of the rate such person would charge 37267  
if the campaign committee were a general rate advertiser whose 37268  
advertising was directed to promoting its business within the same 37269  
area as that encompassed by the particular office that the 37270  
candidate of the campaign committee is seeking. The rate shall 37271  
take into account the amount of space used, as well as the type of 37272  
advertising copy submitted by or on behalf of the campaign 37273  
committee. All discount privileges otherwise offered by a 37274

newspaper or periodical to general rate advertisers shall be 37275  
available upon equal terms to all campaign committees. 37276

No person within this state, operating a radio or television 37277  
station or network of stations in this state, shall charge a 37278  
campaign committee for political broadcasts a rate that exceeds: 37279

(1) During the forty-five days preceding the date of a 37280  
primary election and during the sixty days preceding the date of a 37281  
general or special election in which the candidate of the campaign 37282  
committee is seeking office, the lowest unit charge of the station 37283  
for the same class and amount of time for the same period; 37284

(2) At any other time, the charges made for comparable use of 37285  
that station by its other users. 37286

(I) Subject to divisions (K), (L), (M), and (N) of this 37287  
section, no agency or department of this state or any political 37288  
subdivision shall award any contract, other than one let by 37289  
competitive bidding or a contract incidental to such contract or 37290  
which is by force account, for the purchase of goods costing more 37291  
than five hundred dollars or services costing more than five 37292  
hundred dollars to any individual, partnership, association, 37293  
including, without limitation, a professional association 37294  
organized under Chapter 1785. of the Revised Code, estate, or 37295  
trust if the individual has made or the individual's spouse has 37296  
made, or any partner, shareholder, administrator, executor, or 37297  
trustee or the spouse of any of them has made, as an individual, 37298  
within the two previous calendar years, one or more contributions 37299  
totaling in excess of one thousand dollars to the holder of the 37300  
public office having ultimate responsibility for the award of the 37301  
contract or to the public officer's campaign committee. 37302

(J) Subject to divisions (K), (L), (M), and (N) of this 37303  
section, no agency or department of this state or any political 37304  
subdivision shall award any contract, other than one let by 37305

competitive bidding or a contract incidental to such contract or 37306  
which is by force account, for the purchase of goods costing more 37307  
than five hundred dollars or services costing more than five 37308  
hundred dollars to a corporation or business trust, except a 37309  
professional association organized under Chapter 1785. of the 37310  
Revised Code, if an owner of more than twenty per cent of the 37311  
corporation or business trust or the spouse of that person has 37312  
made, as an individual, within the two previous calendar years, 37313  
taking into consideration only owners for all of that period, one 37314  
or more contributions totaling in excess of one thousand dollars 37315  
to the holder of a public office having ultimate responsibility 37316  
for the award of the contract or to the public officer's campaign 37317  
committee. 37318

(K) For purposes of divisions (I) and (J) of this section, if 37319  
a public officer who is responsible for the award of a contract is 37320  
appointed by the governor, whether or not the appointment is 37321  
subject to the advice and consent of the senate, excluding members 37322  
of boards, commissions, committees, authorities, councils, boards 37323  
of trustees, task forces, and other such entities appointed by the 37324  
governor, the office of the governor is considered to have 37325  
ultimate responsibility for the award of the contract. 37326

(L) For purposes of divisions (I) and (J) of this section, if 37327  
a public officer who is responsible for the award of a contract is 37328  
appointed by the elected chief executive officer of a municipal 37329  
corporation, or appointed by the elected chief executive officer 37330  
of a county operating under an alternative form of county 37331  
government or county charter, excluding members of boards, 37332  
commissions, committees, authorities, councils, boards of 37333  
trustees, task forces, and other such entities appointed by the 37334  
chief executive officer, the office of the chief executive officer 37335  
is considered to have ultimate responsibility for the award of the 37336  
contract. 37337

(M)(1) Divisions (I) and (J) of this section do not apply to 37338  
contracts awarded by the board of commissioners of the sinking 37339  
fund, municipal legislative authorities, boards of education, 37340  
boards of county commissioners, boards of township trustees, or 37341  
other boards, commissions, committees, authorities, councils, 37342  
boards of trustees, task forces, and other such entities created 37343  
by law, by the supreme court or courts of appeals, by county 37344  
courts consisting of more than one judge, courts of common pleas 37345  
consisting of more than one judge, or municipal courts consisting 37346  
of more than one judge, or by a division of any court if the 37347  
division consists of more than one judge. This division shall 37348  
apply to the specified entity only if the members of the entity 37349  
act collectively in the award of a contract for goods or services. 37350

(2) Divisions (I) and (J) of this section do not apply to 37351  
actions of the controlling board. 37352

(N)(1) Divisions (I) and (J) of this section apply to 37353  
contributions made to the holder of a public office having 37354  
ultimate responsibility for the award of a contract, or to the 37355  
public officer's campaign committee, during the time the person 37356  
holds the office and during any time such person was a candidate 37357  
for the office. Those divisions do not apply to contributions made 37358  
to, or to the campaign committee of, a candidate for or holder of 37359  
the office other than the holder of the office at the time of the 37360  
award of the contract. 37361

(2) Divisions (I) and (J) of this section do not apply to 37362  
contributions of a partner, shareholder, administrator, executor, 37363  
trustee, or owner of more than twenty per cent of a corporation or 37364  
business trust made before the person held any of those positions 37365  
or after the person ceased to hold any of those positions in the 37366  
partnership, association, estate, trust, corporation, or business 37367  
trust whose eligibility to be awarded a contract is being 37368  
determined, nor to contributions of the person's spouse made 37369

before the person held any of those positions, after the person 37370  
ceased to hold any of those positions, before the two were 37371  
married, after the granting of a decree of divorce, dissolution of 37372  
marriage, or annulment, or after the granting of an order in an 37373  
action brought solely for legal separation. Those divisions do not 37374  
apply to contributions of the spouse of an individual whose 37375  
eligibility to be awarded a contract is being determined made 37376  
before the two were married, after the granting of a decree of 37377  
divorce, dissolution of marriage, or annulment, or after the 37378  
granting of an order in an action brought solely for legal 37379  
separation. 37380

(0) No beneficiary of a campaign fund or other person shall 37381  
convert for personal use, and no person shall knowingly give to a 37382  
beneficiary of a campaign fund or any other person, for the 37383  
beneficiary's or any other person's personal use, anything of 37384  
value from the beneficiary's campaign fund, including, without 37385  
limitation, payments to a beneficiary for services the beneficiary 37386  
personally performs, except as reimbursement for any of the 37387  
following: 37388

(1) Legitimate and verifiable prior campaign expenses 37389  
incurred by the beneficiary; 37390

(2) Legitimate and verifiable ordinary and necessary prior 37391  
expenses incurred by the beneficiary in connection with duties as 37392  
the holder of a public office, including, without limitation, 37393  
expenses incurred through participation in nonpartisan or 37394  
bipartisan events if the participation of the holder of a public 37395  
office would normally be expected; 37396

(3) Legitimate and verifiable ordinary and necessary prior 37397  
expenses incurred by the beneficiary while doing any of the 37398  
following: 37399

(a) Engaging in activities in support of or opposition to a 37400

candidate other than the beneficiary, political party, or ballot  
issue; 37401  
37402

(b) Raising funds for a political party, political action  
committee, political contributing entity, legislative campaign  
fund, campaign committee, or other candidate; 37403  
37404  
37405

(c) Participating in the activities of a political party,  
political action committee, political contributing entity,  
legislative campaign fund, or campaign committee; 37406  
37407  
37408

(d) Attending a political party convention or other political  
meeting. 37409  
37410

For purposes of this division, an expense is incurred 37411  
whenever a beneficiary has either made payment or is obligated to 37412  
make payment, as by the use of a credit card or other credit 37413  
procedure or by the use of goods or services received on account. 37414

(P) No beneficiary of a campaign fund shall knowingly accept, 37415  
and no person shall knowingly give to the beneficiary of a 37416  
campaign fund, reimbursement for an expense under division (O) of 37417  
this section to the extent that the expense previously was 37418  
reimbursed or paid from another source of funds. If an expense is 37419  
reimbursed under division (O) of this section and is later paid or 37420  
reimbursed, wholly or in part, from another source of funds, the 37421  
beneficiary shall repay the reimbursement received under division 37422  
(O) of this section to the extent of the payment made or 37423  
reimbursement received from the other source. 37424

(Q) No candidate or public official or employee shall accept 37425  
for personal or business use anything of value from a political 37426  
party, political action committee, political contributing entity, 37427  
legislative campaign fund, or campaign committee other than the 37428  
candidate's or public official's or employee's own campaign 37429  
committee, and no person shall knowingly give to a candidate or 37430  
public official or employee anything of value from a political 37431

party, political action committee, political contributing entity, 37432  
legislative campaign fund, or such a campaign committee, except 37433  
for the following: 37434

(1) Reimbursement for legitimate and verifiable ordinary and 37435  
necessary prior expenses not otherwise prohibited by law incurred 37436  
by the candidate or public official or employee while engaged in 37437  
any legitimate activity of the political party, political action 37438  
committee, political contributing entity, legislative campaign 37439  
fund, or such campaign committee. Without limitation, reimbursable 37440  
expenses under this division include those incurred while doing 37441  
any of the following: 37442

(a) Engaging in activities in support of or opposition to 37443  
another candidate, political party, or ballot issue; 37444

(b) Raising funds for a political party, legislative campaign 37445  
fund, campaign committee, or another candidate; 37446

(c) Attending a political party convention or other political 37447  
meeting. 37448

(2) Compensation not otherwise prohibited by law for actual 37449  
and valuable personal services rendered under a written contract 37450  
to the political party, political action committee, political 37451  
contributing entity, legislative campaign fund, or such campaign 37452  
committee for any legitimate activity of the political party, 37453  
political action committee, political contributing entity, 37454  
legislative campaign fund, or such campaign committee. 37455

Reimbursable expenses under this division do not include, and 37456  
it is a violation of this division for a candidate or public 37457  
official or employee to accept, or for any person to knowingly 37458  
give to a candidate or public official or employee from a 37459  
political party, political action committee, political 37460  
contributing entity, legislative campaign fund, or campaign 37461  
committee other than the candidate's or public official's or 37462

employee's own campaign committee, anything of value for 37463  
activities primarily related to the candidate's or public 37464  
official's or employee's own campaign for election, except for 37465  
contributions to the candidate's or public official's or 37466  
employee's campaign committee. 37467

For purposes of this division, an expense is incurred 37468  
whenever a candidate or public official or employee has either 37469  
made payment or is obligated to make payment, as by the use of a 37470  
credit card or other credit procedure, or by the use of goods or 37471  
services on account. 37472

(R)(1) Division (O) or (P) of this section does not prohibit 37473  
a campaign committee from making direct advance or post payment 37474  
from contributions to vendors for goods and services for which 37475  
reimbursement is permitted under division (O) of this section, 37476  
except that no campaign committee shall pay its candidate or other 37477  
beneficiary for services personally performed by the candidate or 37478  
other beneficiary. 37479

(2) If any expense that may be reimbursed under division (O), 37480  
(P), or (Q) of this section is part of other expenses that may not 37481  
be paid or reimbursed, the separation of the two types of expenses 37482  
for the purpose of allocating for payment or reimbursement those 37483  
expenses that may be paid or reimbursed may be by any reasonable 37484  
accounting method, considering all of the surrounding 37485  
circumstances. 37486

(3) For purposes of divisions (O), (P), and (Q) of this 37487  
section, mileage allowance at a rate not greater than that allowed 37488  
by the internal revenue service at the time the travel occurs may 37489  
be paid instead of reimbursement for actual travel expenses 37490  
allowable. 37491

(S)(1) As used in division (S) of this section: 37492

(a) "State elective office" has the same meaning as in 37493

section 3517.092 of the Revised Code.	37494
(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.	37495 37496
(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.	37497 37498 37499
(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.	37500 37501 37502 37503 37504 37505
(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.	37506 37507 37508 37509 37510
(T)(1) Except as otherwise provided in division (B)(6)(c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make contributions to any of the following:	37511 37512 37513 37514 37515
(a) A state candidate fund;	37516
(b) A legislative campaign fund;	37517
(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.	37518 37519 37520 37521
(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in	37522 37523

division (T)(1)(c) of this section shall knowingly accept a 37524  
contribution in violation of division (T)(1) of this section. 37525

(U) No person shall fail to file a statement required under 37526  
section 3517.12 of the Revised Code. 37527

(V) No campaign committee shall fail to file a statement 37528  
required under division (K)(3) of section 3517.10 of the Revised 37529  
Code. 37530

(W)(1) No foreign national shall, directly or indirectly 37531  
through any other person or entity, make a contribution, 37532  
expenditure, or independent expenditure or promise, either 37533  
expressly or implicitly, to make a contribution, expenditure, or 37534  
independent expenditure in support of or opposition to a candidate 37535  
for any elective office in this state, including an office of a 37536  
political party. 37537

(2) No candidate, campaign committee, political action 37538  
committee, political contributing entity, legislative campaign 37539  
fund, state candidate fund, political party, or separate 37540  
segregated fund shall solicit or accept a contribution, 37541  
expenditure, or independent expenditure from a foreign national. 37542  
The secretary of state may direct any candidate, committee, 37543  
entity, fund, or party that accepts a contribution, expenditure, 37544  
or independent expenditure in violation of this division to return 37545  
the contribution, expenditure, or independent expenditure or, if 37546  
it is not possible to return the contribution, expenditure, or 37547  
independent expenditure, then to return instead the value of it, 37548  
to the contributor. 37549

(3) As used in division (W) of this section, "foreign 37550  
national" has the same meaning as in section 441e(b) of the 37551  
Federal Election Campaign Act. 37552

(X)(1) No state or county political party shall transfer any 37553  
moneys from its restricted fund to any account of the political 37554

party into which contributions may be made or from which 37555  
contributions or expenditures may be made. 37556

(2)(a) No state or county political party shall deposit a 37557  
contribution or contributions that it receives into its restricted 37558  
fund. 37559

(b) No state or county political party shall make a 37560  
contribution or an expenditure from its restricted fund. 37561

(3)(a) No corporation or labor organization shall make a gift 37562  
or gifts from the corporation's or labor organization's money or 37563  
property aggregating more than ten thousand dollars to any one 37564  
state or county political party for the party's restricted fund in 37565  
a calendar year. 37566

(b) No state or county political party shall accept a gift or 37567  
gifts for the party's restricted fund aggregating more than ten 37568  
thousand dollars from any one corporation or labor organization in 37569  
a calendar year. 37570

(4) No state or county political party shall transfer any 37571  
moneys in the party's restricted fund to any other state or county 37572  
political party. 37573

(5) No state or county political party shall knowingly fail 37574  
to file a statement required under section 3517.1012 of the 37575  
Revised Code. 37576

(Y) The administrator of workers' compensation and the 37577  
employees of the bureau of workers' compensation shall not conduct 37578  
any business with or award any contract, other than one awarded by 37579  
competitive bidding, for the purchase of goods costing more than 37580  
five hundred dollars or services costing more than five hundred 37581  
dollars to any individual, partnership, association, including, 37582  
without limitation, a professional association organized under 37583  
Chapter 1785. of the Revised Code, estate, or trust, if the 37584  
individual has made, or the individual's spouse has made, or any 37585

partner, shareholder, administrator, executor, or trustee, or the 37586  
spouses of any of those individuals has made, as an individual, 37587  
within the two previous calendar years, one or more contributions 37588  
totaling in excess of one thousand dollars to the campaign 37589  
committee of the governor or lieutenant governor or to the 37590  
campaign committee of any candidate for the office of governor or 37591  
lieutenant governor. 37592

(Z) The administrator of workers' compensation and the 37593  
employees of the bureau of workers' compensation shall not conduct 37594  
business with or award any contract, other than one awarded by 37595  
competitive bidding, for the purchase of goods costing more than 37596  
five hundred dollars or services costing more than five hundred 37597  
dollars to a corporation or business trust, except a professional 37598  
association organized under Chapter 1785. of the Revised Code, if 37599  
an owner of more than twenty per cent of the corporation or 37600  
business trust, or the spouse of the owner, has made, as an 37601  
individual, within the two previous calendar years, taking into 37602  
consideration only owners for all of such period, one or more 37603  
contributions totaling in excess of one thousand dollars to the 37604  
campaign committee of the governor or lieutenant governor or to 37605  
the campaign committee of any candidate for the office of governor 37606  
or lieutenant governor. 37607

**Sec. 3517.153.** (A) Upon the filing of a complaint with the 37608  
Ohio elections commission, which shall be made by affidavit of any 37609  
person, on personal knowledge, and subject to the penalties for 37610  
perjury, or upon the filing of a complaint made by the secretary 37611  
of state or an official at the board of elections, setting forth a 37612  
failure to comply with or a violation of any provision in sections 37613  
3517.08 to 3517.13, ~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, 37614  
or 3599.031 of the Revised Code, the commission shall proceed in 37615  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 37616

(B) The commission shall prescribe the form for complaints 37617  
made under division (A) of this section. The secretary of state 37618  
and boards of elections shall furnish the information that the 37619  
commission requests. The commission or a member of the commission 37620  
may administer oaths, and the commission may issue subpoenas to 37621  
any person in the state compelling the attendance of witnesses and 37622  
the production of relevant papers, books, accounts, and reports. 37623  
Section 101.42 of the Revised Code governs the issuance of 37624  
subpoenas insofar as applicable. Upon the refusal of any person to 37625  
obey a subpoena or to be sworn or to answer as a witness, the 37626  
commission may apply to the court of common pleas of Franklin 37627  
county under section 2705.03 of the Revised Code. The court shall 37628  
hold proceedings in accordance with Chapter 2705. of the Revised 37629  
Code. 37630

(C) No prosecution shall commence for a violation of a 37631  
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 37632  
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 37633  
unless a complaint has been filed with the commission under this 37634  
section and all proceedings of the commission or a panel of the 37635  
commission, as appropriate, under sections 3517.154 to 3517.157 of 37636  
the Revised Code are completed. 37637

(D) The commission may recommend legislation and render 37638  
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 37639  
3517.102, 3517.105, 3517.1014, 3517.13, ~~3517.18~~, 3517.20 to 37640  
3517.22, 3599.03, and 3599.031 of the Revised Code for persons 37641  
over whose acts it has or may have jurisdiction. When the 37642  
commission renders an advisory opinion relating to a specific set 37643  
of circumstances involving any of those sections stating that 37644  
there is no violation of a provision in those sections, the person 37645  
to whom the opinion is directed or a person who is similarly 37646  
situated may reasonably rely on the opinion and is immune from 37647  
criminal prosecution and a civil action, including, without 37648

limitation, a civil action for removal from public office or 37649  
employment, based on facts and circumstances covered by the 37650  
opinion. 37651

(E) The commission shall establish a web site on which it 37652  
shall post, at a minimum, all decisions and advisory opinions 37653  
issued by the commission and copies of each election law as it is 37654  
amended by the general assembly. The commission shall update the 37655  
web site regularly to reflect any changes to those decisions and 37656  
advisory opinions and any new decisions and advisory opinions. 37657

**Sec. 3517.23.** The secretary of state shall adopt rules in 37658  
accordance with Chapter 119. of the Revised Code that are 37659  
necessary for the administration and enforcement of sections 37660  
3517.08 to 3517.13, 3517.18, 3517.20 to 3517.22, 3599.03, and 37661  
3599.031 of the Revised Code and shall provide each candidate, 37662  
political action committee, political contributing entity, 37663  
legislative campaign fund, political party, and person making 37664  
disbursements to pay the direct costs of producing or airing 37665  
electioneering communications with written instructions and 37666  
explanations in order to ensure compliance with sections 3517.08 37667  
to 3517.13, ~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, and 37668  
3599.031 of the Revised Code. 37669

**Sec. 3517.99.** This section establishes penalties only with 37670  
respect to acts or failures to act that occur before ~~the effective~~ 37671  
~~date of this amendment~~ August 24, 1995. 37672

(A) Any candidate whose campaign committee violates division 37673  
(A)(1) or (2) of section 3517.13 of the Revised Code shall be 37674  
fined one thousand dollars for each day of violation. 37675

(B) Any candidate whose campaign committee violates division 37676  
(B) of section 3517.13 of the Revised Code, any political party 37677  
that violates division (F)(1) of section 3517.101 of the Revised 37678

Code, or any person who violates division (E) of section 3517.13 37679  
of the Revised Code shall be fined one hundred dollars for each 37680  
day of violation. 37681

(C) Any candidate whose campaign committee violates division 37682  
(C) or (D) of section 3517.13 of the Revised Code shall be fined 37683  
twenty-five dollars for each day of violation. 37684

(D) Whoever violates division (F)(2) of section 3517.101 or 37685  
division (G) of section 3517.13 of the Revised Code shall be fined 37686  
not more than ten thousand dollars, or if the offender is a person 37687  
who was nominated or elected to public office, the offender shall 37688  
forfeit the nomination or the office to which the offender was 37689  
nominated, elected, or both. 37690

(E) Whoever violates division (F) of section 3517.13 of the 37691  
Revised Code shall be fined an amount equal to three times the 37692  
amount contributed. 37693

(F) Whoever violates division (H) of section 3517.13 of the 37694  
Revised Code is guilty of a minor misdemeanor. 37695

(G) Whoever violates division (O), (P), or (Q) of section 37696  
3517.13 of the Revised Code is guilty of a misdemeanor of the 37697  
first degree. 37698

(H) Any state or county committee of a political party that 37699  
violates division (B)(1) of section 3517.18 of the Revised Code as 37700  
that section existed before its repeal by H.B. 166 of the 133rd 37701  
general assembly shall be fined an amount equal to twice the 37702  
amount of the improper expenditure. 37703

(I) Any state or county political party that violates 37704  
division (G) of section 3517.101 of the Revised Code shall be 37705  
fined an amount equal to twice the amount of the improper 37706  
expenditure or use. 37707

(J)(1) Any individual who violates division (B)(1) of section 37708

3517.102 of the Revised Code and knows that the contribution the 37709  
individual makes violates that division shall be fined an amount 37710  
equal to three times the amount contributed in excess of the 37711  
amount permitted by that division. 37712

(2) Any political action committee that violates division 37713  
(B)(2) of section 3517.102 of the Revised Code shall be fined an 37714  
amount equal to three times the amount contributed in excess of 37715  
the amount permitted by that division. 37716

(3) Any campaign committee that violates division (B)(3) or 37717  
(5) of section 3517.102 of the Revised Code shall be fined an 37718  
amount equal to three times the amount contributed in excess of 37719  
the amount permitted by that division. 37720

(4) Any legislative campaign fund that violates division 37721  
(B)(6) of section 3517.102 of the Revised Code, and any state 37722  
political party, county political party, or state candidate fund 37723  
of a state political party or county political party that violates 37724  
division (B)(6) of that section, shall be fined an amount equal to 37725  
three times the amount transferred or contributed in excess of the 37726  
amount permitted by those divisions, as applicable. 37727

(5) A political party that violates division (B)(4) of 37728  
section 3517.102 of the Revised Code shall be fined an amount 37729  
equal to three times the amount contributed in excess of the 37730  
amount permitted by that division. 37731

(6) Notwithstanding divisions (J)(1), (2), (3), (4), and (5) 37732  
of this section, no fine shall be imposed if the excess amount 37733  
contributed meets either of the following conditions: 37734

(a) It is completely refunded within five business days after 37735  
it is accepted. 37736

(b) It is less than or equal to the amount permitted under 37737  
division (B)(1), (2), (3), (4), (5), or (6) of section 3517.102 of 37738  
the Revised Code, whichever is applicable, and the excess is 37739

completely refunded within ten business days after notification to 37740  
the recipient of the contribution by the board of elections or the 37741  
secretary of state that a contribution in excess of the permitted 37742  
amount has been received. 37743

(K)(1) Any campaign committee that violates division (C)(1), 37744  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 37745  
fined an amount equal to three times the amount accepted in excess 37746  
of the amount permitted by that division. 37747

(2) Any state or county political party that violates 37748  
division (C)(4) of section 3517.102 of the Revised Code shall be 37749  
fined an amount from its state candidate fund equal to three times 37750  
the amount accepted in excess of the amount permitted by that 37751  
division. 37752

(3) Any legislative campaign fund that violates division 37753  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 37754  
amount equal to three times the amount accepted in excess of the 37755  
amount permitted by that division. 37756

(4) Any political action committee that violates division 37757  
(C)(7) of section 3517.102 of the Revised Code shall be fined an 37758  
amount equal to three times the amount accepted in excess of the 37759  
amount permitted by that division. 37760

(5) Notwithstanding divisions (K)(1), (2), (3), and (4) of 37761  
this section, no fine shall be imposed if the excess accepted 37762  
meets either of the following conditions: 37763

(a) It is completely refunded within five business days after 37764  
its acceptance. 37765

(b) It is less than or equal to the amount permitted under 37766  
division (C)(1), (2), (3), (4), (5), (6), or (7) of section 37767  
3517.102 of the Revised Code, whichever is applicable, and the 37768  
excess is completely refunded within ten business days after 37769  
notification to the recipient of the contribution by the board of 37770

elections or the secretary of state that a contribution in excess 37771  
of the permitted amount has been received. 37772

(L)(1) Any legislative campaign fund that violates division 37773  
(F)(1) of section 3517.102 of the Revised Code shall be fined 37774  
twenty-five dollars for each day of violation. 37775

(2) Any legislative campaign fund that violates division 37776  
(F)(2) of section 3517.102 of the Revised Code shall give to the 37777  
treasurer of state for deposit into the state treasury to the 37778  
credit of the Ohio elections commission fund all excess 37779  
contributions not disposed of as required by division (E) of 37780  
section 3517.102 of the Revised Code. 37781

(M) Whoever violates section 3517.105 of the Revised Code 37782  
shall be fined one thousand dollars. 37783

(N)(1) Whoever solicits a contribution in violation of 37784  
section 3517.092 or violates division (B) of section 3517.09 of 37785  
the Revised Code is guilty of a misdemeanor of the first degree. 37786

(2) Whoever knowingly accepts a contribution in violation of 37787  
division (B) or (C) of section 3517.092 of the Revised Code shall 37788  
be fined an amount equal to three times the amount accepted in 37789  
violation of either of those divisions and shall return to the 37790  
contributor any amount so accepted. Whoever unknowingly accepts a 37791  
contribution in violation of division (B) or (C) of section 37792  
3517.092 of the Revised Code shall return to the contributor any 37793  
amount so accepted. 37794

(O) Whoever violates division (S) of section 3517.13 of the 37795  
Revised Code shall be fined an amount equal to three times the 37796  
amount of funds transferred or three times the value of the assets 37797  
transferred in violation of that division. 37798

(P) Any campaign committee that accepts a contribution or 37799  
contributions in violation of section 3517.108 of the Revised 37800  
Code, uses a contribution in violation of that section, or fails 37801

to dispose of excess contributions in violation of that section 37802  
shall be fined an amount equal to three times the amount accepted, 37803  
used, or kept in violation of that section. 37804

(Q) Any political party, state candidate fund, legislative 37805  
candidate fund, or campaign committee that violates division (T) 37806  
of section 3517.13 of the Revised Code shall be fined an amount 37807  
equal to three times the amount contributed or accepted in 37808  
violation of that section. 37809

(R) Any campaign committee that fails to file the declaration 37810  
of filing-day finances required by division (F) of section 37811  
3517.109 of the Revised Code shall be fined twenty-five dollars 37812  
for each day of violation. 37813

(S) Any campaign committee that fails to dispose of 37814  
contributions under divisions (B) and (C) of section 3517.109 of 37815  
the Revised Code shall give to the treasurer of state for deposit 37816  
to the credit of the Ohio elections commission fund created under 37817  
division (E)(2) of section 3517.102 of the Revised Code all 37818  
contributions not disposed of pursuant to those divisions. 37819

**Sec. 3517.992.** This section establishes penalties only with 37820  
respect to acts or failures to act that occur on and after August 37821  
24, 1995. 37822

(A)(1) A candidate whose campaign committee violates division 37823  
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 37824  
or a treasurer of a campaign committee who violates any of those 37825  
divisions, shall be fined not more than one hundred dollars for 37826  
each day of violation. 37827

(2) Whoever violates division (E) or (X)(5) of section 37828  
3517.13 or division (E)(1) of section 3517.1014 of the Revised 37829  
Code shall be fined not more than one hundred dollars for each day 37830  
of violation. 37831

(B) An entity that violates division (G)(1) of section 37832  
3517.101 of the Revised Code shall be fined not more than one 37833  
hundred dollars for each day of violation. 37834

(C) Whoever violates division (G)(2) of section 3517.101, 37835  
division (G) of section 3517.13, or division (E)(2) or (3) of 37836  
section 3517.1014 of the Revised Code shall be fined not more than 37837  
ten thousand dollars or, if the offender is a person who was 37838  
nominated or elected to public office, shall forfeit the 37839  
nomination or the office to which the offender was elected, or 37840  
both. 37841

(D) Whoever violates division (F) of section 3517.13 of the 37842  
Revised Code shall be fined not more than three times the amount 37843  
contributed. 37844

(E) Whoever violates division (H) of section 3517.13 of the 37845  
Revised Code shall be fined not more than one hundred dollars. 37846

(F) Whoever violates division (O), (P), or (Q) of section 37847  
3517.13 of the Revised Code is guilty of a misdemeanor of the 37848  
first degree. 37849

(G) A state or county committee of a political party that 37850  
violates division (B)(1) of section 3517.18 of the Revised Code as 37851  
that section existed before its repeal by H.B. 166 of the 133rd 37852  
general assembly shall be fined not more than twice the amount of 37853  
the improper expenditure. 37854

(H) An entity that violates division (H) of section 3517.101 37855  
of the Revised Code shall be fined not more than twice the amount 37856  
of the improper expenditure or use. 37857

(I)(1) Any individual who violates division (B)(1) of section 37858  
3517.102 of the Revised Code and knows that the contribution the 37859  
individual makes violates that division shall be fined an amount 37860  
equal to three times the amount contributed in excess of the 37861  
amount permitted by that division. 37862

(2) Any political action committee that violates division 37863  
(B)(2) of section 3517.102 of the Revised Code shall be fined an 37864  
amount equal to three times the amount contributed in excess of 37865  
the amount permitted by that division. 37866

(3) Any campaign committee that violates division (B)(3) or 37867  
(5) of section 3517.102 of the Revised Code shall be fined an 37868  
amount equal to three times the amount contributed in excess of 37869  
the amount permitted by that division. 37870

(4)(a) Any legislative campaign fund that violates division 37871  
(B)(6) of section 3517.102 of the Revised Code shall be fined an 37872  
amount equal to three times the amount transferred or contributed 37873  
in excess of the amount permitted by that division, as applicable. 37874

(b) Any state political party, county political party, or 37875  
state candidate fund of a state political party or county 37876  
political party that violates division (B)(6) of section 3517.102 37877  
of the Revised Code shall be fined an amount equal to three times 37878  
the amount transferred or contributed in excess of the amount 37879  
permitted by that division, as applicable. 37880

(c) Any political contributing entity that violates division 37881  
(B)(7) of section 3517.102 of the Revised Code shall be fined an 37882  
amount equal to three times the amount contributed in excess of 37883  
the amount permitted by that division. 37884

(5) Any political party that violates division (B)(4) of 37885  
section 3517.102 of the Revised Code shall be fined an amount 37886  
equal to three times the amount contributed in excess of the 37887  
amount permitted by that division. 37888

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 37889  
of this section, no violation of division (B) of section 3517.102 37890  
of the Revised Code occurs, and the secretary of state shall not 37891  
refer parties to the Ohio elections commission, if the amount 37892  
transferred or contributed in excess of the amount permitted by 37893

that division meets either of the following conditions: 37894

(a) It is completely refunded within five business days after 37895  
it is accepted. 37896

(b) It is completely refunded on or before the tenth business 37897  
day after notification to the recipient of the excess transfer or 37898  
contribution by the board of elections or the secretary of state 37899  
that a transfer or contribution in excess of the permitted amount 37900  
has been received. 37901

(J)(1) Any campaign committee that violates division (C)(1), 37902  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 37903  
fined an amount equal to three times the amount accepted in excess 37904  
of the amount permitted by that division. 37905

(2)(a) Any county political party that violates division 37906  
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 37907  
shall be fined an amount equal to three times the amount accepted. 37908

(b) Any county political party that violates division 37909  
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 37910  
fined an amount from its state candidate fund equal to three times 37911  
the amount accepted in excess of the amount permitted by that 37912  
division. 37913

(c) Any state political party that violates division 37914  
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 37915  
an amount from its state candidate fund equal to three times the 37916  
amount accepted in excess of the amount permitted by that 37917  
division. 37918

(3) Any legislative campaign fund that violates division 37919  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 37920  
amount equal to three times the amount accepted in excess of the 37921  
amount permitted by that division. 37922

(4) Any political action committee or political contributing 37923

entity that violates division (C)(7) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of this section, no violation of division (C) of section 3517.102 of the Revised Code occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after its acceptance.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(K)(1) Any legislative campaign fund that violates division (F)(1) of section 3517.102 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(2) Any legislative campaign fund that violates division (F)(2) of section 3517.102 of the Revised Code shall give to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund all excess contributions not disposed of as required by division (E) of section 3517.102 of the Revised Code.

(L) Whoever violates section 3517.105 of the Revised Code shall be fined one thousand dollars.

(M)(1) Whoever solicits a contribution in violation of section 3517.092 or violates division (B) of section 3517.09 of

the Revised Code is guilty of a misdemeanor of the first degree. 37955

(2) Whoever knowingly accepts a contribution in violation of 37956  
division (B) or (C) of section 3517.092 of the Revised Code shall 37957  
be fined an amount equal to three times the amount accepted in 37958  
violation of either of those divisions and shall return to the 37959  
contributor any amount so accepted. Whoever unknowingly accepts a 37960  
contribution in violation of division (B) or (C) of section 37961  
3517.092 of the Revised Code shall return to the contributor any 37962  
amount so accepted. 37963

(N) Whoever violates division (S) of section 3517.13 of the 37964  
Revised Code shall be fined an amount equal to three times the 37965  
amount of funds transferred or three times the value of the assets 37966  
transferred in violation of that division. 37967

(O) Any campaign committee that accepts a contribution or 37968  
contributions in violation of section 3517.108 of the Revised 37969  
Code, uses a contribution in violation of that section, or fails 37970  
to dispose of excess contributions in violation of that section 37971  
shall be fined an amount equal to three times the amount accepted, 37972  
used, or kept in violation of that section. 37973

(P) Any political party, state candidate fund, legislative 37974  
candidate fund, or campaign committee that violates division (T) 37975  
of section 3517.13 of the Revised Code shall be fined an amount 37976  
equal to three times the amount contributed or accepted in 37977  
violation of that section. 37978

(Q) A treasurer of a committee or another person who violates 37979  
division (U) of section 3517.13 of the Revised Code shall be fined 37980  
not more than two hundred fifty dollars. 37981

(R) Whoever violates division (I) or (J) of section 3517.13 37982  
of the Revised Code shall be fined not more than one thousand 37983  
dollars. Whenever a person is found guilty of violating division 37984  
(I) or (J) of section 3517.13 of the Revised Code, the contract 37985

awarded in violation of either of those divisions shall be 37986  
rescinded if its terms have not yet been performed. 37987

(S) A candidate whose campaign committee violates or a 37988  
treasurer of a campaign committee who violates section 3517.081 of 37989  
the Revised Code, and a candidate whose campaign committee 37990  
violates or a treasurer of a campaign committee or another person 37991  
who violates division (C) of section 3517.10 of the Revised Code, 37992  
shall be fined not more than five hundred dollars. 37993

(T) A candidate whose campaign committee violates or a 37994  
treasurer of a committee who violates division (B) of section 37995  
3517.09 of the Revised Code, or a candidate whose campaign 37996  
committee violates or a treasurer of a campaign committee or 37997  
another person who violates division (C) of section 3517.09 of the 37998  
Revised Code shall be fined not more than one thousand dollars. 37999

(U) Whoever violates section 3517.20 of the Revised Code 38000  
shall be fined not more than five hundred dollars. 38001

(V) Whoever violates section 3517.21 or 3517.22 of the 38002  
Revised Code shall be imprisoned for not more than six months or 38003  
fined not more than five thousand dollars, or both. 38004

(W) A campaign committee that is required to file a 38005  
declaration of no limits under division (D)(2) of section 3517.103 38006  
of the Revised Code that, before filing that declaration, accepts 38007  
a contribution or contributions that exceed the limitations 38008  
prescribed in section 3517.102 of the Revised Code, shall return 38009  
that contribution or those contributions to the contributor. 38010

(X) Any campaign committee that fails to file the declaration 38011  
of filing-day finances required by division (F) of section 38012  
3517.109 of the Revised Code shall be fined twenty-five dollars 38013  
for each day of violation. 38014

(Y)(1) Any campaign committee that fails to dispose of excess 38015  
funds or excess aggregate contributions under division (B) of 38016

section 3517.109 of the Revised Code in the manner required by 38017  
division (C) of that section shall give to the treasurer of state 38018  
for deposit into the Ohio elections commission fund created under 38019  
division (I) of section 3517.152 of the Revised Code all funds not 38020  
disposed of pursuant to that division. 38021

(2) Any treasurer of a transition fund that fails to dispose 38022  
of assets remaining in the transition fund as required under 38023  
division (H)(1) or (2) of section 3517.1014 of the Revised Code 38024  
shall give to the treasurer of state for deposit into the Ohio 38025  
elections commission fund all assets not disposed of pursuant to 38026  
that division. 38027

(Z) Any individual, campaign committee, political action 38028  
committee, political contributing entity, legislative campaign 38029  
fund, political party, treasurer of a transition fund, or other 38030  
entity that violates any provision of sections 3517.09 to 3517.12 38031  
of the Revised Code for which no penalty is provided for under any 38032  
other division of this section shall be fined not more than one 38033  
thousand dollars. 38034

(AA)(1) Whoever knowingly violates division (W)(1) of section 38035  
3517.13 of the Revised Code shall be fined an amount equal to 38036  
three times the amount contributed, expended, or promised in 38037  
violation of that division or ten thousand dollars, whichever 38038  
amount is greater. 38039

(2) Whoever knowingly violates division (W)(2) of section 38040  
3517.13 of the Revised Code shall be fined an amount equal to 38041  
three times the amount solicited or accepted in violation of that 38042  
division or ten thousand dollars, whichever amount is greater. 38043

(BB) Whoever knowingly violates division (C) or (D) of 38044  
section 3517.1011 of the Revised Code shall be fined not more than 38045  
ten thousand dollars plus not more than one thousand dollars for 38046  
each day of violation. 38047

(CC)(1) Subject to division (CC)(2) of this section, whoever  
violates division (H) of section 3517.1011 of the Revised Code  
shall be fined an amount up to three times the amount disbursed  
for the direct costs of airing the communication made in violation  
of that division.

(2) Whoever has been ordered by the Ohio elections commission  
or by a court of competent jurisdiction to cease making  
communications in violation of division (H) of section 3517.1011  
of the Revised Code who again violates that division shall be  
fined an amount equal to three times the amount disbursed for the  
direct costs of airing the communication made in violation of that  
division.

(DD)(1) Any corporation or labor organization that violates  
division (X)(3)(a) of section 3517.13 of the Revised Code shall be  
fined an amount equal to three times the amount given in excess of  
the amount permitted by that division.

(2) Any state or county political party that violates  
division (X)(3)(b) of section 3517.13 of the Revised Code shall be  
fined an amount equal to three times the amount accepted in excess  
of the amount permitted by that division.

(EE)(1) Any campaign committee or person who violates  
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code  
shall be fined an amount equal to three times the amount donated  
in excess of the amount permitted by that division.

(2) Any officeholder or treasurer of a transition fund who  
violates division (C)(3)(a) or (b) of section 3517.1014 of the  
Revised Code shall be fined an amount equal to three times the  
amount accepted in excess of the amount permitted by that  
division.

**Sec. 3701.044.** ~~When the director of health or department of~~

~~health is~~ required or authorized to conduct or administer an 38078  
examination or evaluation of ~~individuals~~ an individual for the 38079  
purpose of determining competency or ~~for the purpose of~~ issuing a 38080  
license, certificate, registration, or other authority to practice 38081  
or perform duties, the director of health or department of health 38082  
may ~~provide for the examination or evaluation by contracting~~ 38083  
contract with ~~any public or private~~ an entity to conduct or 38084  
administer the examination or evaluation. The contract may 38085  
authorize the entity to collect and retain, as all or part of the 38086  
entity's compensation under the contract, any fee paid by an 38087  
individual for the examination or evaluation. ~~An~~ The entity 38088  
~~authorized to collect and retain a fee~~ is not required to deposit 38089  
the fee into the state treasury. 38090

The director or department shall post to the department's web 38091  
site the dollar amounts for fees described in this section. Any 38092  
changes in fee amounts shall be posted to the web site not later 38093  
than thirty days before such changes are effective. 38094

Except when considered to be necessary by the director or 38095  
department, the director or department shall not disclose test 38096  
materials, examinations, or evaluation tools used in any 38097  
examination or evaluation the director or department conducts, 38098  
administers, or provides for by contract. The test materials, 38099  
examinations, and evaluation tools are not public records for the 38100  
purpose of section 149.43 of the Revised Code and are not subject 38101  
to inspection or copying under section 1347.08 of the Revised 38102  
Code. 38103

Sec. 3701.049. (A) As used in this section, "board of health" 38104  
has the same meaning as in section 3707.70 of the Revised Code. 38105

(B) The director of health shall adopt rules in accordance 38106  
with Chapter 119. of the Revised Code that establish a procedure 38107  
for fetal-infant mortality review boards to follow in conducting a 38108

review of a fetal or infant death. The rules shall do all of the 38109  
following: 38110

(1) Specify the procedures a board of health must use to 38111  
establish and operate a fetal-infant mortality review board under 38112  
section 3707.71 of the Revised Code; 38113

(2) Specify the data and other relevant information a review 38114  
board must use when conducting the reviews described in section 38115  
3707.71 of the Revised Code; 38116

(3) Establish guidelines for a review board to follow so that 38117  
information presented to the review board does not include 38118  
anything that would permit any person's identity to be 38119  
ascertained; 38120

(4) Specify the standards and procedures a review board must 38121  
use when reporting fetal-infant mortality data to the fetal-infant 38122  
mortality database maintained by the department of health or the 38123  
national infant death review database. 38124

**Sec. 3701.139.** (A) Subject to division (B) of this section, 38125  
the director of health shall convene meetings with staff of the 38126  
department of health, department of medicaid, department of 38127  
administrative services, and commission on minority health to do 38128  
all of the following: 38129

(1) Assess the prevalence of all types of diabetes in this 38130  
state, including disparities in that prevalence among various 38131  
demographic populations and local jurisdictions; 38132

(2) Establish and reevaluate goals for each of the agencies 38133  
to reduce that prevalence; 38134

(3) Identify how to measure the progress achieved toward 38135  
attaining the goals established under division (A)(2) of this 38136  
section; 38137

(4) Establish and monitor the implementation of plans for 38138

each agency to reduce the prevalence of all types of diabetes, 38139  
improve diabetes care, and control complications associated with 38140  
diabetes among the populations of concern to each agency; 38141

(5) Consider any other matter associated with reducing the 38142  
prevalence of all types of diabetes in this state that the 38143  
director considers appropriate; 38144

(6) Collect the information needed to prepare the reports 38145  
required by division (C) of this section. 38146

(B) The director shall convene the meetings required by 38147  
division (A) of this section at the director's discretion, but not 38148  
less than twice each calendar year. 38149

(C) Not later than the thirty-first day of January of ~~each~~ 38150  
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 38151  
director shall submit a report to the general assembly in 38152  
accordance with section 101.68 of the Revised Code that addresses 38153  
or contains all of the following for the ~~two-year~~ three-year 38154  
period preceding the report's submission: 38155

(1) The results of the assessment required by division (A)(1) 38156  
of this section; 38157

(2) The progress each agency has made toward achieving the 38158  
goals established under division (A)(2) of this section and 38159  
implementing the plans required by division (A)(4) of this 38160  
section; 38161

(3) An assessment of the health and financial impacts that 38162  
all types of diabetes have had on the state and local 38163  
jurisdictions, and, subject to division (D) of this section, each 38164  
agency specified in division (A) of this section; 38165

(4) A description of the efforts the agencies specified in 38166  
division (A) of this section have taken to coordinate programs 38167  
intended to prevent, treat, and manage all types of diabetes and 38168

associated complications;	38169
(5) Recommendations for legislative policies to reduce the impact that diabetes, pre-diabetes, and complications from diabetes have on the citizens of this state, including specific action steps that could be taken, the expected outcomes of the action steps, and benchmarks for measuring progress toward achieving the outcomes;	38170 38171 38172 38173 38174 38175
(6) A budget proposal that identifies the needs and resources required to implement the recommendations described in division (C)(5) of this section, as well as estimates of the costs to implement the recommendations;	38176 38177 38178 38179
(7) Any other information concerning diabetes prevention, treatment, or management in this state that the director considers appropriate.	38180 38181 38182
(D) An agency-specific assessment required by division (C) of this section shall include all of the following:	38183 38184
(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source;	38185 38186 38187 38188 38189 38190
(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions;	38191 38192 38193 38194
(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section.	38195 38196
(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes	38197 38198

prevention, treatment, and management that had not been initiated 38199  
or funded prior to ~~the effective date of this section~~ April 6, 38200  
2017. 38201

**Sec. 3701.144.** (A) As used in this section, "cost sharing" 38202  
has the same meaning as in section 3923.85 of the Revised Code. 38203

(B) The department of health shall administer the state's 38204  
participation in the national breast and cervical cancer early 38205  
detection program (NBCCEDP), which shall be known as the Ohio 38206  
breast and cervical cancer project. The project shall be 38207  
administered in accordance with Title XV of the "Public Health 38208  
Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP 38209  
grant agreement with the United States centers for disease control 38210  
and prevention. 38211

(C) In administering the project, the department shall set 38212  
eligibility requirements for services provided through the project 38213  
as follows: 38214

(1) The woman must have countable family income not exceeding 38215  
~~two~~ three hundred ~~fifty~~ per cent of the federal poverty line. 38216

(2) One of the following must be the case: 38217

(a) The woman is not covered by health insurance. 38218

(b) The woman is covered by health insurance that does not 38219  
include the screening or diagnostic services the woman seeks 38220  
through the project. 38221

(c) The woman is covered by health insurance that imposes 38222  
cost sharing for the screening or diagnostic services the woman 38223  
seeks through the project that exceeds the limit specified by the 38224  
director of health in rules adopted under division (D) of this 38225  
section. 38226

(3) In the case of a woman seeking cervical cancer screening 38227  
and diagnostic services through the project, the woman must be at 38228

least twenty-one and less than sixty-five years of age. 38229

(4) In the case of a woman seeking breast cancer screening 38230  
and diagnostic services through the project, either of the 38231  
following must be the case: 38232

(a) The woman is at least forty ~~and less than sixty five~~ 38233  
years of age. 38234

(b) The woman is at least ~~twenty-five~~ twenty-one and less 38235  
than forty years of age and has been determined by a physician to 38236  
need breast cancer screening and diagnostic services due to the 38237  
results of a clinical breast examination, the woman's family 38238  
history, or other factors. 38239

(D) The director shall adopt rules for purposes of division 38240  
(C)(2)(c) of this section specifying the cost sharing limit for 38241  
each screening and diagnostic service that may be obtained through 38242  
the project. The director may adopt other rules as necessary to 38243  
implement this section. The rules shall be adopted in accordance 38244  
with Chapter 119. of the Revised Code. 38245

**Sec. 3701.24.** (A) As used in this section and sections 38246  
3701.241 to 3701.249 of the Revised Code: 38247

(1) "AIDS" means the illness designated as acquired 38248  
immunodeficiency syndrome. 38249

(2) "HIV" means the human immunodeficiency virus identified 38250  
as the causative agent of AIDS. 38251

(3) "AIDS-related condition" means symptoms of illness 38252  
related to HIV infection, including AIDS-related complex, that are 38253  
confirmed by a positive HIV test. 38254

(4) "HIV test" means any test for the antibody or antigen to 38255  
HIV that has been approved by the director of health under 38256  
division (B) of section 3701.241 of the Revised Code. 38257

- (5) "Health care facility" has the same meaning as in section 1751.01 of the Revised Code. 38258  
38259
- (6) "Director" means the director of health or any employee of the department of health acting on the director's behalf. 38260  
38261
- (7) "Physician" means a person ~~who holds a current, valid certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the~~ to practice of medicine ~~or~~ and surgery ~~and or~~ osteopathic medicine and surgery. 38262  
38263  
38264  
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- (8) "Nurse" means a registered nurse or licensed practical nurse who holds a license ~~or certificate~~ issued under Chapter 4723. of the Revised Code. 38266  
38267  
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- (9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results. 38269  
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- (10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code. 38274  
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- (11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the director may adopt rules further defining the scope of the term "health care provider." 38278  
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- (12) "Significant exposure to body fluids" means a percutaneous or mucous membrane exposure of an individual to the blood, semen, vaginal secretions, or spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid of another individual. 38282  
38283  
38284  
38285
- (13) "Emergency medical services worker" means all of the following: 38286  
38287

(a) A peace officer;	38288
(b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;	38289 38290
(c) A firefighter employed by a political subdivision;	38291
(d) A volunteer firefighter, emergency operator, or rescue operator;	38292 38293
(e) An employee of a private organization that renders rescue services, emergency medical services, or emergency medical transportation to accident victims and persons suffering serious illness or injury.	38294 38295 38296 38297
(14) "Peace officer" has the same meaning as in division (A) of section 109.71 of the Revised Code, except that it also includes a sheriff and the superintendent and troopers of the state highway patrol.	38298 38299 38300 38301
(B) Persons designated by rule adopted by the director under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.	38302 38303 38304 38305 38306 38307 38308
(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.	38309 38310
(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised Code, or pursuant to a search warrant or a subpoena issued by or	38311 38312 38313 38314 38315 38316 38317

at the request of a grand jury, prosecuting attorney, city 38318  
director of law or similar chief legal officer of a municipal 38319  
corporation, or village solicitor, in connection with a criminal 38320  
investigation or prosecution. Information that does not identify 38321  
an individual may be released in summary, statistical, or 38322  
aggregate form. 38323

**Sec. 3701.262.** (A) As used in this section: 38324

(1) "Physician" means a person ~~who holds a valid certificate~~ 38325  
~~issued~~ authorized under Chapter 4731. of the Revised Code 38326  
~~authorizing the person~~ to practice medicine and surgery or 38327  
osteopathic medicine and surgery. 38328

(2) "Dentist" means a person who is licensed under Chapter 38329  
4715. of the Revised Code to practice dentistry. 38330

(3) "Hospital" has the same meaning as in section 3727.01 of 38331  
the Revised Code. 38332

(4) "Cancer" includes those diseases specified by rule of the 38333  
director of health under division (B)(2) of this section. 38334

(B) The director of health shall adopt rules in accordance 38335  
with Chapter 119. of the Revised Code to do all of the following: 38336

(1) Establish the Ohio cancer incidence surveillance system 38337  
required by section 3701.261 of the Revised Code; 38338

(2) Specify the types of cancer and other tumorous and 38339  
precancerous diseases to be reported to the department of health 38340  
under division (D) of this section; 38341

(3) Establish reporting requirements for information 38342  
concerning diagnosed cancer cases as the director considers 38343  
necessary to conduct epidemiologic surveys of cancer in this 38344  
state; 38345

(4) Establish standards that must be met by research projects 38346

to be eligible to receive information concerning individual cancer 38347  
patients from the department of health. 38348

(C) The department of health shall record in the registry all 38349  
reports of cancer received by it. In the development and 38350  
administration of the cancer registry the department may use 38351  
information compiled by public or private cancer registries and 38352  
may contract for the collection and analysis of, and research 38353  
related to, the information recorded under this section. 38354

(D)(1) Each physician, dentist, hospital, or person providing 38355  
diagnostic or treatment services to patients with cancer shall 38356  
report each case of cancer to the department. Any person required 38357  
to report pursuant to this section may elect to report to the 38358  
department through an existing cancer registry if the registry 38359  
meets the reporting standards established by the director and 38360  
reports to the department. 38361

(2) No person shall fail to make the cancer reports required 38362  
by division (D)(1) of this section. 38363

(E) All physicians, dentists, hospitals, or persons providing 38364  
diagnostic or treatment services to patients with cancer shall 38365  
grant to the department or its authorized representative access to 38366  
all records that identify cases of cancer or establish 38367  
characteristics of cancer, the treatment of cancer, or the medical 38368  
status of any identified cancer patient. 38369

(F) The Arthur G. James cancer hospital and Richard J. Solove 38370  
research institute of the Ohio state university, shall analyze and 38371  
evaluate the cancer reports collected pursuant to this section. 38372  
The department shall publish and make available to the public 38373  
reports summarizing the information collected. Reports shall be 38374  
made on a calendar year basis and published not later than ninety 38375  
days after the end of each calendar year. 38376

(G) Furnishing information, including records, reports, 38377

statements, notes, memoranda, or other information, to the 38378  
department of health, either voluntarily or as required by this 38379  
section, or to a person or governmental entity designated as a 38380  
medical research project by the department, does not subject a 38381  
physician, dentist, hospital, or person providing diagnostic or 38382  
treatment services to patients with cancer to liability in an 38383  
action for damages or other relief for furnishing the information. 38384

(H) This section does not affect the authority of any person 38385  
or facility providing diagnostic or treatment services to patients 38386  
with cancer to maintain facility-based tumor registries, in 38387  
addition to complying with the reporting requirements of this 38388  
section. 38389

**Sec. 3701.351.** (A) The governing body of every hospital shall 38390  
set standards and procedures to be applied by the hospital and its 38391  
medical staff in considering and acting upon applications for 38392  
staff membership or professional privileges. These standards and 38393  
procedures shall be available for public inspection. 38394

(B) The governing body of any hospital, in considering and 38395  
acting upon applications for staff membership or professional 38396  
privileges within the scope of the applicants' respective 38397  
licensures, shall not discriminate against a qualified person 38398  
solely on the basis of whether that person is ~~certified~~ licensed 38399  
to practice medicine, osteopathic medicine, or podiatry, is 38400  
licensed to practice dentistry or psychology, or is licensed to 38401  
practice nursing as an advanced practice registered nurse. Staff 38402  
membership or professional privileges shall be considered and 38403  
acted on in accordance with standards and procedures established 38404  
under division (A) of this section. This section does not permit a 38405  
psychologist to admit a patient to a hospital in violation of 38406  
section 3727.06 of the Revised Code. 38407

(C) The governing body of any hospital that is licensed to 38408

provide maternity services, in considering and acting upon 38409  
applications for clinical privileges, shall not discriminate 38410  
against a qualified person solely on the basis that the person is 38411  
authorized to practice nurse-midwifery. An application from a 38412  
certified nurse-midwife who is not employed by the hospital shall 38413  
contain the name of a physician member of the hospital's medical 38414  
staff who holds clinical privileges in obstetrics at that hospital 38415  
and who has agreed to be the collaborating physician for the 38416  
applicant in accordance with section 4723.43 of the Revised Code. 38417

(D) Any person may apply to the court of common pleas for 38418  
temporary or permanent injunctions restraining a violation of 38419  
division (A), (B), or (C) of this section. This action is an 38420  
additional remedy not dependent on the adequacy of the remedy at 38421  
law. 38422

(E)(1) If a hospital does not provide or permit the provision 38423  
of any diagnostic or treatment service for mental or emotional 38424  
disorders or any other service that may be legally performed by a 38425  
psychologist licensed under Chapter 4732. of the Revised Code, 38426  
this section does not require the hospital to provide or permit 38427  
the provision of any such service and the hospital shall be exempt 38428  
from requirements of this section pertaining to psychologists. 38429

(2) This section does not impair the right of a hospital to 38430  
enter into an employment, personal service, or any other kind of 38431  
contract with a licensed psychologist, upon any such terms as the 38432  
parties may mutually agree, for the provision of any service that 38433  
may be legally performed by a licensed psychologist. 38434

**Sec. 3701.36.** (A) As used in this section and in sections 38435  
3701.361 and 3701.362 of the Revised Code, "palliative care" has 38436  
the same meaning as in section 3712.01 of the Revised Code. 38437

(B) There is hereby created the palliative care and quality 38438  
of life interdisciplinary council. Subject to division (C) of this 38439

section, members of the council shall be appointed by the director 38440  
of health and include individuals with expertise in palliative 38441  
care who represent the following professions or constituencies: 38442

(1) Physicians authorized under Chapter 4731. of the Revised 38443  
Code to practice medicine and surgery or osteopathic medicine and 38444  
surgery, including those who are board-certified in pediatrics and 38445  
those who are board-certified in psychiatry, as those designations 38446  
are issued by a medical specialty certifying board recognized by 38447  
the American board of medical specialties or American osteopathic 38448  
association; 38449

(2) Physician assistants licensed under Chapter 4730. of the 38450  
Revised Code; 38451

(3) Advanced practice registered nurses licensed under 38452  
Chapter 4723. of the Revised Code who are designated as clinical 38453  
nurse specialists or certified nurse practitioners; 38454

(4) Registered nurses and licensed practical nurses licensed 38455  
under Chapter 4723. of the Revised Code; 38456

(5) Pharmacists licensed under Chapter 4729. of the Revised 38457  
Code; 38458

(6) Psychologists licensed under Chapter 4732. of the Revised 38459  
Code; 38460

(7) Licensed professional clinical counselors or licensed 38461  
professional counselors licensed under Chapter 4757. of the 38462  
Revised Code; 38463

(8) Independent social workers or social workers licensed 38464  
under Chapter 4757. of the Revised Code; 38465

(9) Marriage and family therapists licensed under Chapter 38466  
4757. of the Revised Code; 38467

(10) Child life specialists; 38468

(11) Clergy or spiritual advisers; 38469

- (12) Exercise physiologists; 38470
- (13) Health insurers; 38471
- (14) Patients; 38472
- (15) Family caregivers. 38473

The council's membership also may include employees of 38474  
agencies of this state that administer programs pertaining to 38475  
palliative care or are otherwise concerned with the delivery of 38476  
palliative care in this state. 38477

(C) The council's membership shall include individuals who 38478  
have worked with various age groups, including children and the 38479  
elderly. The council's membership also shall include individuals 38480  
who have experience or expertise in various palliative care 38481  
delivery models, including acute care, long-term care, hospice 38482  
care, home health agency services, home-based care, and spiritual 38483  
care. At least two members shall be physicians who are 38484  
board-certified in hospice and palliative care by a medical 38485  
specialty certifying board recognized by the American board of 38486  
medical specialties or American osteopathic association. At least 38487  
one member shall be employed as an administrator of a hospital or 38488  
system of hospitals in this state or be a professional specified 38489  
in divisions (B)(1) to (10) or division (B)(12) of this section 38490  
who treats patients as an employee or contractor of such a 38491  
hospital or system of hospitals. 38492

Not more than twenty individuals shall serve as members of 38493  
the council at any one time. Not more than two members shall be 38494  
employed by the same health care facility or provider or practice 38495  
at or for the same health care facility or provider. 38496

In making appointments to the council, the director shall 38497  
seek to include as members individuals who represent underserved 38498  
areas of the state and to have all geographic areas of the state 38499  
represented. 38500

(D) The director shall make initial appointments to the 38501  
council not later than ninety days after ~~the effective date of~~ 38502  
~~this section~~ March 20, 2019. Terms of office shall be three years. 38503  
Each member shall hold office from the date of appointment until 38504  
the end of the term for which the member was appointed. In the 38505  
event of death, removal, resignation, or incapacity of a council 38506  
member, the director shall appoint a successor who shall hold 38507  
office for the remainder of the term for which the successor's 38508  
predecessor was appointed. A member shall continue in office 38509  
subsequent to the expiration date of the member's term until the 38510  
member's successor takes office or until a period of sixty days 38511  
has elapsed, whichever occurs first. 38512

The council shall meet at the call of the director, but not 38513  
less than twice annually. The council shall select annually from 38514  
among its members a chairperson and vice-chairperson, whose duties 38515  
shall be established by the council. 38516

Each member shall serve without compensation, except to the 38517  
extent that serving on the council is considered part of the 38518  
member's regular employment duties. 38519

(E) The council shall do all of the following: 38520

(1) Consult with and advise the director on matters related 38521  
to the establishment, maintenance, operation, and evaluation of 38522  
palliative care initiatives in this state; 38523

(2) Consult with the department of health for purposes of its 38524  
implementation of section 3701.361 of the Revised Code; 38525

(3) Identify national organizations that have established 38526  
standards of practice and best practice models for palliative 38527  
care; 38528

(4) Identify initiatives established at the national and 38529  
state levels aimed at integrating palliative care into the health 38530  
care system and enhancing the use and development of palliative 38531

care; 38532

(5) Establish guidelines for health care facilities and 38533  
providers to use under section 3701.362 of the Revised Code in 38534  
identifying patients and residents who could benefit from 38535  
palliative care; 38536

(6) On or before December 31 of each year, prepare and submit 38537  
to the governor, general assembly, director of health, director of 38538  
aging, superintendent of insurance, and medicaid director, ~~and~~ 38539  
~~executive director of the office of health transformation~~ a report 38540  
of recommendations for improving the provision of palliative care 38541  
in this state. 38542

The council shall submit the report to the general assembly 38543  
in accordance with section 101.68 of the Revised Code. 38544

(F) The department of health shall provide to the council the 38545  
administrative support necessary to execute its duties. At the 38546  
request of the council, the department shall examine potential 38547  
sources of funding to assist with any duties described in this 38548  
section or sections 3701.361 and 3701.362 of the Revised Code. 38549

(G) The council is not subject to sections 101.82 to 101.87 38550  
of the Revised Code. 38551

**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) 38552  
of this section, all newborn children shall be screened for the 38553  
presence of the genetic, endocrine, and metabolic disorders 38554  
specified in rules, adopted pursuant to this section. 38555

(2) Division (A)(1) of this section does not apply in either 38556  
of the following circumstances: 38557

(a) If the parents of the child object to the screening on 38558  
the grounds that it conflicts with their religious tenets and 38559  
practices; 38560

(b) With respect to the screening for Krabbe disease 38561

described in division (C)(1)(b) of this section, if the parents of 38562  
the child communicate their decision to forgo the screening. 38563

(B) There is hereby created the newborn screening advisory 38564  
council to advise the director of health regarding the screening 38565  
of newborn children for genetic, endocrine, and metabolic 38566  
disorders. The council shall engage in an ongoing review of the 38567  
newborn screening requirements established under this section and 38568  
shall provide recommendations and reports to the director as the 38569  
director requests and as the council considers necessary. The 38570  
director may assign other duties to the council, as the director 38571  
considers appropriate. 38572

The council shall consist of fourteen members appointed by 38573  
the director. In making appointments, the director shall select 38574  
individuals and representatives of entities with interest and 38575  
expertise in newborn screening, including such individuals and 38576  
entities as health care professionals, hospitals, children's 38577  
hospitals, regional genetic centers, regional sickle cell centers, 38578  
newborn screening coordinators, and members of the public. 38579

The department of health shall provide meeting space, staff 38580  
services, and other technical assistance required by the council 38581  
in carrying out its duties. Members of the council shall serve 38582  
without compensation, but shall be reimbursed for their actual and 38583  
necessary expenses incurred in attending meetings of the council 38584  
or performing assignments for the council. 38585

The council is not subject to sections 101.82 to 101.87 of 38586  
the Revised Code. 38587

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 38588  
director of health shall adopt rules in accordance with Chapter 38589  
119. of the Revised Code specifying the disorders for which each 38590  
newborn child must be screened. 38591

(b) In adopting the rules, the director shall specify Krabbe 38592

disease as a disorder for which a newborn child who is born on or 38593  
after July 1, 2016, must be screened. ~~The rules shall limit the 38594  
screening requirement for Krabbe disease to the process known as 38595  
"first tier testing," which is a screening for Krabbe disease that 38596  
is accomplished by measuring galactocerebrosidase activity using 38597  
mass spectrometry.~~ 38598

(2) The newborn screening advisory council shall evaluate 38599  
genetic, metabolic, and endocrine disorders to assist the director 38600  
in determining which disorders should be included in the 38601  
screenings required under this section. In determining whether a 38602  
disorder should be included, the council shall consider all of the 38603  
following: 38604

(a) The disorder's incidence, mortality, and morbidity; 38605

(b) Whether the disorder causes disability if diagnosis, 38606  
treatment, and early intervention are delayed; 38607

(c) The potential for successful treatment of the disorder; 38608

(d) The expected benefits to children and society in relation 38609  
to the risks and costs associated with screening for the disorder; 38610

(e) Whether a screening for the disorder can be conducted 38611  
without taking an additional blood sample or specimen. 38612

(3) Based on the considerations specified in division (C)(2) 38613  
of this section, the council shall make recommendations to the 38614  
director of health for the adoption of rules under division (C)(1) 38615  
of this section. The director shall promptly and thoroughly review 38616  
each recommendation the council submits. 38617

(D) The director shall adopt rules in accordance with Chapter 38618  
119. of the Revised Code establishing standards and procedures for 38619  
the screenings required by this section. The rules shall include 38620  
standards and procedures for all of the following: 38621

(1) Causing rescreenings to be performed when initial 38622

screenings have abnormal results; 38623

(2) Designating the person or persons who will be responsible 38624  
for causing screenings and rescreenings to be performed; 38625

(3) Giving to the parents of a child notice of the required 38626  
initial screening and the possibility that rescreenings may be 38627  
necessary; 38628

(4) Communicating to the parents of a child the results of 38629  
the child's screening and any rescreenings that are performed; 38630

(5) Giving notice of the results of an initial screening and 38631  
any rescreenings to the person who caused the child to be screened 38632  
or rescreened, or to another person or government entity when the 38633  
person who caused the child to be screened or rescreened cannot be 38634  
contacted; 38635

(6) Referring children who receive abnormal screening or 38636  
rescreening results to providers of follow-up services, including 38637  
the services made available through funds disbursed under division 38638  
(F) of this section. 38639

(E)(1) Except as provided in divisions (E)(2) and (3) of this 38640  
section, all newborn screenings required by this section shall be 38641  
performed by the public health laboratory authorized under section 38642  
3701.22 of the Revised Code. 38643

(2) If the director determines that the public health 38644  
laboratory is unable to perform screenings for all of the 38645  
disorders specified in the rules adopted under division (C) of 38646  
this section, the director shall select another laboratory to 38647  
perform the screenings. The director shall select the laboratory 38648  
by issuing a request for proposals. The director may accept 38649  
proposals submitted by laboratories located outside this state. At 38650  
the conclusion of the selection process, the director shall enter 38651  
into a written contract with the selected laboratory. If the 38652  
director determines that the laboratory is not complying with the 38653

terms of the contract, the director shall immediately terminate 38654  
the contract and another laboratory shall be selected and 38655  
contracted with in the same manner. 38656

(3) Any rescreening caused to be performed pursuant to this 38657  
section may be performed by the public health laboratory or one or 38658  
more other laboratories designated by the director. Any laboratory 38659  
the director considers qualified to perform rescreenings may be 38660  
designated, including a laboratory located outside this state. If 38661  
more than one laboratory is designated, the person responsible for 38662  
causing a rescreening to be performed is also responsible for 38663  
selecting the laboratory to be used. 38664

(F)(1) The director shall adopt rules in accordance with 38665  
Chapter 119. of the Revised Code establishing a fee that shall be 38666  
charged and collected in addition to or in conjunction with any 38667  
laboratory fee that is charged and collected for performing the 38668  
screenings required by this section. The fee, which shall be not 38669  
less than fourteen dollars, shall be disbursed as follows: 38670

(a) Not less than ten dollars and twenty-five cents shall be 38671  
deposited in the state treasury to the credit of the genetics 38672  
services fund, which is hereby created. Not less than seven 38673  
dollars and twenty-five cents of each fee credited to the genetics 38674  
services fund shall be used to defray the costs of the programs 38675  
authorized by section 3701.502 of the Revised Code. Not less than 38676  
three dollars from each fee credited to the genetics services fund 38677  
shall be used to defray costs of phenylketonuria programs. 38678

(b) Not less than three dollars and seventy-five cents shall 38679  
be deposited into the state treasury to the credit of the sickle 38680  
cell fund, which is hereby created. Money credited to the sickle 38681  
cell fund shall be used to defray costs of programs authorized by 38682  
section 3701.131 of the Revised Code. 38683

(2) In adopting rules under division (F)(1) of this section, 38684

the director shall not establish a fee that differs according to 38685  
whether a screening is performed by the public health laboratory 38686  
or by another laboratory selected by the director pursuant to 38687  
division (E)(2) of this section. 38688

**Sec. 3701.571.** (A) The director of health shall adopt rules 38689  
pursuant to Chapter 119. of the Revised Code that establish a 38690  
graduated system of fines based on the scope and severity of 38691  
violations and the history of compliance, not to exceed seven 38692  
hundred fifty dollars per incident, and in an adjudication under 38693  
Chapter 119. of the Revised Code, may impose a fine against any 38694  
person who violates division (C) of section 3701.23, division (C) 38695  
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 38696  
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 38697  
Revised Code or against any poison prevention and treatment center 38698  
or other health-related entity that fails to comply with division 38699  
(C) of section 3701.201 of the Revised Code. 38700

(B) On request of the director, the attorney general shall 38701  
bring and prosecute to judgment a civil action to collect any fine 38702  
imposed under division (A) of this section that remains unpaid. 38703

(C) All fines collected under this section shall be deposited 38704  
into the state treasury to the credit of the general operations 38705  
fund created under section 3701.83 of the Revised Code. 38706

**Sec. 3701.601.** There is hereby created in the state treasury 38707  
the breast and cervical cancer project income tax contribution 38708  
fund, which shall consist of money contributed to it under section 38709  
5747.113 of the Revised Code and of contributions made directly to 38710  
it. Any person may contribute directly to the fund in addition to 38711  
or independently of the income tax refund contribution system 38712  
established in section 5747.113 of the Revised Code. 38713

The director of health shall distribute the contributed funds 38714

to the Ohio breast and cervical cancer project administered under 38715  
section 3701.144 of the Revised Code. The contributed funds shall 38716  
be used specifically for the provision of breast and cervical 38717  
cancer screening, diagnostic, and outreach services to uninsured 38718  
and under-insured women who meet the eligibility requirements 38719  
specified in that section. The breast and cervical cancer project, 38720  
through its regional agencies, shall use the contributed funds to 38721  
pay for services provided directly by personnel of ~~local~~ 38722  
~~departments~~ health facilities operated by boards of health, free 38723  
clinics as defined in section 3701.071 of the Revised Code, 38724  
mammography services providers, radiology services providers, 38725  
federally qualified health centers as defined by section 3701.047 38726  
of the Revised Code, rural health centers, or other community 38727  
health centers. 38728

**Sec. 3701.611.** (A) ~~Not later than six months after April 6,~~ 38729  
~~2017, the~~ The department of health ~~and the department of~~ 38730  
~~developmental disabilities~~ shall create a central intake and 38731  
referral system for ~~the state's part C early intervention services~~ 38732  
~~program and~~ all home visiting programs operating in this state. 38733  
~~The system shall comply with all regulations governing the part C~~ 38734  
~~early intervention program for infants and toddlers with~~ 38735  
~~disabilities that are promulgated under the "Individuals with~~ 38736  
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 38737  
Through a competitive bidding process, the department of health 38738  
~~and department of developmental disabilities~~ may select one or 38739  
more persons or government entities to operate the system. 38740

(B) If the department of health ~~and department of~~ 38741  
~~developmental disabilities choose~~ chooses to select one or more 38742  
system operators as described in division (A) of this section, a 38743  
contract with any system operator shall require that the system do 38744  
both of the following: 38745

(1) Serve as a single point of entry for access, assessment, 38746  
and referral of families to appropriate home visiting services ~~and~~ 38747  
~~part C early intervention services~~ based on each family's location 38748  
of residence; 38749

(2) Use a standardized form or other mechanism to assess for 38750  
each family member's risk factors and social determinants of 38751  
health, as well as ensure that the family is referred to the 38752  
appropriate home visiting ~~or part C early intervention~~ program ~~or~~ 38753  
service, which may include a program that uses home visiting 38754  
contractors who provide services within a community HUB that fully 38755  
or substantially complies with the pathways community HUB 38756  
certification standards developed by the pathways community HUB 38757  
institute. 38758

(C) The standardized form or other mechanism described in 38759  
division (B)(2) of this section shall be agreed to by the home 38760  
visiting consortium created under section 3701.612 of the Revised 38761  
Code ~~and the early intervention services advisory council created~~ 38762  
~~under section 5123.0422 of the Revised Code.~~ 38763

(D) A contract entered into under division (B) of this 38764  
section shall require a system operator to issue an annual report 38765  
to the department of health ~~and department of developmental~~ 38766  
~~disabilities~~ that includes data regarding referrals made by the 38767  
central intake and referral system, costs associated with the 38768  
referrals, and the quality of services received by families who 38769  
were referred to services through the system. The report shall be 38770  
distributed to the home visiting consortium created under section 38771  
3701.612 of the Revised Code ~~and the early intervention services~~ 38772  
~~advisory council created under section 5123.0422 of the Revised~~ 38773  
Code. 38774

(E) ~~The department of health and department of developmental~~ 38775  
~~disabilities shall share any funding made available to each~~ 38776  
~~department for local outreach and child find efforts after~~ 38777

~~creating the central intake and referral system described in  
division (A) of this section.~~ 38778  
38779

~~(F)~~ Nothing in this section is intended to do any of the 38780  
following: 38781

(1) Prohibit the department of health ~~or department of~~ 38782  
~~developmental disabilities~~ from using alternative promotional 38783  
materials or names for the central intake and referral system; 38784

(2) Require the use of help me grow program promotional 38785  
materials or names; 38786

(3) Prohibit providers, central coordinators, the department 38787  
of health, ~~the department of developmental disabilities,~~ or 38788  
stakeholders from using the help me grow name for promotional 38789  
materials for ~~both the home visiting and part C early intervention~~ 38790  
~~services components.~~ 38791

**Sec. 3701.612.** (A) The Ohio home visiting consortium is 38792  
hereby created. The purpose of the consortium is to ensure that 38793  
home visiting services provided by home visiting programs 38794  
operating in this state, as well as home visiting services 38795  
provided or arranged for by medicaid managed care organizations, 38796  
are high-quality and delivered through evidence-based or 38797  
innovative, promising home visiting models, including models used 38798  
by home visiting contractors who provide services within one or 38799  
more community HUBs that fully or substantially comply with the 38800  
pathways community HUB certification standards developed by the 38801  
pathways community HUB institute. It is the intent of the general 38802  
assembly that all home visiting services provided in this state do 38803  
both of the following: 38804

(1) Improve health, educational, and social outcomes for 38805  
expectant and new parents and young children; 38806

(2) Promote safe, connected families and communities in which 38807

children are able to grow up healthy and ready to learn. 38808

(B)(1) In furtherance of the consortium's purpose, the 38809  
consortium shall do both of the following: 38810

(a) Make recommendations to the department of health, 38811  
department of medicaid, department of mental health and addiction 38812  
services, and department of developmental disabilities regarding 38813  
how to leverage all funding sources available for home visiting 38814  
services, including medicaid, to accomplish both of the following 38815  
in this state: 38816

(i) Expand the use of evidence-based home visiting program 38817  
models, including models used by home visiting contractors who 38818  
provide services within one or more community HUBs that fully or 38819  
substantially comply with the pathways community HUB certification 38820  
standards developed by the pathways community HUB institute; 38821

(ii) Initiate, as pilot projects, innovative, promising home 38822  
visiting models. 38823

(b) Make recommendations to the department of medicaid on the 38824  
terms to be included in contracts the department enters into with 38825  
medicaid managed care organizations under section 5167.10 of the 38826  
Revised Code to ensure that the organizations are providing or 38827  
arranging for the medicaid recipients enrolled in their 38828  
~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of 38829  
the Revised Code, to receive home visiting services that are 38830  
delivered as part of the home visiting program models described in 38831  
divisions (B)(1)(a)(i) and (ii) of this section. 38832

(2) The consortium may recommend a standardized form or other 38833  
mechanism to assess family risk factors and social determinants of 38834  
health for purposes of the central intake and referral system 38835  
described in section 3701.611 of the Revised Code. 38836

(C) The consortium shall consist of the following members: 38837

(1) The director of health or the director's designee;	38838
(2) The medicaid director or the director's designee;	38839
(3) The director of mental health and addiction services or the director's designee;	38840 38841
(4) The director of developmental disabilities or the director's designee;	38842 38843
(5) The executive director of the commission on minority health or the executive director's designee;	38844 38845
(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division;	38846 38847
(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans;	38848 38849 38850
(8) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities;	38851 38852 38853
(9) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of health;	38854 38855 38856
(10) <u>A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health;</u>	38857 38858 38859 38860 38861
<u>(11)</u> An individual who receives home visiting services from the help me grow program;	38862 38863
<del>(11)</del> (12) <u>An individual who receives home visiting services from a home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the</u>	38864 38865 38866 38867

<u>pathways community HUB institute;</u>	38868
(13) Two members of the senate, one from the majority party	38869
and one from the minority party, each appointed by the senate	38870
president;	38871
<del>(12)</del> (14) Two members of the house of representatives, one	38872
from the majority party and one from the minority party, each	38873
appointed by the speaker of the house of representatives.	38874
(D) The consortium members described in divisions (C) <del>(6)</del> to	38875
<del>(11)</del> (10) and (12) of this section shall be appointed not later	38876
than thirty days after <del>the effective date of this section</del> <u>the</u>	38877
<u>effective date of this amendment</u> . An appointed member shall hold	38878
office until a successor is appointed. A vacancy shall be filled	38879
in the same manner as the original appointment.	38880
The director of health shall serve as the chairperson of the	38881
consortium.	38882
A member shall serve without compensation except to the	38883
extent that serving on the consortium is considered part of the	38884
member's regular duties of employment.	38885
(E) The consortium shall meet at the call of the director of	38886
health but not less than once each calendar quarter. The	38887
consortium's first meeting shall occur not later than sixty days	38888
after <del>the effective date of this section</del> <u>April 6, 2017</u> .	38889
(F) The department of health shall provide meeting space and	38890
staff and other administrative support for the consortium.	38891
(G) The consortium is not subject to sections 101.82 to	38892
101.87 of the Revised Code.	38893
<b>Sec. 3701.68.</b> (A) As used in this section:	38894
(1) "Academic medical center" means a medical school and its	38895
affiliated teaching hospitals.	38896

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.	38897 38898
(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:	38899 38900
(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;	38901 38902 38903
(2) For each service identified under division (B)(1) of this section, determine both of the following:	38904 38905
(a) The sources of the funds that are used to pay for the service;	38906 38907
(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.	38908 38909 38910 38911
(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.	38912 38913 38914 38915
(C) The commission shall consist of the following members:	38916
(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;	38917 38918 38919
(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;	38920 38921 38922
(3) <del>The executive director of the office of health transformation or the executive director's</del> <u>governor or the governor's</u> designee;	38923 38924 38925
(4) The medicaid director or the director's designee;	38926

(5) The director of health or the director's designee;	38927
(6) The director of developmental disabilities or the director's designee;	38928 38929
(7) The executive director of the commission on minority health or the executive director's designee;	38930 38931
(8) The attorney general or the attorney general's designee;	38932
(9) A health commissioner of a city or general health district, appointed by the governor;	38933 38934
(10) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;	38935 38936
(11) An individual who represents the Ohio hospital association, appointed by the association's president;	38937 38938
(12) An individual who represents the Ohio children's hospital association, appointed by the association's president;	38939 38940
(13) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor;	38941 38942 38943
<u>(14) Two individuals who represent children's interests, one to be appointed by the speaker of the house of representatives and one to be appointed by the senate president.</u>	38944 38945 38946
<del>(D) The commission members described in divisions (C)(1), (2), (9), (10), (11), (12), and (13) of this section shall be appointed not later than thirty days after March 19, 2015. An appointed <u>commission</u> member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.</del>	38947 38948 38949 38950 38951 38952
From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission.	38953 38954 38955

A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment.

(E) The commission may request assistance from the staff of the legislative service commission.

(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

**Sec. 3701.99.** (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of section 3701.262, or sections 3701.46 to 3701.55 of the Revised

Code is guilty of a minor misdemeanor on a first offense; on each 38986  
subsequent offense, the person is guilty of a misdemeanor of the 38987  
fourth degree. 38988

(B) Whoever violates section 3701.82 of the Revised Code is 38989  
guilty of a misdemeanor of the first degree. 38990

(C) Whoever violates section 3701.352 or 3701.81 of the 38991  
Revised Code is guilty of a misdemeanor of the second degree. 38992

**Sec. 3702.12.** Initial rules for each activity specified in 38993  
section 3702.11 of the Revised Code and for each health care 38994  
facility ~~listed as defined in division (A)(4) of~~ section 3702.30 38995  
of the Revised Code shall be adopted using the procedure 38996  
prescribed by this section. 38997

The director of health shall file proposed rules in 38998  
accordance with section 119.03 of the Revised Code. If, prior to 38999  
expiration of the time for legislative review and invalidation 39000  
under division (I) of that section, the joint committee on agency 39001  
rule review recommends the adoption of a concurrent resolution 39002  
invalidating a proposed rule, the director shall withdraw the 39003  
proposed rule, revise it, and refile it as if it were a newly 39004  
proposed rule; the director shall not file the proposed rule in 39005  
final form. A proposed rule that the director refiles following a 39006  
recommendation for a concurrent resolution of invalidation shall 39007  
be treated, for purposes of determining the time for legislative 39008  
review and invalidation under section 119.03 of the Revised Code, 39009  
as if it were a newly proposed rule. If, after filing the revised 39010  
proposed rule, the joint committee again recommends the adoption 39011  
of a concurrent resolution of invalidation, the director shall 39012  
file the revised proposed rule in final form in accordance with 39013  
section 111.15 of the Revised Code, and the rule shall take effect 39014  
in accordance with that section. 39015

If, prior to expiration of the time for legislative review 39016

and invalidation, the joint committee does not recommend the 39017  
adoption of a concurrent resolution invalidating a proposed rule 39018  
or revised proposed rule filed in accordance with section 119.03 39019  
of the Revised Code, the director shall file the rule in final 39020  
form in accordance with section 119.04 of the Revised Code, and 39021  
the rule shall take effect in accordance with that section. 39022

Initial rules adopted for each activity specified in section 39023  
3702.11 of the Revised Code shall include rules pertaining to all 39024  
of the matters required by section 3702.16 of the Revised Code. 39025

Initial rules shall not be adopted as emergency rules. 39026

**Sec. 3702.13.** After the adoption, in accordance with section 39027  
3702.12 of the Revised Code, of initial rules applicable to an 39028  
activity specified in section 3702.11 of the Revised Code or a 39029  
health care facility listed as defined in division (A)(4) of 39030  
section 3702.30 of the Revised Code, any amendments to the rules 39031  
applicable to that activity or facility, including enactment of 39032  
new rules or amendments or rescissions of existing rules, shall be 39033  
adopted in accordance with Chapter 119. of the Revised Code. 39034

**Sec. 3702.30.** (A) As used in this section: 39035

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 39036  
~~or not part of the same organization as a hospital, that is~~ 39037  
~~located in a building distinct from another in which inpatient~~ 39038  
care is provided surgical services are provided to patients who do 39039  
not require hospitalization for inpatient care, the duration of 39040  
services for any patient does not extend beyond twenty-four hours 39041  
after the patient's admission, and to which any of the following 39042  
apply: 39043

(a) ~~Outpatient surgery is routinely performed in the~~ 39044  
~~facility, and the facility functions separately from a hospital's~~ 39045  
~~inpatient surgical service and from the offices of private~~ 39046

~~physicians, podiatrists, and dentists~~ The surgical services are 39047  
provided in a building that is separate from another building in 39048  
which inpatient care is provided, regardless of whether the 39049  
separate building is part of the same organization as the building 39050  
in which inpatient care is provided. 39051

~~(b) Anesthesia is administered in the facility by an~~ 39052  
~~anesthesiologist or certified registered nurse anesthetist, and~~ 39053  
~~the facility functions separately from a hospital's inpatient~~ 39054  
~~surgical service and from the offices of private physicians,~~ 39055  
~~podiatrists, and dentists.~~ 39056

~~(c) The facility applies to be certified by the United States~~ 39057  
~~centers for medicare and medicaid services as an ambulatory~~ 39058  
~~surgical center for purposes of reimbursement under Part B of the~~ 39059  
~~medicare program, Part B of Title XVIII of the "Social Security~~ 39060  
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 39061

~~(d) The facility applies to be certified by a national~~ 39062  
~~accrediting body approved by the centers for medicare and medicaid~~ 39063  
~~services for purposes of deemed compliance with the conditions for~~ 39064  
~~participating in the medicare program as an ambulatory surgical~~ 39065  
~~center.~~ 39066

~~(e) The facility bills or receives from any third party~~ 39067  
~~payer, governmental health care program, or other person or~~ 39068  
~~government entity any ambulatory surgical facility fee that is~~ 39069  
~~billed or paid in addition to any fee for professional services~~ 39070  
The surgical services are provided within a building in which 39071  
inpatient care is provided and the entity that operates the 39072  
portion of the building where the surgical services are provided 39073  
is not the entity that operates the remainder of the building. 39074

~~(f)~~(c) The facility is held out to any person or government 39075  
entity as an ambulatory surgical facility or similar facility by 39076  
means of signage, advertising, or other promotional efforts. 39077

"Ambulatory surgical facility" does not include a hospital emergency department or an office of a physician, podiatrist, or dentist.

(2) ~~"Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:~~

~~(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;~~

~~(b) Administrative functions, record keeping, housekeeping, utilities, and rent;~~

~~(c) Services provided by nurses, pharmacists, orderlies, technical personnel, and others involved in patient care related to providing surgery.~~

~~"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office based surgery.~~

~~(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.~~

~~(4) "Health care facility" means any of the following:~~

~~(a) An ambulatory surgical facility;~~

~~(b) A freestanding dialysis center;~~

~~(c) A freestanding inpatient rehabilitation facility;~~

~~(d) A freestanding birthing center;~~

(e) A freestanding radiation therapy center;	39107
(f) A freestanding or mobile diagnostic imaging center.	39108
<del>(5) "Third party payer" has the same meaning as in section</del>	39109
<del>3901.38 of the Revised Code.</del>	39110
(B) By rule adopted in accordance with sections 3702.12 and	39111
3702.13 of the Revised Code, the director of health shall	39112
establish quality standards for health care facilities. The	39113
standards may incorporate accreditation standards or other quality	39114
standards established by any entity recognized by the director.	39115
In the case of an ambulatory surgical facility, the standards	39116
shall require the ambulatory surgical facility to maintain an	39117
infection control program. The purposes of the program are to	39118
minimize infections and communicable diseases and facilitate a	39119
functional and sanitary environment consistent with standards of	39120
professional practice. To achieve these purposes, ambulatory	39121
surgical facility staff managing the program shall create and	39122
administer a plan designed to prevent, identify, and manage	39123
infections and communicable diseases; ensure that the program is	39124
directed by a qualified professional trained in infection control;	39125
ensure that the program is an integral part of the ambulatory	39126
surgical facility's quality assessment and performance improvement	39127
program; and implement in an expeditious manner corrective and	39128
preventive measures that result in improvement.	39129
(C) Every ambulatory surgical facility shall require that	39130
each physician who practices at the facility comply with all	39131
relevant provisions in the Revised Code that relate to the	39132
obtaining of informed consent from a patient.	39133
(D) The director shall issue a license to each health care	39134
facility that makes application for a license and demonstrates to	39135
the director that it meets the quality standards established by	39136
the rules adopted under division (B) of this section and satisfies	39137

the informed consent compliance requirements specified in division 39138  
(C) of this section. 39139

(E)(1) Except as provided in division (H) of this section and 39140  
in section 3702.301 of the Revised Code, no health care facility 39141  
shall operate without a license issued under this section. 39142

The general assembly does not intend for the provisions of 39143  
this section or section 3702.301 of the Revised Code that 39144  
establish health care facility licensing requirements or 39145  
exemptions to have an effect on any third-party payments that may 39146  
be available for the services provided by either a licensed health 39147  
care facility or an entity exempt from licensure. 39148

(2) If the department of health finds that a physician who 39149  
practices at a health care facility is not complying with any 39150  
provision of the Revised Code related to the obtaining of informed 39151  
consent from a patient, the department shall report its finding to 39152  
the state medical board, the physician, and the health care 39153  
facility. 39154

(3) ~~This division~~ Division (E)(2) of this section does not 39155  
create, and shall not be construed as creating, a new cause of 39156  
action or substantive legal right against a health care facility 39157  
and in favor of a patient who allegedly sustains harm as a result 39158  
of the failure of the patient's physician to obtain informed 39159  
consent from the patient prior to performing a procedure on or 39160  
otherwise caring for the patient in the health care facility. 39161

(F) The rules adopted under division (B) of this section 39162  
shall include all of the following: 39163

(1) Provisions governing application for, renewal, 39164  
suspension, and revocation of a license under this section; 39165

(2) Provisions governing orders issued pursuant to section 39166  
3702.32 of the Revised Code for a health care facility to cease 39167  
its operations or to prohibit certain types of services provided 39168

by a health care facility;	39169
(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;	39170 39171 39172 39173
(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.	39174 39175
(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.	39176 39177
(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:	39178 39179 39180
(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;	39181 39182
(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;	39183 39184 39185
(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.	39186 39187 39188
<b>Sec. 3702.967.</b> The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.96 to 3702.965 of the Revised Code.	39189 39190 39191
The director shall pay all gifts accepted under this section <del>into the state treasury, to the credit of the dental hygiene resource shortage area fund, which is hereby created,</del> and all damages collected under division (C)(3) of section 3702.965 of the Revised Code, <del>into the state treasury,</del> to the credit of the dental hygienist loan repayment fund, which is hereby created.	39192 39193 39194 39195 39196 39197

The director shall use the ~~dental hygiene resource shortage~~ 39198  
~~area~~ and dental hygienist loan repayment ~~funds~~ fund for the 39199  
implementation and administration of sections 3702.96 to 3702.967 39200  
of the Revised Code. 39201

**Sec. 3704.01.** As used in this chapter: 39202

(A) "Administrator" means the administrator of the United 39203  
States environmental protection agency or the chief executive of 39204  
any successor federal agency responsible for implementation of the 39205  
federal Clean Air Act. 39206

(B) "Air contaminant" means particulate matter, dust, fumes, 39207  
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 39208  
any combination thereof, but does not mean emissions from 39209  
agricultural production activities, as defined in section 929.01 39210  
of the Revised Code, that are consistent with generally accepted 39211  
agricultural practices, were established prior to adjacent 39212  
nonagricultural activities, have no substantial, adverse effect on 39213  
the public health, safety, or welfare, do not result from the 39214  
negligent or other improper operations of any such agricultural 39215  
activities, and would not be required to obtain a Title V permit. 39216  
For the purposes of this chapter, agricultural production 39217  
activities do not include the installation and operation of 39218  
off-farm facilities for the storage or processing of agricultural 39219  
products, including, but not limited to, alfalfa dehydrating 39220  
facilities, rendering plants, and feed and grain mills, elevators, 39221  
and terminals. 39222

(C) "Air contaminant source" means each separate operation or 39223  
activity that results or may result in the emission of any air 39224  
contaminant. 39225

(D) "Air pollution" means the presence in the ambient air of 39226  
one or more air contaminants or any combination thereof in 39227  
sufficient quantity and of such characteristics and duration as is 39228

or threatens to be injurious to human health or welfare, plant or animal life, or property, or as unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life or property.

(F) "Best available technology" means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.

(G) "Change within a permitted facility" means, within the context of the Title V permit program established under section 3704.036 of the Revised Code, a change that is limited by a federally enforceable provision of an applicable Title V permit and that does not include physical, production, or other changes that are neither addressed nor limited by the federally enforceable portion of a Title V permit unless the change would result in a violation of a federally enforceable requirement or a modification under Title I of the federal Clean Air Act or would be subject to any requirements under Title IV of that act.

(H) "Emit" or "emission" means the release into the ambient air of an air contaminant.

(I) "Emission limitation" and "emission standard" mean a requirement that limits the quantity, rate, or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

(J) "Facility," for the purposes of the Title V permit

program established under section 3704.036 of the Revised Code, 39260  
means all of the emitting activities that are located on 39261  
contiguous or adjacent properties that are under the control of 39262  
the same person or persons or are under common control and that 39263  
are in the same major group as described in the standard 39264  
Industrial Classification Manual, 1987. 39265

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 39266  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 39267  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 39268  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 39269  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 39270  
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 39271  
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 39272  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 39273  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 39274  
that have been or may hereafter be adopted, or any supplements to 39275  
those acts and laws of the United States that have been or may 39276  
hereafter be enacted in substitution therefor, together with any 39277  
regulations that have been or may hereafter be adopted by the 39278  
administrator by virtue of and in accordance with those acts and 39279  
laws. Reference to a particular title or section of the federal 39280  
Clean Air Act includes any amendments that have been or may 39281  
hereafter be enacted in substitution therefor and any regulations 39282  
pertaining to the title or section that have been or may hereafter 39283  
be adopted by the administrator by virtue of and in accordance 39284  
with the federal Clean Air Act. 39285

(L) "Hazardous air pollutant" means any pollutant listed 39286  
under section 112(b) of the federal Clean Air Act. 39287

(M) "Implementation plan" means a program for the prevention 39288  
and abatement of air pollution in the state that has been 39289  
promulgated or approved by the administrator pursuant to the 39290  
federal Clean Air Act. 39291

(N) "Local air pollution control authority" includes all of	39292
the following unless terminated by the political subdivisions	39293
represented thereby:	39294
(1) All of the following agencies representing the following	39295
political subdivisions, as those agencies existed on July 1, 1993:	39296
(a) The Akron regional air quality management district	39297
representing Medina, Summit, and Portage counties;	39298
(b) The Canton city health department representing Stark	39299
county;	39300
(c) The Hamilton county department of environmental services,	39301
southwest Ohio air quality agency representing Butler, Warren,	39302
Hamilton, and Clermont counties;	39303
(d) The city of Cleveland division of the environment	39304
representing Cuyahoga county;	39305
(e) The regional air pollution control agency representing	39306
Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	39307
(f) The Lake county general health district representing Lake	39308
and Geauga counties;	39309
(g) The Portsmouth city health department representing Brown,	39310
Adams, Scioto, and Lawrence counties;	39311
(h) The city of Toledo division of pollution control	39312
representing Lucas county and the city of Rossford in Wood county;	39313
<del>(i) The Mahoning Trumbull air pollution control agency, city</del>	39314
<del>of Youngstown, representing Trumbull and Mahoning counties.</del>	39315
(2) Any successor to an existing local air pollution control	39316
authority listed in divisions (N)(1)(a) to (i) of this section	39317
that results from a change in the political subdivisions	39318
comprising the local air pollution control authority through the	39319
withdrawal of a political subdivision from membership in the local	39320
air pollution control authority or the inclusion of an additional	39321

political subdivision in the membership of the local air pollution control authority; 39322  
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(3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code. 39324  
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(O) "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision or any agency thereof, or any public or private corporation, individual, partnership, or other entity. 39329  
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(P) "Research and development sources" means sources whose activities are conducted for nonprofit scientific or educational purposes; sources whose activities are conducted to test more efficient production processes or methods for preventing or reducing adverse environmental impacts, provided that the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; a research or laboratory source the primary purpose of which is to conduct research and development into new processes and products, that is operated under the close supervision of technically trained personnel, and that is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner; the temporary use of normal production sources in a research and development mode to test the technical or commercial viability of alternative raw materials or production processes, provided that the use does not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner; the experimental firing of any fuel or combination of fuels in a boiler, heater, furnace, or dryer for the purpose of conducting research and development of more efficient combustion 39333  
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or more effective prevention or control of air pollutant 39354  
emissions, provided that, during those periods of research and 39355  
development, the heat generated is not used for normal production 39356  
purposes or for producing a product for sale or exchange for 39357  
commercial profit, except in a de minimis manner; and such other 39358  
similar sources as the director may prescribe by rule. 39359

(Q) "Responsible official" means one of the following, as 39360  
applicable: 39361

(1) For a corporation: a president, secretary, treasurer, or 39362  
vice-president of the corporation in charge of a principal 39363  
business function, any other person who performs similar policy or 39364  
decision-making functions for the corporation, or a duly 39365  
authorized representative of any such person if the representative 39366  
is responsible for the overall operation of one or more 39367  
manufacturing, production, or operating facilities applying for or 39368  
subject to a Title V permit and if one of the following applies: 39369

(a) The facilities employ more than two hundred fifty 39370  
individuals or have gross annual sales or expenditures exceeding 39371  
twenty-five million dollars, in second quarter 1980 dollars; 39372

(b) The delegation of authority to the representative is 39373  
approved in advance by the director. 39374

(2) For a partnership or sole proprietorship: a general 39375  
partner or the proprietor, respectively. 39376

(3) For the federal government or any agency thereof, the 39377  
state or any agency thereof, a political subdivision or any agency 39378  
thereof, or any other public agency, either a principal executive 39379  
officer or authorized elected official. For the purposes of this 39380  
division, a principal executive officer of a federal agency 39381  
includes the chief executive officer having responsibility for the 39382  
overall operation of a principal geographic unit of the agency. 39383

(4) For affected sources, both of the following: 39384

(a) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or regulations adopted under it are concerned;

(b) The designated representative for any other purposes under 40 C.F.R. part 70.

(R) "Small business stationary source" means any building, structure, facility, or installation that emits any federally regulated air pollutant and is owned or operated by a person who employs one hundred or fewer individuals; is a small business concern as defined in the "Small Business Act," 72 Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major stationary source as defined in section 302(j) of the federal Clean Air Act; does not emit fifty tons or more per year of any federally regulated air pollutant or any hazardous air pollutant; and emits less than seventy-five tons per year of all federally regulated air pollutants.

(S) "Title V permit" means an operating permit required to be issued by the state under section 502 of the federal Clean Air Act and issued under section 3704.036 of the Revised Code and rules adopted under it.

(T) For the purposes of the Title V permit program established under this chapter and rules adopted under it, all terms defined in 40 C.F.R. part 70 have the same meaning as in that part.

**Sec. 3704.111.** (A) Not later than October 1, 1993, the director of environmental protection shall enter into a delegation agreement with each local air pollution control authority listed in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised Code under which the local air pollution control authority agrees to perform on behalf of the environmental protection agency air

pollution control regulatory services within the political 39416  
subdivision represented by the local air pollution control 39417  
authority. The director may enter into such a delegation agreement 39418  
with a local air pollution control authority established on or 39419  
after the effective date of this section, subject to the condition 39420  
established in division (B) of this section. Each delegation 39421  
agreement shall be self-renewing on an annual basis on the first 39422  
day of October of each year. The terms of each such delegation 39423  
agreement shall remain unchanged from year to year unless they are 39424  
amended by mutual agreement of the director and the local air 39425  
pollution control authority. 39426

(B) The director may conduct a periodic performance 39427  
evaluation of the air pollution control program operated by each 39428  
local air pollution control authority. Based upon the findings of 39429  
such a performance evaluation, the director may terminate or 39430  
refuse to renew the delegation agreement with a local air 39431  
pollution control authority if the director determines that the 39432  
local air pollution control authority is not adequately performing 39433  
its obligations under the agreement. 39434

(C) The director may enter into contracts for payments to 39435  
local air pollution control authorities from moneys credited to 39436  
the clean air fund created in section 3704.035 of the Revised 39437  
Code, subject to the limitation specified in that section, and any 39438  
other moneys appropriated by the general assembly for that 39439  
purpose. The director shall distribute the moneys available for 39440  
making payments to the local air pollution control authorities 39441  
pursuant to such contracts equitably among the local air pollution 39442  
control authorities based upon the amount of local funding and the 39443  
workload of each local air pollution control authority, including, 39444  
without limitation, population served, number of air permits 39445  
issued for both new and existing sources, land area, and number of 39446  
air contaminant sources. The director biennially shall review the 39447

workload of each local air pollution control authority and shall 39448  
determine the percentage of the moneys available for the purpose 39449  
of making payments under the contracts. In determining the 39450  
percentage of those moneys that is to be so distributed, the 39451  
director shall consider the recommendations of the local air 39452  
pollution control authorities. 39453

(D) The director may modify a contract between the director 39454  
and a local air pollution control authority to authorize the local 39455  
air pollution control authority to perform air pollution control 39456  
activities outside the geographic boundaries of that local air 39457  
pollution control authority. 39458

**Sec. 3704.14.** (A)(1) If the director of environmental 39459  
protection determines that implementation of a motor vehicle 39460  
inspection and maintenance program is necessary for the state to 39461  
effectively comply with the federal Clean Air Act after June 30, 39462  
~~2015~~ 2019, the director may provide for the implementation of the 39463  
program in those counties in this state in which such a program is 39464  
federally mandated. Upon making such a determination, the director 39465  
of environmental protection may request the director of 39466  
administrative services to extend the terms of the contract that 39467  
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 39468  
the ~~129th~~ 131st general assembly. Upon receiving the request, the 39469  
director of administrative services shall extend the contract, 39470  
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 39471  
The contract shall be extended for a period of up to twenty-four 39472  
months with the contractor who conducted the motor vehicle 39473  
inspection and maintenance program under that contract. 39474

(2) Prior to the expiration of the contract extension that is 39475  
authorized by division (A)(1) of this section, the director of 39476  
environmental protection shall request the director of 39477  
administrative services to enter into a contract with a vendor to 39478

operate a decentralized motor vehicle inspection and maintenance 39479  
program in each county in this state in which such a program is 39480  
federally mandated through June 30, ~~2019~~ 2023, with an option for 39481  
the state to renew the contract for a period of up to twenty-four 39482  
months through June 30, ~~2021~~ 2025. The contract shall ensure that 39483  
the decentralized motor vehicle inspection and maintenance program 39484  
achieves at least the same emission reductions as achieved by the 39485  
program operated under the authority of the contract that was 39486  
extended under division (A)(1) of this section. The director of 39487  
administrative services shall select a vendor through a 39488  
competitive selection process in compliance with Chapter 125. of 39489  
the Revised Code. 39490

(3) Notwithstanding any law to the contrary, the director of 39491  
administrative services shall ensure that a competitive selection 39492  
process regarding a contract to operate a decentralized motor 39493  
vehicle inspection and maintenance program in this state 39494  
incorporates the following, which shall be included in the 39495  
contract: 39496

(a) For purposes of expanding the number of testing locations 39497  
for consumer convenience, a requirement that the vendor utilize 39498  
established local businesses, auto repair facilities, or leased 39499  
properties to operate state-approved inspection and maintenance 39500  
testing facilities; 39501

(b) A requirement that the vendor selected to operate the 39502  
program provide notification of the program's requirements to each 39503  
owner of a motor vehicle that is required to be inspected under 39504  
the program. The contract shall require the notification to be 39505  
provided not later than sixty days prior to the date by which the 39506  
owner of the motor vehicle is required to have the motor vehicle 39507  
inspected. The director of environmental protection and the vendor 39508  
shall jointly agree on the content of the notice. However, the 39509  
notice shall include at a minimum the locations of all inspection 39510

facilities within a specified distance of the address that is 39511  
listed on the owner's motor vehicle registration; 39512

(c) A requirement that the vendor comply with testing 39513  
methodology and supply the required equipment approved by the 39514  
director of environmental protection as specified in the 39515  
competitive selection process in compliance with Chapter 125. of 39516  
the Revised Code. 39517

(4) A decentralized motor vehicle inspection and maintenance 39518  
program operated under this section shall comply with division (B) 39519  
of this section. The director of environmental protection shall 39520  
administer the decentralized motor vehicle inspection and 39521  
maintenance program operated under this section. 39522

(B) The decentralized motor vehicle inspection and 39523  
maintenance program authorized by this section, at a minimum, 39524  
shall do all of the following: 39525

(1) Comply with the federal Clean Air Act; 39526

(2) Provide for the issuance of inspection certificates; 39527

(3) Provide for a new car exemption for motor vehicles four 39528  
years old or newer and provide that a new motor vehicle is exempt 39529  
for four years regardless of whether legal title to the motor 39530  
vehicle is transferred during that period. 39531

(C) The director of environmental protection shall adopt 39532  
rules in accordance with Chapter 119. of the Revised Code that the 39533  
director determines are necessary to implement this section. The 39534  
director may continue to implement and enforce rules pertaining to 39535  
the motor vehicle inspection and maintenance program previously 39536  
implemented under former section 3704.14 of the Revised Code as 39537  
that section existed prior to its repeal and reenactment by Am. 39538  
Sub. H.B. 66 of the 126th general assembly, provided that the 39539  
rules do not conflict with this section. 39540

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

**Sec. 3705.07.** (A) The local registrar of vital statistics shall number consecutively each fetal death and death certificate

printed on paper that the local registrar receives from the 39572  
electronic death registration system (EDRS) maintained by the 39573  
department of health. The number assigned to each certificate 39574  
shall be the one provided by EDRS. Such local registrar shall sign 39575  
the local registrar's name in attest to the date of filing in the 39576  
local office. The local registrar shall make a complete and 39577  
accurate copy of each fetal death and death certificate printed on 39578  
paper that is filed. Each paper copy shall be filed and preserved 39579  
as the local record until the electronic information regarding the 39580  
event has been completed and made available in EDRS and EDRS is 39581  
capable of issuing a complete and accurate electronic copy of the 39582  
certificate. The local record may be a photographic, electronic, 39583  
or other reproduction. The local registrar shall transmit to the 39584  
state office of vital statistics all original fetal death and 39585  
death certificates received using the state transmittal schedule 39586  
specified by the department of health. The local registrar shall 39587  
immediately notify the health commissioner with jurisdiction in 39588  
the registration district of the receipt of a death certificate 39589  
attesting that death resulted from a communicable disease. 39590

The office of vital statistics shall carefully examine the 39591  
records and certificates received from local registrars of vital 39592  
statistics and shall secure any further information that may be 39593  
necessary to make each record and certificate complete and 39594  
satisfactory. It shall arrange and preserve the records and 39595  
certificates, or reproductions of them produced pursuant to 39596  
section 3705.03 of the Revised Code, in a systematic manner and 39597  
shall maintain a permanent index of all births, fetal deaths, and 39598  
deaths registered, which shall show the name of the child or 39599  
deceased person, place and date of birth or death, and number of 39600  
the certificate. 39601

(B)(1) The office of vital statistics shall make available to 39602  
~~the division of child support in the department of job and family~~ 39603

~~services~~ all social security numbers that accompany a birth certificate submitted for filing under division (H) of section 3705.09 or section 3705.10 of the Revised Code or that accompany a death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised Code, the department of medicaid.

(2) The office of vital statistics also shall make available to the division of child support in the department of job and family services any other information recorded in the birth record that may enable the division to use the social security numbers provided under division (B)(1) of this section to obtain the location of the father of the child whose birth certificate was accompanied by the social security number or to otherwise enforce a child support order pertaining to that child or any other child.

**Sec. 3705.09.** (A) A birth certificate for each live birth in this state shall be filed in the registration district in which it occurs within ten calendar days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, and complete and certify the facts of birth on the certificate within ten calendar days. The physician or certified nurse-midwife in attendance shall be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;

(2) Any other person in attendance at or immediately after the birth;

(3) The father;

(4) The mother;

(5) The person in charge of the premises where the birth occurred.

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the record shall show the actual place of birth insofar as can be determined.

(F)(1) If the mother of a child was married at the time of either conception or birth or between conception and birth, the child shall be registered in the surname designated by the mother, and the name of the husband shall be entered on the certificate as the father of the child. The presumption of paternity shall be in

accordance with section 3111.03 of the Revised Code. 39664

(2) If the mother was not married at the time of conception 39665  
or birth or between conception and birth, the child shall be 39666  
registered by the surname designated by the mother. The name of 39667  
the father of such child shall also be inserted on the birth 39668  
certificate if both the mother and the father sign an 39669  
acknowledgement of paternity affidavit before the birth record has 39670  
been sent to the local registrar. If the father is not named on 39671  
the birth certificate pursuant to division (F)(1) or (2) of this 39672  
section, no other information about the father shall be entered on 39673  
the record. 39674

(G) When a man is presumed, found, or declared to be the 39675  
father of a child, according to section 2105.26, sections 3111.01 39676  
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 39677  
of the Revised Code, or the father has acknowledged the child as 39678  
his child in an acknowledgment of paternity, and the 39679  
acknowledgment has become final pursuant to section 2151.232, 39680  
3111.25, or 3111.821 of the Revised Code, and documentary evidence 39681  
of such fact is submitted to the department of health in such form 39682  
as the director may require, a new birth record shall be issued by 39683  
the department which shall have the same overall appearance as the 39684  
record which would have been issued under this section if a 39685  
marriage had occurred before the birth of such child. Where 39686  
handwriting is required to effect such appearance, the department 39687  
shall supply it. Upon the issuance of such new birth record, the 39688  
original birth record shall cease to be a public record. Except as 39689  
provided in division (C) of section 3705.091 of the Revised Code, 39690  
the original record and any documentary evidence supporting the 39691  
new registration of birth shall be placed in an envelope which 39692  
shall be sealed by the department and shall not be open to 39693  
inspection or copy unless so ordered by a court of competent 39694  
jurisdiction. 39695

(H) Every birth certificate filed under this section on or 39696  
after July 1, 1990, shall be accompanied by all social security 39697  
numbers that have been issued to the parents of the child, unless 39698  
the division of child support in the department of job and family 39699  
services, acting in accordance with regulations prescribed under 39700  
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 39701  
as amended, finds good cause for not requiring that the numbers be 39702  
furnished with the certificate. The parents' social security 39703  
numbers shall not be recorded on the certificate. No social 39704  
security number obtained under this division shall be used for any 39705  
purpose other than ~~child support enforcement~~ the purposes 39706  
specified in division (B)(1) of section 3705.07 of the Revised 39707  
Code. 39708

**Sec. 3705.10.** Any birth certificate submitted for filing 39709  
eleven or more days after the birth occurred constitutes a delayed 39710  
birth registration. A delayed birth certificate may be filed in 39711  
accordance with rules which shall be adopted by the director of 39712  
health. The rules shall include, but not be limited to, all of the 39713  
following requirements for each delayed birth certificate filed on 39714  
or after July 1, 1990: 39715

(A) The certificate shall be accompanied by all social 39716  
security numbers that have been issued to the parents of the 39717  
child, unless the division of child support in the department of 39718  
job and family services, acting in accordance with regulations 39719  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 39720  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 39721  
that the numbers be furnished with the certificate. 39722

(B) The parents' social security numbers shall not be 39723  
recorded on the certificate. 39724

(C) No social security number obtained under this section 39725  
shall be used for any purpose other than ~~child support enforcement~~ 39726

the purposes specified in division (B)(1) of section 3705.07 of 39727  
the Revised Code. 39728

**Sec. 3706.25.** As used in sections 3706.25 to ~~3706.30~~ 3706.29 39729  
of the Revised Code: 39730

(A) "Advanced energy project" means any technologies, 39731  
products, activities, or management practices or strategies that 39732  
facilitate the generation or use of electricity or energy and that 39733  
reduce or support the reduction of energy consumption or support 39734  
the production of clean, renewable energy for industrial, 39735  
distribution, commercial, institutional, governmental, research, 39736  
not-for-profit, or residential energy users including, but not 39737  
limited to, advanced energy resources and renewable energy 39738  
resources. "Advanced energy project" includes any project 39739  
described in division (A), (B), or (C) of section 4928.621 of the 39740  
Revised Code. 39741

(B) "Advanced energy resource" means any of the following: 39742

(1) Any method or any modification or replacement of any 39743  
property, process, device, structure, or equipment that increases 39744  
the generation output of an electric generating facility to the 39745  
extent such efficiency is achieved without additional carbon 39746  
dioxide emissions by that facility; 39747

(2) Any distributed generation system consisting of customer 39748  
cogeneration technology, primarily to meet the energy needs of the 39749  
customer's facilities; 39750

(3) Advanced nuclear energy technology consisting of 39751  
generation III technology as defined by the nuclear regulatory 39752  
commission; other, later technology; or significant improvements 39753  
to existing facilities; 39754

(4) Any fuel cell used in the generation of electricity, 39755  
including, but not limited to, a proton exchange membrane fuel 39756

cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 39757  
solid oxide fuel cell; 39758

(5) Advanced solid waste or construction and demolition 39759  
debris conversion technology, including, but not limited to, 39760  
advanced stoker technology, and advanced fluidized bed 39761  
gasification technology, that results in measurable greenhouse gas 39762  
emissions reductions as calculated pursuant to the United States 39763  
environmental protection agency's waste reduction model (WARM). 39764

(C) "Air contaminant source" has the same meaning as in 39765  
section 3704.01 of the Revised Code. 39766

(D) "Cogeneration technology" means technology that produces 39767  
electricity and useful thermal output simultaneously. 39768

(E) "Renewable energy resource" means solar photovoltaic or 39769  
solar thermal energy, wind energy, power produced by a 39770  
hydroelectric facility, power produced by a run-of-the-river 39771  
hydroelectric facility placed in service on or after January 1, 39772  
1980, that is located within this state, relies upon the Ohio 39773  
river, and operates, or is rated to operate, at an aggregate 39774  
capacity of forty or more megawatts, geothermal energy, fuel 39775  
derived from solid wastes, as defined in section 3734.01 of the 39776  
Revised Code, through fractionation, biological decomposition, or 39777  
other process that does not principally involve combustion, 39778  
biomass energy, energy produced by cogeneration technology that is 39779  
placed into service on or before December 31, 2015, and for which 39780  
more than ninety per cent of the total annual energy input is from 39781  
combustion of a waste or byproduct gas from an air contaminant 39782  
source in this state, which source has been in operation since on 39783  
or before January 1, 1985, provided that the cogeneration 39784  
technology is a part of a facility located in a county having a 39785  
population of more than three hundred sixty-five thousand but less 39786  
than three hundred seventy thousand according to the most recent 39787  
federal decennial census, biologically derived methane gas, heat 39788

captured from a generator of electricity, boiler, or heat 39789  
exchanger fueled by biologically derived methane gas, or energy 39790  
derived from nontreated by-products of the pulping process or wood 39791  
manufacturing process, including bark, wood chips, sawdust, and 39792  
lignin in spent pulping liquors. "Renewable energy resource" 39793  
includes, but is not limited to, any fuel cell used in the 39794  
generation of electricity, including, but not limited to, a proton 39795  
exchange membrane fuel cell, phosphoric acid fuel cell, molten 39796  
carbonate fuel cell, or solid oxide fuel cell; wind turbine 39797  
located in the state's territorial waters of Lake Erie; methane 39798  
gas emitted from an abandoned coal mine; storage facility that 39799  
will promote the better utilization of a renewable energy resource 39800  
that primarily generates off peak; or distributed generation 39801  
system used by a customer to generate electricity from any such 39802  
energy. As used in this division, "hydroelectric facility" means a 39803  
hydroelectric generating facility that is located at a dam on a 39804  
river, or on any water discharged to a river, that is within or 39805  
bordering this state or within or bordering an adjoining state and 39806  
meets all of the following standards: 39807

(1) The facility provides for river flows that are not 39808  
detrimental for fish, wildlife, and water quality, including 39809  
seasonal flow fluctuations as defined by the applicable licensing 39810  
agency for the facility. 39811

(2) The facility demonstrates that it complies with the water 39812  
quality standards of this state, which compliance may consist of 39813  
certification under Section 401 of the "Clean Water Act of 1977," 39814  
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 39815  
not contributed to a finding by this state that the river has 39816  
impaired water quality under Section 303(d) of the "Clean Water 39817  
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 39818

(3) The facility complies with mandatory prescriptions 39819  
regarding fish passage as required by the federal energy 39820

regulatory commission license issued for the project, regarding 39821  
fish protection for riverine, anadromous, and catadromous fish. 39822

(4) The facility complies with the recommendations of the 39823  
Ohio environmental protection agency and with the terms of its 39824  
federal energy regulatory commission license regarding watershed 39825  
protection, mitigation, or enhancement, to the extent of each 39826  
agency's respective jurisdiction over the facility. 39827

(5) The facility complies with provisions of the "Endangered 39828  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 39829  
amended. 39830

(6) The facility does not harm cultural resources of the 39831  
area. This can be shown through compliance with the terms of its 39832  
federal energy regulatory commission license or, if the facility 39833  
is not regulated by that commission, through development of a plan 39834  
approved by the Ohio historic preservation office, to the extent 39835  
it has jurisdiction over the facility. 39836

(7) The facility complies with the terms of its federal 39837  
energy regulatory commission license or exemption that are related 39838  
to recreational access, accommodation, and facilities or, if the 39839  
facility is not regulated by that commission, the facility 39840  
complies with similar requirements as are recommended by resource 39841  
agencies, to the extent they have jurisdiction over the facility; 39842  
and the facility provides access to water to the public without 39843  
fee or charge. 39844

(8) The facility is not recommended for removal by any 39845  
federal agency or agency of any state, to the extent the 39846  
particular agency has jurisdiction over the facility. 39847

**Sec. 3706.29.** The Ohio air quality development authority 39848  
shall, in accordance with Chapter 119. of the Revised Code, adopt 39849  
any rules necessary to implement ~~section 166.30~~ and sections 39850

3706.25 to 3706.28 of the Revised Code. 39851

Sec. 3707.70. As used in this section and sections 3707.71 to 3707.77 of the Revised Code: 39852  
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(A) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 39854  
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(B) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. 39857  
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(C) "Infant" means a child who is less than one year of age. 39863

Sec. 3707.71. (A) A board of health may, in accordance with rules adopted under section 3701.049 of the Revised Code, establish and operate a fetal-infant mortality review board to review both of the following: 39864  
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(1) Each fetal death experienced by a woman who was, at the time of the fetal death, a resident of the health district in which the board exercises authority; 39868  
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(2) Each death of an infant who was, at the time of death, a resident of the health district in which the board exercises authority. 39871  
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(B) A fetal-infant mortality review board may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney 39874  
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prosecuting the case, on the conclusion of the prosecution, shall 39880  
notify the chairperson of the review board of the conclusion. 39881

Sec. 3707.72. (A)(1) If a board of health establishes a 39882  
fetal-infant mortality review board under section 3707.71 of the 39883  
Revised Code, the board, by a majority vote of a quorum of its 39884  
members, shall select the board's members. Members may include the 39885  
following professionals or individuals representing the following 39886  
constituencies: 39887

(a) Fetal-infant mortality review coordinators; 39888

(b) Physicians who are board-certified in obstetrics and 39889  
gynecology by a certifying board recognized by the American board 39890  
of medical specialties; 39891

(c) Key community leaders from the board of health's 39892  
jurisdiction; 39893

(d) Health care providers; 39894

(e) Human services providers; 39895

(f) Consumer and advocacy groups; 39896

(g) Community action teams. 39897

(2) A majority of the board members specified in division 39898  
(A)(1) of this section may invite additional individuals to serve 39899  
on the board. The additional members shall serve for a period of 39900  
time determined by a majority of the board members specified in 39901  
division (A)(1) of this section and shall have the same authority, 39902  
duties, and responsibilities as members specified in that 39903  
division. 39904

(3) A board, by a majority vote of a quorum of its members, 39905  
shall select an individual to serve as its chairperson. 39906

(B) A vacancy on a board shall be filled in the same manner 39907  
as the original appointment. 39908

(C) A board member shall not receive any compensation for, 39909  
and shall not be paid for any expenses incurred pursuant to, 39910  
fulfilling the member's duties on the board. 39911

(D) A board may work in conjunction with, or be a component 39912  
of, a child fatality review board or regional child fatality 39913  
review board created under section 307.621 of the Revised Code. 39914

(E) A board shall convene at least once a year at the call of 39915  
the board's chairperson. 39916

**Sec. 3707.73.** The purpose of a fetal-infant mortality review 39917  
board is to decrease the incidence of preventable infant and fetal 39918  
deaths by doing all of the following: 39919

(A) Assessing, planning, improving, and monitoring the 39920  
service systems and broad community resources that support and 39921  
promote the health and well-being of women, infants, and families; 39922

(B) Recommending and developing plans for implementing local 39923  
service and program changes, as well as changes to the groups, 39924  
professions, agencies, and entities that serve families, children, 39925  
and pregnant women; 39926

(C) Providing the department of health with aggregate data, 39927  
trends, and patterns regarding fetal and infant deaths. 39928

**Sec. 3707.74.** (A) Notwithstanding section 3701.243 and any 39929  
other section of the Revised Code pertaining to confidentiality, 39930  
an individual, public children services agency, private child 39931  
placing agency, agency that provides services specifically to 39932  
individuals or families, a law enforcement agency, or another 39933  
public or private entity that provided services to a pregnant 39934  
woman whose fetus died or an infant who died if the death is being 39935  
reviewed by a fetal-infant mortality review board shall submit to 39936  
the board copies of any record it possesses that the board 39937  
requests. These records may include maternal health records. In 39938

addition, such an individual or entity may make available to the 39939  
board additional information, documents, or reports that could be 39940  
useful to the board's investigation. 39941

(B) No person, entity, law enforcement agency, or prosecuting 39942  
attorney shall provide any information regarding a fetal death or 39943  
death of an infant to a fetal-infant mortality review board while 39944  
an investigation of the death or prosecution of a person for 39945  
causing the death is pending, unless the prosecuting attorney has 39946  
agreed pursuant to division (B) of section 3707.71 of the Revised 39947  
Code to allow review of the death. 39948

(C) A family member of the deceased may decline to 39949  
participate in an interview as part of the review process. In that 39950  
case, the review shall continue without the family member's 39951  
participation. 39952

**Sec. 3707.75.** (A) Except as provided in sections 5153.171 to 39953  
5153.173 of the Revised Code, any record, document, report, or 39954  
other information presented to a fetal-infant mortality review 39955  
board or a person abstracting such materials on the board's 39956  
behalf, statements made by board members during board meetings, 39957  
all work products of the board, and data submitted by the board to 39958  
the department of health or a national infant death review 39959  
database, other than the report prepared pursuant to section 39960  
3707.77 of the Revised Code, are confidential. Such materials 39961  
shall be used by the board and department of health only in the 39962  
exercise of the proper functions of the review board and the 39963  
department. 39964

If the materials are presented to the board or a person 39965  
abstracting the materials on the board's behalf in paper form, the 39966  
materials shall be stored in a locked file cabinet. If a database 39967  
is used to store the materials electronically, the database shall 39968

be stored in a secure manner. All information accessible to each board member and used during a review, including information provided by the deceased's mother, shall be de-identified. 39969  
39970  
39971

(B) No person shall permit or encourage the authorized dissemination of confidential information described in division (A) of this section. 39972  
39973  
39974

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree. 39975  
39976

**Sec. 3707.76.** (A) An individual or public or private entity providing records, documents, reports, or other information to a fetal-infant mortality review board is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the records, documents, reports, or information to the board. 39977  
39978  
39979  
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(B) Each board member is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the board. 39983  
39984  
39985  
39986

**Sec. 3707.77.** Not later than the first day of April of each year, a fetal-infant mortality review board shall do both of the following: 39987  
39988  
39989

(A) Submit to the fetal-infant mortality database maintained by the department of health or the national infant death review database individual data pertaining to each fetal or infant death reviewed in that board's jurisdiction within the twelve months immediately before the submission. The specific data to be submitted, as well as other information the board considers relevant to a review, shall be specified by the director of health in rules adopted under section 3701.049 of the Revised Code. 39990  
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(B) Submit to the department of health a report that 39998

summarizes any trends or patterns identified by the board. The 39999  
report may include recommendations on how to decrease the 40000  
incidence of preventable fetal and infant deaths in the board's 40001  
jurisdiction and the state, as well as any other information the 40002  
board determines should be included. 40003

(C) Reports prepared under division (B) of this section are 40004  
public records under section 149.43 of the Revised Code. 40005

**Sec. 3710.01.** As used in this chapter: 40006

(A) "Asbestos" means the asbestiform varieties of serpentine 40007  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 40008  
anthophyllite, and actinolite-tremolite as determined using the 40009  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 40010  
Section 1, Polarized Light Microscopy (PLM). 40011

(B) "Asbestos hazard abatement activity" means any activity 40012  
involving the removal, renovation, enclosure, repair, ~~or~~ 40013  
~~encapsulation, or operations and maintenance~~ of reasonably related 40014  
friable asbestos-containing materials in an amount greater than 40015  
~~fifty three~~ linear feet or ~~fifty three~~ square feet. "~~Asbestos~~ 40016  
~~hazard abatement activity~~" also includes any such activity 40017  
~~involving such asbestos-containing materials in an amount of fifty~~ 40018  
~~linear or fifty square feet or less if, when combined with any~~ 40019  
~~other reasonably related activity in terms of time and location of~~ 40020  
~~the activity, the total amount is in an amount greater than fifty~~ 40021  
~~linear or fifty square feet.~~ 40022

(C) "Asbestos hazard abatement contractor" means a business 40023  
entity or public entity that engages in or intends to engage in 40024  
asbestos hazard abatement ~~activities~~ projects and that employs or 40025  
supervises one or more asbestos hazard abatement specialists for 40026  
asbestos hazard abatement activities. "Asbestos hazard abatement 40027  
contractor" does not mean an employee of an asbestos hazard 40028  
abatement contractor, a general contractor who subcontracts to an 40029

asbestos hazard abatement contractor an asbestos hazard abatement 40030  
~~activity project~~, or any individual who engages in an asbestos 40031  
hazard abatement ~~activity project~~ in the individual's own home. 40032

(D) "Asbestos hazard abatement project" means one or more 40033  
asbestos hazard abatement activities ~~that are the sum total of~~ 40034  
which is greater than fifty linear feet or fifty square feet of 40035  
friable asbestos-containing materials and is conducted by one 40036  
asbestos hazard abatement contractor ~~and that are reasonably~~ 40037  
~~related to each other.~~ "Asbestos hazard abatement project" 40038  
includes any such activity involving such friable 40039  
asbestos-containing materials in an amount of fifty linear feet or 40040  
fifty square feet or less if, when combined with any other 40041  
reasonably related activity in terms of time or location of the 40042  
activity, the total amount is in an amount greater than fifty 40043  
linear feet or fifty square feet. 40044

(E) "Asbestos hazard abatement specialist" means a person 40045  
with responsibility for the oversight or supervision of asbestos 40046  
hazard abatement activities, including asbestos hazard abatement 40047  
project managers, hazard abatement project supervisors and 40048  
foremen, and employees of school districts or other governmental 40049  
or public entities who coordinate or directly supervise or oversee 40050  
asbestos hazard abatement activities performed by school district, 40051  
governmental, or other public employees in school district, 40052  
governmental, or other public buildings. 40053

(F) "Asbestos hazard evaluation specialist" means a person 40054  
responsible for the inspection, identification, detection, and 40055  
assessment of asbestos-containing materials or suspect 40056  
asbestos-containing materials, the determination of appropriate 40057  
response actions, or the preparation of asbestos management plans 40058  
for the purpose of protecting the public health from the hazards 40059  
associated with exposure to asbestos, including the performance of 40060  
air and bulk sampling. This category of specialists includes 40061

inspectors, management planners, health professionals, industrial 40062  
hygienists, private consultants, or other individuals involved in 40063  
asbestos risk identification or assessment or regulatory 40064  
activities. 40065

(G) "Business entity" means a partnership, firm, association, 40066  
corporation, sole proprietorship, or other business concern. 40067

(H) "Public entity" means the state or any of its political 40068  
subdivisions or any agency or instrumentality of either. 40069

(I) "License" means a document issued by the director of 40070  
environmental protection to a business entity or public entity 40071  
affirming that the entity has met the requirements set forth in 40072  
this chapter to engage in asbestos hazard abatement ~~activities~~ 40073  
projects as an asbestos hazard abatement contractor. 40074

(J) "Certificate" means: 40075

(1) A document issued by the director to an individual 40076  
affirming that the individual has successfully completed the 40077  
training and other requirements set forth in this chapter to 40078  
qualify as an asbestos hazard abatement specialist, an asbestos 40079  
hazard evaluation specialist, an asbestos hazard abatement worker, 40080  
an asbestos hazard abatement project designer, an asbestos hazard 40081  
abatement air-monitoring technician, an approved asbestos hazard 40082  
training provider, or other category of asbestos hazard specialist 40083  
that the director establishes by rule; or 40084

(2) A document issued by a training institution in accordance 40085  
with rules adopted by the director affirming that an individual 40086  
has successfully completed the instruction required in all 40087  
categories as provided in sections 3710.07 and 3710.10 of the 40088  
Revised Code. 40089

(K) "Person" means any individual, business entity, 40090  
governmental body, or other public or private entity. 40091

(L) "Encapsulate" means to coat, bind, or resurface walls, 40092  
ceilings, pipes, or other structures for asbestos-containing 40093  
materials with suitable products to prevent friable asbestos from 40094  
becoming airborne. 40095

(M) "Friable asbestos-containing material" means friable 40096  
asbestos material as defined in rules adopted under Chapter 3704. 40097  
of the Revised Code. 40098

(N) "Enclosure" means the permanent confinement of friable 40099  
asbestos-containing materials with an airtight barrier in an area 40100  
not used as an air plenum. 40101

(O) "Renovation" means altering a facility or one or more 40102  
facility components in any way, including the stripping or removal 40103  
of friable asbestos-containing material from a facility component. 40104

(P) "Asbestos hazard abatement worker" means the person 40105  
responsible in a nonsupervisory capacity for the performance of an 40106  
asbestos hazard abatement activity. 40107

(Q) "Asbestos hazard abatement project designer" means the 40108  
person responsible for the oversight of an asbestos hazard 40109  
abatement activity or the determination of the workscope, work 40110  
sequence, or performance standards for an asbestos hazard 40111  
abatement activity, including preparation of specifications, 40112  
plans, and contract documents. 40113

(R) "Clearance air sampling" means an air sampling performed 40114  
after the completion of any asbestos hazard abatement ~~activity~~ 40115  
project and prior to the reoccupation of the contained work area 40116  
by the public and conducted for the purpose of protecting the 40117  
public from the health hazards associated with exposure to friable 40118  
asbestos-containing material. 40119

(S) "Asbestos hazard abatement air-monitoring technician" 40120  
means the person who is responsible for environmental monitoring 40121  
or work area clearance air sampling, including air monitoring 40122

performed to determine completion of response actions under the 40123  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 40124  
States environmental protection agency pursuant to the "Asbestos 40125  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 40126  
2970. "Asbestos hazard abatement air-monitoring technician" does 40127  
not mean an industrial hygienist ~~or industrial hygienist in~~ 40128  
~~training,~~ certified by the American board of industrial hygiene. 40129

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 40130  
contractor's license, a business entity or public entity shall 40131  
meet the requirements of this section. 40132

(B) Each employee or agent of the business entity or public 40133  
entity applying for a license who will come in contact with 40134  
asbestos or will be responsible for an asbestos hazard abatement 40135  
~~project~~ activity shall: 40136

(1) Be familiar with all applicable state and federal 40137  
standards for asbestos hazard abatement projects; 40138

(2) Have successfully completed the course of instruction on 40139  
asbestos hazard abatement activities, for their particular 40140  
certification, approved by the Ohio environmental protection 40141  
agency pursuant to section 3710.10 of the Revised Code, have 40142  
passed an examination approved by the agency, and demonstrate to 40143  
the agency that the employee or agent is capable of complying with 40144  
all applicable standards of this state, the United States 40145  
environmental protection agency, and the United States 40146  
occupational safety and health administration. 40147

(C) A business entity or public entity applying for an 40148  
asbestos hazard abatement contractor's license shall, in addition 40149  
to the other requirements of this section, provide at least one 40150  
asbestos hazard abatement specialist, certified pursuant to this 40151  
chapter and the rules adopted under it, for each asbestos hazard 40152  
abatement project, and demonstrate to the satisfaction of the Ohio 40153

environmental protection agency that the applicant: 40154

(1) Has access to at least one asbestos disposal site 40155  
approved by the agency that is sufficient for the deposit of all 40156  
asbestos waste that the applicant will generate during the term of 40157  
the license; 40158

(2) Is sufficiently qualified to safely remove asbestos, 40159  
demonstrated by reliability as an asbestos hazard abatement 40160  
contractor, possesses a work program that prevents the 40161  
contamination or recontamination of the environment and protects 40162  
the public health from the hazards of exposure to asbestos, 40163  
possesses evidence of certification of each individual employee or 40164  
agent who will be responsible for others who may come in contact 40165  
with friable asbestos-containing materials, possesses evidence of 40166  
training of workers required by section 3710.07 of the Revised 40167  
Code, and has prior successful experience in asbestos hazard 40168  
abatement projects or equivalent qualifications as determined in 40169  
accordance with rules adopted by the director of environmental 40170  
protection; 40171

(3) Possesses a worker protection program consistent with 40172  
requirements established by the director if the contractor is a 40173  
public entity, and a worker protection program consistent with the 40174  
requirements of the United States occupational safety and health 40175  
administration if the contractor is a business entity; 40176

(4) Is registered as a business entity with the secretary of 40177  
state. 40178

(D) No applicant for licensure as an asbestos hazard 40179  
abatement contractor, in order to meet the requirements of this 40180  
chapter, shall list an employee of another contractor. 40181

(E) The business entity or public entity shall meet any other 40182  
standards that the director, by rule, sets. 40183

(F) Nothing in this chapter or the rules adopted pursuant 40184

thereto relating to asbestos hazard abatement project designers 40185  
shall be interpreted as authorizing or permitting an individual 40186  
who is certified as an asbestos hazard abatement project designer 40187  
to perform the services of a registered architect or professional 40188  
engineer unless that person is registered under Chapter 4703. or 40189  
4733. of the Revised Code to perform such services. 40190

**Sec. 3710.05.** (A) Except as otherwise provided in this 40191  
chapter, no person shall engage in any asbestos hazard abatement 40192  
activities in this state unless licensed or certified pursuant to 40193  
this chapter. 40194

(B) To apply for licensure as an asbestos hazard abatement 40195  
contractor or certification as an asbestos hazard abatement 40196  
specialist, an asbestos hazard evaluation specialist, an asbestos 40197  
hazard abatement project designer, or an asbestos hazard abatement 40198  
air-monitoring technician, a person shall do all of the following: 40199

(1) Submit a completed application to the director of 40200  
environmental protection, on a form provided by the agency; 40201

(2) Pay the requisite fee as provided in division (D) of this 40202  
section; 40203

(3) Submit any other information the director by rule 40204  
requires. 40205

(C) The application form for a business entity or public 40206  
entity applying for an asbestos hazard abatement contractor's 40207  
license shall include all of the following: 40208

(1) A description of the protective clothing and respirators 40209  
that the public entity will use to comply with rules adopted by 40210  
the director and that the business entity will use to comply with 40211  
requirements of the United States occupational safety and health 40212  
administration; 40213

(2) A description of procedures the business entity or public 40214

entity will use for the selection, utilization, handling, removal, 40215  
and disposal of clothing to prevent contamination or 40216  
recontamination of the environment and to protect the public 40217  
health from the hazards associated with exposure to asbestos; 40218

(3) The name and address of each asbestos disposal site that 40219  
the business entity or public entity might use during the year; 40220

(4) A description of the site decontamination procedures that 40221  
the business entity or public entity will use; 40222

(5) A description of the asbestos hazard abatement procedures 40223  
that the business entity or public entity will use; 40224

(6) A description of the procedures that the business entity 40225  
or public entity will use for handling waste containing asbestos; 40226

(7) A description of the air-monitoring procedures that the 40227  
business entity or public entity will use to prevent contamination 40228  
or recontamination of the environment and to protect the public 40229  
health from the hazards of exposure to asbestos; 40230

(8) A description of the final clean-up procedures that the 40231  
business entity or public entity will use; 40232

(9) A list of all partners, owners, and officers of the 40233  
business entity along with their social security numbers; 40234

(10) The federal tax identification number of the business 40235  
entity or the public entity. 40236

(D) The fees to be charged to each public entity, except for 40237  
the agency, and each business entity and their employees and 40238  
agents for licensure, certification, approval, and renewal of 40239  
licenses, certifications, and approvals granted under this 40240  
chapter, subject to division (A)(4) of section 3710.02 of the 40241  
Revised Code, are: 40242

(1) Seven hundred fifty dollars for asbestos hazard abatement 40243  
contractors; 40244

(2) Two hundred dollars for asbestos hazard abatement project designers;	40245 40246
(3) Fifty dollars for asbestos hazard abatement workers;	40247
(4) Two hundred dollars for asbestos hazard abatement specialists;	40248 40249
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	40250 40251
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	40252 40253
(E) Notwithstanding division (A) of this section, no business entity <del>which that</del> engages in asbestos hazard abatement <del>activities</del> <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the <del>activity</del> <u>project</u> meet the requirements of this chapter.	40254 40255 40256 40257 40258 40259 40260 40261 40262 40263
<b>Sec. 3710.051.</b> No <del>person</del> <u>asbestos hazard abatement contractor</u> shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:	40264 40265 40266 40267
(A) A requirement that all persons working on the project are licensed or certified by the director of environmental protection as required by this chapter;	40268 40269 40270
(B) A requirement that all project clearance levels and sampling be in accordance with rules adopted by the director;	40271 40272
(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians	40273 40274

or asbestos hazard evaluation specialists certified by the 40275  
director. 40276

**Sec. 3710.06.** (A) Within fifteen business days after 40277  
receiving an application, the director of environmental protection 40278  
shall acknowledge receipt of the application and notify the 40279  
applicant of any deficiency in the application. Within sixty 40280  
calendar days after receiving a completed application, including 40281  
all additional information requested by the director, the director 40282  
shall issue a license or certificate or deny the application. The 40283  
director shall issue only one license or certificate that is in 40284  
effect at one time to a business entity and its principal officers 40285  
and a public entity and its principal officers. 40286

(B)(1) The director shall deny an application if it 40287  
determines that the applicant has not demonstrated the ability to 40288  
comply fully with all applicable federal and state requirements 40289  
and all requirements, procedures, and standards established by the 40290  
director in this chapter, Chapter 3704. of the Revised Code, or 40291  
rules adopted under those chapters, as those chapters and rules 40292  
pertain to asbestos. 40293

(2) The director shall deny any application for an asbestos 40294  
hazard abatement contractor's license if the applicant or an 40295  
officer or employee of the applicant has been convicted of a 40296  
felony or found liable in a civil proceeding under any state or 40297  
federal law designed to protect the environment. 40298

(3) The director shall send all denials of an application by 40299  
certified mail to the applicant. If the director receives a timely 40300  
request for a hearing from the applicant on the proposed denial of 40301  
an application, the director shall hold a hearing in accordance 40302  
with Chapter 119. of the Revised Code, as provided in division (A) 40303  
of section 3710.13 of the Revised Code. 40304

(C) In an emergency that results from a sudden, unexpected 40305

event that is not a planned asbestos hazard abatement project, the 40306  
director may waive the requirements for a license ~~or certificate~~. 40307  
For the purposes of this division, "emergency" includes operations 40308  
necessitated by nonroutine failures of equipment or by actions of 40309  
fire and emergency medical personnel pursuant to duties within 40310  
their official capacities. Any person who performs an asbestos 40311  
hazard abatement ~~activity~~ project under emergency conditions shall 40312  
notify the director within three days after performance thereof. 40313

(D) Each license or certificate issued under this chapter 40314  
expires one year after the date of issue, but each licensee or 40315  
certificate holder may apply to the environmental protection 40316  
agency for the extension of the holder's license or certificate 40317  
under the standard renewal procedures of Chapter 4745. of the 40318  
Revised Code. 40319

To qualify for renewal of a license or certificate issued 40320  
under this chapter, each licensee or certificate holder shall send 40321  
the appropriate renewal fee set forth in division (D) of section 40322  
3710.05 of the Revised Code or as adopted by rule by the director 40323  
pursuant to division (A)(4) of section 3710.02 of the Revised 40324  
Code. 40325

Certificate holders also shall successfully complete an 40326  
annual renewal course approved by the agency pursuant to section 40327  
3710.10 of the Revised Code. 40328

(E) The director may charge a fee in addition to those 40329  
specified in division (D) of section 3710.05 of the Revised Code 40330  
or in rules adopted by the director pursuant to division (A)(4) of 40331  
section 3710.02 of the Revised Code if the licensee or certificate 40332  
holder applies for renewal after the expiration thereof or 40333  
requests a reissuance of any license or certificate, provided that 40334  
no such fee shall exceed the original fees by more than fifty per 40335  
cent. 40336

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 40337  
abatement project, an asbestos hazard abatement contractor shall 40338  
do all of the following: 40339

(1) Prepare a written respiratory protection program as 40340  
defined by the director of environmental protection pursuant to 40341  
rule, and make the program available to the environmental 40342  
protection agency, and workers at the job site if the contractor 40343  
is a public entity or prepare a written respiratory protection 40344  
program, consistent with 29 C.F.R. 1910.134 and make the program 40345  
available to the agency, and workers at the job site if the 40346  
contractor is a business entity; 40347

(2) Ensure that each worker who will be involved in any 40348  
asbestos hazard abatement project has been examined within the 40349  
preceding year and has been declared by a physician to be 40350  
physically capable of working while wearing a respirator; 40351

(3) Ensure that each of the contractor's employees or agents 40352  
who will come in contact with asbestos-containing materials or 40353  
will be responsible for an asbestos hazard abatement project 40354  
receives the appropriate certification or licensure required by 40355  
this chapter and the following training: 40356

(a) An initial course approved by the agency pursuant to 40357  
section 3710.10 of the Revised Code, completed before engaging in 40358  
any asbestos hazard abatement ~~project~~ activity; and 40359

(b) An annual review course approved by the agency pursuant 40360  
to section 3710.10 of the Revised Code. 40361

(B) After obtaining or renewing a license, an asbestos hazard 40362  
abatement contractor shall notify the agency, on a form approved 40363  
by the director, at least ten working days before beginning each 40364  
asbestos hazard abatement project conducted during the term of the 40365  
contractor's license. 40366

(C) In addition to any other fee imposed under this chapter, 40367  
an asbestos hazard abatement contractor shall pay, at the time of 40368  
providing notice under division (B) of this section, the agency a 40369  
fee of sixty-five dollars for each asbestos hazard abatement 40370  
project conducted. 40371

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 40372  
engaging in any asbestos hazard abatement project shall, during 40373  
the course of the project: 40374

(1) Conduct each project in a manner that is in compliance 40375  
with the requirements the director of environmental protection 40376  
adopts pursuant to section 3704.03 of the Revised Code and the 40377  
asbestos requirements of the United States occupational safety and 40378  
health administration set forth in 29 C.F.R. 1926.1101; 40379

(2) Comply with all applicable rules adopted by the director 40380  
of environmental protection pursuant to sections 3704.03 and 40381  
3710.02 of the Revised Code. 40382

(B) An asbestos hazard abatement contractor that is a public 40383  
entity shall: 40384

(1) Provide workers with protective clothing and equipment 40385  
and ensure that the workers involved in any asbestos hazard 40386  
abatement project use the items properly. Protective clothing and 40387  
equipment shall include: 40388

(a) Respirators approved by the national institute of 40389  
occupational safety and health. These respirators shall be fit 40390  
tested in accordance with requirements of the United States 40391  
occupational safety and health administration set forth in 29 40392  
C.F.R. 1926.1101. At the request of an employee, the asbestos 40393  
hazard abatement contractor shall provide the employee with a 40394  
powered air purifying respirator, in which case, the testing 40395  
requirements of division (B)(1)(a) of this section do not apply. 40396

(b) Items required by the director by rule as provided in division (A)(7) of section 3710.02 of the Revised Code.	40397 40398
(2) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to section 3710.02 of the Revised Code.	40399 40400 40401
(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement <del>project</del> <u>activity</u> shall, during the course of the <del>project</del> <u>activity</u> :	40402 40403 40404
(1) Conduct each <del>project</del> <u>activity</u> in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;	40405 40406 40407 40408
(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;	40409 40410 40411 40412 40413
(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;	40414 40415 40416 40417
(4) Ensure that there is no smoking, eating, or drinking in the work area;	40418 40419
(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.	40420 40421 40422
(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the	40423 40424 40425 40426

preparation of management plans, shall comply with the applicable 40427  
standards of conduct and requirements adopted by the director 40428  
pursuant to sections 3704.03 and 3710.02 of the Revised Code. 40429

(E) Every asbestos hazard abatement worker shall comply with 40430  
all applicable standards adopted by the director pursuant to 40431  
sections 3704.03 and 3710.02 of the Revised Code. 40432

~~(F) The director may, on a case by case basis, approve an 40433  
alternative to the worker protection requirements of divisions 40434  
(A), (B), and (C) of this section for an asbestos hazard abatement 40435  
project conducted by a public entity, provided that the asbestos 40436  
hazard abatement contractor submits the alternative procedure to 40437  
the director in writing and demonstrates to the satisfaction of 40438  
the director that the proposed alternative procedure provides 40439  
equivalent worker protection. 40440~~

**Sec. 3710.12.** Subject to section 3710.13 of the Revised Code, 40441  
the director of environmental protection may deny, suspend, or 40442  
revoke any license or certificate, or renewal thereof, if the 40443  
licensee or certificate holder: 40444

(A) Fraudulently or deceptively obtains or attempts to obtain 40445  
a license or certificate; 40446

(B) Fails at any time to meet the qualifications for a 40447  
license or certificate; 40448

(C) Is violating or threatening to violate any provisions of 40449  
any of the following: 40450

(1) This chapter, Chapters 3704. and 3745. of the Revised 40451  
Code, or the rules of the director adopted pursuant to those 40452  
chapters, as those chapters and rules pertain to asbestos; 40453

(2) The "National Emission Standard for Hazardous Air 40454  
Pollutants" regulations of the United States environmental 40455  
protection agency as the regulations pertain to asbestos; 40456

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos; 40457  
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(4) The regulations adopted by the United States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act," Title II of the "Federal Toxic Substances Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986). 40459  
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**Sec. 3711.02.** (A) Except as provided in division (B) of this section, no person shall operate any of the following, unless the person holds the appropriate license issued under this chapter and the license is valid: 40463  
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(1) A maternity unit; 40467

(2) A newborn care nursery; 40468

(3) A maternity home. 40469

(B) Division (A) of this section does not apply to a health care facility, as defined in ~~division (A)(4)~~ of section 3702.30 of the Revised Code. 40470  
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**Sec. 3715.021.** (A) As used in this section, "food processing establishment" means a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. 40473  
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"Food processing establishment" includes the activities of a bakery, confectionery, cannery, bottler, warehouse, or distributor, and the activities of an entity that receives or salvages distressed food for sale or use as food. A "food processing establishment" does not include a cottage food production operation; a processor of ~~maple~~ tree syrup who boils sap when a minimum of seventy-five per cent of the sap used to produce the syrup is collected directly from trees by that processor; a processor of sorghum who processes sorghum juice when a minimum of seventy-five per cent of the sorghum juice used to 40477  
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produce the sorghum is extracted directly from sorghum plants by 40487  
that processor; a beekeeper who jars honey when a minimum of 40488  
seventy-five per cent of the honey is from that beekeeper's own 40489  
hives; or a processor of apple syrup or apple butter who directly 40490  
harvests from trees a minimum of seventy-five per cent of the 40491  
apples used to produce the apple syrup or apple butter. 40492

(B) The director of agriculture shall adopt rules in 40493  
accordance with Chapter 119. of the Revised Code that establish, 40494  
when otherwise not established by the Revised Code, standards and 40495  
good manufacturing practices for food processing establishments, 40496  
including the facilities of food processing establishments and 40497  
their sanitation. The rules shall conform with or be equivalent to 40498  
the standards for foods established by the United States food and 40499  
drug administration in Title 21 of the Code of Federal 40500  
Regulations. 40501

A business or that portion of a business that is regulated by 40502  
the department of agriculture under Chapter 917. or 918. of the 40503  
Revised Code is not subject to regulation under this section as a 40504  
food processing establishment. 40505

**Sec. 3717.22.** (A) The following are not retail food 40506  
establishments: 40507

(1) A food service operation licensed under this chapter, 40508  
including a food service operation that provides the services of a 40509  
retail food establishment pursuant to an endorsement issued under 40510  
section 3717.44 of the Revised Code; 40511

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 40512  
(13) of section 3717.42 of the Revised Code from the requirement 40513  
to be licensed as a food service operation and an entity exempt 40514  
under division (B)(10) of that section if the entity is regulated 40515  
by the department of agriculture as a food processing 40516  
establishment under section 3715.021 of the Revised Code; 40517

(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:

(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;

(2) A person at a farmers market that is registered with the director of agriculture pursuant to section 3717.221 of the Revised Code that offers for sale only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) ~~Maple Tree~~ syrup, sorghum, honey, apple syrup, or apple butter that is produced by a ~~maple tree~~ syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Wine as authorized under section 4303.2010 of the Revised Code;

(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.

(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;

(4) A nonprofit organization exempt from federal income 40548  
taxation under section 501(c)(3) of the "Internal Revenue Code of 40549  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 40550  
funds by selling foods and that, if required to be licensed, would 40551  
be classified as risk level one in accordance with rules 40552  
establishing licensing categories for retail food establishments 40553  
adopted under section 3717.33 of the Revised Code, if the sales 40554  
occur inside a building and are for not more than seven 40555  
consecutive days or more than fifty-two separate days during a 40556  
licensing period. This exemption extends to any individual or 40557  
group raising all of its funds during the time periods specified 40558  
in division (B)(4) of this section for the benefit of the 40559  
nonprofit organization by selling foods under the same conditions. 40560

(5) An establishment that offers food contained in displays 40561  
of less than five hundred square feet, and if required to be 40562  
licensed would be classified as risk level one pursuant to rules 40563  
establishing licensing categories for retail food establishments 40564  
adopted under section 3717.33 of the Revised Code, on the 40565  
condition that the establishment offers the food for sale at 40566  
retail not more than six months in each calendar year; 40567

(6) A cottage food production operation, on the condition 40568  
that the operation offers its products directly to the consumer 40569  
from the site where the products are produced; 40570

(7) A ~~maple tree~~ syrup and sorghum processor, beekeeper, or 40571  
apple syrup and apple butter processor described in division (A) 40572  
of section 3715.021 of the Revised Code, on the condition that the 40573  
processor or beekeeper offers only ~~maple tree~~ syrup, sorghum, 40574  
honey, apple syrup, or apple butter directly to the consumer from 40575  
the site where those products are processed; 40576

(8) A person who annually maintains five hundred or fewer 40577  
birds, on the condition that the person offers the eggs from those 40578  
birds directly to the consumer from the location where the eggs 40579

are produced or at a farm product auction to which division 40580  
(B)(11) of this section applies; 40581

(9) A person who annually raises and slaughters one thousand 40582  
or fewer chickens, on the condition that the person offers dressed 40583  
chickens directly to the consumer from the location where the 40584  
chickens are raised and slaughtered or at a farm product auction 40585  
to which division (B)(11) of this section applies; 40586

(10) A person who raises, slaughters, and processes the meat 40587  
of nonamenable species described in divisions (A) and (B) of 40588  
section 918.12 of the Revised Code, on the condition that the 40589  
person offers the meat directly to the consumer from the location 40590  
where the meat is processed or at a farm product auction to which 40591  
division (B)(11) of this section applies; 40592

(11) A farm product auction, on the condition that it is 40593  
registered with the director pursuant to section 3717.221 of the 40594  
Revised Code that offers for sale at the farm product auction only 40595  
one or more of the following: 40596

(a) The products described in divisions (B)(8) to (10) of 40597  
this section that are produced, raised, slaughtered, or processed, 40598  
as appropriate, by persons described in divisions (B)(8) to (10) 40599  
of this section; 40600

(b) Fresh unprocessed fruits or vegetables; 40601

(c) Products of a cottage food production operation; 40602

(d) ~~Maple Tree~~ syrup, sorghum, honey, apple syrup, or apple 40603  
butter that is produced by a ~~maple tree~~ syrup or sorghum producer, 40604  
beekeeper, or apple syrup or apple butter processor described in 40605  
division (A) of section 3715.021 of the Revised Code. 40606

(12) An establishment that, with respect to offering food for 40607  
sale, offers only alcoholic beverages or prepackaged beverages 40608  
that are not potentially hazardous; 40609

(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;

(14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;

(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) ~~Maple Tree~~ syrup, sorghum, honey, apple syrup, or apple butter if produced by a ~~maple tree~~ syrup or sorghum processor, beekeeper, or apple syrup or apple butter processor as described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;

(e) Fruit butter produced at the festival or celebration and sold from the production site.

(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the

following:	40640
(a) Fresh unprocessed fruits or vegetables;	40641
(b) Products of a cottage food production operation;	40642
(c) <u>Maple Tree</u> syrup, sorghum, honey, apple syrup, or apple butter that is produced by a <u>maple tree</u> syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	40643 40644 40645 40646
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	40647 40648 40649 40650 40651
(e) Cider and other juices manufactured on site at the farm market;	40652 40653
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	40654 40655 40656 40657 40658 40659 40660
<u>(17)(a) An establishment to which all of the following apply:</u>	40661
<u>(i) The establishment serves commercially prepackaged food in a form that prevents direct human contact prior to and during service;</u>	40662 40663 40664
<u>(ii) Sales of the prepackaged food do not exceed more than five per cent of the total gross receipts of the establishment;</u>	40665 40666
<u>(iii) The establishment has been issued an A-2 permit under section 4303.03 or an A-2f permit under section 4303.031 of the Revised Code and annually produces ten thousand gallons or less of</u>	40667 40668 40669

wine; 40670

(b) The owner or operator of the establishment shall notify 40671  
the director that it is exempt from licensure because it qualifies 40672  
under division (B)(17)(a) of this section. The owner or operator 40673  
also shall disclose to customers that the establishment is exempt 40674  
from licensure. 40675

**Sec. ~~3715.083719.064~~.** (A) As used in this section: 40676

(1) "Medication-assisted treatment" has the same meaning as 40677  
in section 340.01 of the Revised Code. 40678

(2) "Prescriber" means any of the following: 40679

(a) An advanced practice registered nurse who holds a 40680  
current, valid license issued under Chapter 4723. of the Revised 40681  
Code and is designated as a clinical nurse specialist, certified 40682  
nurse-midwife, or certified nurse practitioner; 40683

(b) A physician authorized under Chapter 4731. of the Revised 40684  
Code to practice medicine and surgery or osteopathic medicine and 40685  
surgery; 40686

(c) A physician assistant who is licensed under Chapter 4730. 40687  
of the Revised Code, holds a valid prescriber number issued by the 40688  
state medical board, and has been granted physician-delegated 40689  
prescriptive authority. 40690

(3) "Qualifying practitioner" has the same meaning as in 40691  
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 40692  
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 40693

(B) Before initiating medication-assisted treatment, a 40694  
prescriber shall give the patient or the patient's representative 40695  
information about all drugs approved by the United States food and 40696  
drug administration for use in medication-assisted treatment. The 40697  
information must be provided both orally and in writing. The 40698  
prescriber or the prescriber's delegate shall note in the 40699

patient's medical record when this information was provided and 40700  
make the record available to employees of the board of nursing or 40701  
state medical board on their request. 40702

If the prescriber is not a qualifying practitioner and the 40703  
patient's choice is opioid treatment and the prescriber determines 40704  
that such treatment is clinically appropriate and meets generally 40705  
accepted standards of medicine, the prescriber shall refer the 40706  
patient to an opioid treatment program licensed under section 40707  
5119.37 of the Revised Code or a qualifying practitioner. The 40708  
prescriber or the prescriber's delegate shall make a notation in 40709  
the patient's medical record naming the program or practitioner to 40710  
whom the patient was referred and specifying when the referral was 40711  
made. 40712

Sec. 3721.026. (A) If the operation of a nursing home is 40713  
assigned or transferred to a different person, the person to whom 40714  
the operation is assigned or transferred must, before the director 40715  
of health may issue a license authorizing the person to operate 40716  
the nursing home, submit to the director documentation showing 40717  
that the person meets all of the following requirements: 40718

(1) Unless the assignment or transfer is in the form of a 40719  
lease of the nursing home, the person has financial resources that 40720  
the director determines are sufficient to cover any reasonably 40721  
anticipated revenue shortfall for at least twelve months after the 40722  
assignment or transfer. 40723

(2) If the assignment or transfer is in the form of a lease 40724  
of the nursing home, either of the following applies to the 40725  
person: 40726

(a) The person has obtained a bond that has a term of at 40727  
least twelve months, has an annual renewal, and is for an amount 40728  
not less than one million dollars. 40729

(b) If the person is unable to obtain a bond that meets the requirements of division (A)(2)(a) of this section at a cost the director determines to be reasonable or operates other nursing homes in this state, the person has financial resources that the director determines are sufficient to cover any reasonably anticipated revenue shortfall for at least twelve months after the assignment or transfer. 40730  
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(3) The person has at least five years of experience as an operator, manager, or administrator of a nursing home. 40737  
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(4) The person has plans for quality assurance and risk management for the nursing home. 40739  
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(5) The person has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 40741  
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(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve-month period after the assignment or transfer of the operation of the nursing home. 40744  
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The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home. 40748  
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(C) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. 40754  
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**Sec. 3721.13.** (A) The rights of residents of a home shall include, but are not limited to, the following: 40758  
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- (1) The right to a safe and clean living environment pursuant to the medicare and medicaid programs and applicable state laws and rules adopted by the director of health; 40760  
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- (2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality; 40763  
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- (3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of payment for care. 40766  
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- (4) The right to have all reasonable requests and inquiries responded to promptly; 40773  
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- (5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation; 40775  
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- (6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care; 40777  
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- (7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services. 40780  
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- (8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's 40788  
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treatment or care and to obtain from the attending physician 40791  
complete and current information concerning medical condition, 40792  
prognosis, and treatment plan, in terms the resident can 40793  
reasonably be expected to understand; the right of access to all 40794  
information in the resident's medical record; and the right to 40795  
give or withhold informed consent for treatment after the 40796  
consequences of that choice have been carefully explained. When 40797  
the attending physician finds that it is not medically advisable 40798  
to give the information to the resident, the information shall be 40799  
made available to the resident's sponsor on the resident's behalf, 40800  
if the sponsor has a legal interest or is authorized by the 40801  
resident to receive the information. The home is not liable for a 40802  
violation of this division if the violation is found to be the 40803  
result of an act or omission on the part of a physician selected 40804  
by the resident who is not otherwise affiliated with the home. 40805

(9) The right to withhold payment for physician visitation if 40806  
the physician did not visit the resident; 40807

(10) The right to confidential treatment of personal and 40808  
medical records, and the right to approve or refuse the release of 40809  
these records to any individual outside the home, except in case 40810  
of transfer to another home, hospital, or health care system, as 40811  
required by law or rule, or as required by a third-party payment 40812  
contract; 40813

(11) The right to privacy during medical examination or 40814  
treatment and in the care of personal or bodily needs; 40815

(12) The right to refuse, without jeopardizing access to 40816  
appropriate medical care, to serve as a medical research subject; 40817

(13) The right to be free from physical or chemical 40818  
restraints or prolonged isolation except to the minimum extent 40819  
necessary to protect the resident from injury to self, others, or 40820  
to property and except as authorized in writing by the attending 40821

physician for a specified and limited period of time and 40822  
documented in the resident's medical record. Prior to authorizing 40823  
the use of a physical or chemical restraint on any resident, the 40824  
attending physician shall make a personal examination of the 40825  
resident and an individualized determination of the need to use 40826  
the restraint on that resident. 40827

Physical or chemical restraints or isolation may be used in 40828  
an emergency situation without authorization of the attending 40829  
physician only to protect the resident from injury to self or 40830  
others. Use of the physical or chemical restraints or isolation 40831  
shall not be continued for more than twelve hours after the onset 40832  
of the emergency without personal examination and authorization by 40833  
the attending physician. The attending physician or a staff 40834  
physician may authorize continued use of physical or chemical 40835  
restraints for a period not to exceed thirty days, and at the end 40836  
of this period and any subsequent period may extend the 40837  
authorization for an additional period of not more than thirty 40838  
days. The use of physical or chemical restraints shall not be 40839  
continued without a personal examination of the resident and the 40840  
written authorization of the attending physician stating the 40841  
reasons for continuing the restraint. 40842

If physical or chemical restraints are used under this 40843  
division, the home shall ensure that the restrained resident 40844  
receives a proper diet. In no event shall physical or chemical 40845  
restraints or isolation be used for punishment, incentive, or 40846  
convenience. 40847

(14) The right to the pharmacist of the resident's choice and 40848  
the right to receive pharmaceutical supplies and services at 40849  
reasonable prices not exceeding applicable and normally accepted 40850  
prices for comparably packaged pharmaceutical supplies and 40851  
services within the community; 40852

(15) The right to exercise all civil rights, unless the 40853

resident has been adjudicated incompetent pursuant to Chapter 40854  
2111. of the Revised Code and has not been restored to legal 40855  
capacity, as well as the right to the cooperation of the home's 40856  
administrator in making arrangements for the exercise of the right 40857  
to vote; 40858

(16) The right of access to opportunities that enable the 40859  
resident, at the resident's own expense or at the expense of a 40860  
third-party payer, to achieve the resident's fullest potential, 40861  
including educational, vocational, social, recreational, and 40862  
habilitation programs; 40863

(17) The right to consume a reasonable amount of alcoholic 40864  
beverages at the resident's own expense, unless not medically 40865  
advisable as documented in the resident's medical record by the 40866  
attending physician or unless contradictory to written admission 40867  
policies; 40868

(18) The right to use tobacco at the resident's own expense 40869  
under the home's safety rules and under applicable laws and rules 40870  
of the state, unless not medically advisable as documented in the 40871  
resident's medical record by the attending physician or unless 40872  
contradictory to written admission policies; 40873

(19) The right to retire and rise in accordance with the 40874  
resident's reasonable requests, if the resident does not disturb 40875  
others or the posted meal schedules and upon the home's request 40876  
remains in a supervised area, unless not medically advisable as 40877  
documented by the attending physician; 40878

(20) The right to observe religious obligations and 40879  
participate in religious activities; the right to maintain 40880  
individual and cultural identity; and the right to meet with and 40881  
participate in activities of social and community groups at the 40882  
resident's or the group's initiative; 40883

(21) The right upon reasonable request to private and 40884

unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

- (a) Receive, send, and mail sealed, unopened correspondence;
- (b) Reasonable access to a telephone for private communications;
- (c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;

(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending physician;

(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in the resident's medical record by the attending physician;

(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid

program. The basic rate shall not be changed unless thirty days' 40916  
notice is given to the resident or, if the resident is unable to 40917  
understand this information, to the resident's sponsor. 40918

(26) The right of the resident and person paying for the care 40919  
to examine and receive a bill at least monthly for the resident's 40920  
care from the home that itemizes charges not included in the basic 40921  
rates; 40922

(27)(a) The right to be free from financial exploitation; 40923

(b) The right to manage the resident's own personal financial 40924  
affairs, or, if the resident has delegated this responsibility in 40925  
writing to the home, to receive upon written request at least a 40926  
quarterly accounting statement of financial transactions made on 40927  
the resident's behalf. The statement shall include: 40928

(i) A complete record of all funds, personal property, or 40929  
possessions of a resident from any source whatsoever, that have 40930  
been deposited for safekeeping with the home for use by the 40931  
resident or the resident's sponsor; 40932

(ii) A listing of all deposits and withdrawals transacted, 40933  
which shall be substantiated by receipts which shall be available 40934  
for inspection and copying by the resident or sponsor. 40935

(28) The right of the resident to be allowed unrestricted 40936  
access to the resident's property on deposit at reasonable hours, 40937  
unless requests for access to property on deposit are so 40938  
persistent, continuous, and unreasonable that they constitute a 40939  
nuisance; 40940

(29) The right to receive reasonable notice before the 40941  
resident's room or roommate is changed, including an explanation 40942  
of the reason for either change. 40943

(30) The right not to be transferred or discharged from the 40944  
home unless the transfer is necessary because of one of the 40945

following:	40946
(a) The welfare and needs of the resident cannot be met in the home.	40947 40948
(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.	40949 40950
(c) The safety of individuals in the home is endangered.	40951
(d) The health of individuals in the home would otherwise be endangered.	40952 40953
(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:	40954 40955 40956 40957 40958 40959
(i) The resident's application, or a substantially similar previous application, has been denied.	40960 40961
(ii) If the resident appealed the denial, the denial was upheld.	40962 40963
(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.	40964 40965 40966 40967
(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.	40968 40969 40970
(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied.	40971 40972 40973
(31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the	40974 40975

department of health, or to other persons not associated with the 40976  
operation of the home, of the resident's choice, free from 40977  
restraint, interference, coercion, discrimination, or reprisal. 40978  
This right includes access to a residents' rights advocate, and 40979  
the right to be a member of, to be active in, and to associate 40980  
with persons who are active in organizations of relatives and 40981  
friends of nursing home residents and other organizations engaged 40982  
in assisting residents. 40983

(32) The right to have any significant change in the 40984  
resident's health status reported to the resident's sponsor. As 40985  
soon as such a change is known to the home's staff, the home shall 40986  
make a reasonable effort to notify the sponsor within twelve 40987  
hours. 40988

(33) The right, if the resident has requested the care and 40989  
services of a hospice care program, to choose a hospice care 40990  
program licensed under Chapter 3712. of the Revised Code that best 40991  
meets the resident's needs. 40992

(B) A sponsor may act on a resident's behalf to assure that 40993  
the home does not deny the residents' rights under sections 40994  
3721.10 to 3721.17 of the Revised Code. 40995

(C) Any attempted waiver of the rights listed in division (A) 40996  
of this section is void. 40997

Sec. 3727.46. (A)(1) On and after January 1, 2020, and except 40998  
as provided in division (D) of this section, a hospital shall, on 40999  
the request of a patient or the patient's representative, provide 41000  
to that individual a reasonable, good faith estimate of the cost 41001  
for each health care service or procedure that a patient or the 41002  
patient's representative has scheduled at least seven days before 41003  
the service or procedure is to occur. The estimate may be given in 41004  
writing or verbally. A written estimate may be given in electronic 41005  
form. 41006

(2) Subject to divisions (B) and (C) of this section, all of the following apply with respect to the components of an estimate provided under division (A)(1) of this section: 41007  
41008  
41009

(a) The estimate shall specify the amount that the patient or party responsible for paying for the patient's care will be required to pay to the hospital for the service. 41010  
41011  
41012

(b) If applicable, the estimate shall include a notice that the professional services of physicians or other health care providers will be billed separately. 41013  
41014  
41015

(c) The estimate shall include a disclaimer that the information provided is only an estimate based on facts available at the time the estimate was prepared and that other required health care items, services, or procedures could change the estimate. 41016  
41017  
41018  
41019  
41020

(d) If applicable and known to the hospital at the time the estimate is given, the estimate shall include a notification that the hospital or a health care provider who will treat the patient is out-of-network for the patient. 41021  
41022  
41023  
41024

(B) The estimate required by division (A) of this section shall be based on information available at the time the estimate is provided and need not take into account any information that subsequently arises, such as unexpected additional services or procedures. 41025  
41026  
41027  
41028  
41029

(C) A hospital may state the estimate required by division (A) of this section as a range rather than an actual dollar amount. 41030  
41031  
41032

(D) Division (A) of this section does not apply if the patient is insured and the patient's health plan issuer, as defined in section 3922.01 of the Revised Code, fails to supply the necessary information to the hospital within forty-eight hours of the hospital's request to the health plan issuer for that 41033  
41034  
41035  
41036  
41037

information. 41038

Sec. 3727.461. A patient or party responsible for paying for 41039  
the patient's care is responsible for payment of hospital services 41040  
provided, even if the patient does not receive a cost estimate 41041  
under section 3727.46 of the Revised Code before the services are 41042  
provided. 41043

Sec. 3727.462. (A) A hospital shall publish on its internet 41044  
web site the list, required by section 2718(e) of the "Public 41045  
Health Service Act," 42 U.S.C. 300gg-18(e), of the hospital's 41046  
standard charges for items and services provided by the hospital. 41047  
The hospital shall publish an updated list on its internet web 41048  
site immediately after an updated list is prepared. 41049

(B) An estimate required by division (A) of section 3727.46 41050  
of the Revised Code shall contain an internet web site address 41051  
where the list described in division (A) of this section is 41052  
available. 41053

Sec. 3734.57. (A) The following fees are hereby levied on the 41054  
transfer or disposal of solid wastes in this state: 41055

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 41056  
cents of the proceeds of which shall be deposited in the state 41057  
treasury to the credit of the hazardous waste facility management 41058  
fund created in section 3734.18 of the Revised Code and seventy 41059  
cents of the proceeds of which shall be deposited in the state 41060  
treasury to the credit of the hazardous waste clean-up fund 41061  
created in section 3734.28 of the Revised Code; 41062

(2) An additional seventy-five cents per ton through June 30, 41063  
~~2020~~ 2022, the proceeds of which shall be deposited in the state 41064  
treasury to the credit of the waste management fund created in 41065  
section 3734.061 of the Revised Code. 41066

(3) An additional two dollars and eighty-five cents per ton 41067  
through June 30, ~~2020~~ 2022, the proceeds of which shall be 41068  
deposited in the state treasury to the credit of the environmental 41069  
protection fund created in section 3745.015 of the Revised Code; 41070

(4) An additional twenty-five cents per ton through June 30, 41071  
~~2020~~ 2022, the proceeds of which shall be deposited in the state 41072  
treasury to the credit of the soil and water conservation district 41073  
assistance fund created in section 940.15 of the Revised Code. 41074

In the case of solid wastes that are taken to a solid waste 41075  
transfer facility located in this state prior to being transported 41076  
for disposal at a solid waste disposal facility located in this 41077  
state or outside of this state, the fees levied under this 41078  
division shall be collected by the owner or operator of the 41079  
transfer facility as a trustee for the state. The amount of fees 41080  
required to be collected under this division at such a transfer 41081  
facility shall equal the total tonnage of solid wastes received at 41082  
the facility multiplied by the fees levied under this division. In 41083  
the case of solid wastes that are not taken to a solid waste 41084  
transfer facility located in this state prior to being transported 41085  
to a solid waste disposal facility, the fees shall be collected by 41086  
the owner or operator of the solid waste disposal facility as a 41087  
trustee for the state. The amount of fees required to be collected 41088  
under this division at such a disposal facility shall equal the 41089  
total tonnage of solid wastes received at the facility that was 41090  
not previously taken to a solid waste transfer facility located in 41091  
this state multiplied by the fees levied under this division. Fees 41092  
levied under this division do not apply to materials separated 41093  
from a mixed waste stream for recycling by a generator or 41094  
materials removed from the solid waste stream through recycling, 41095  
as "recycling" is defined in rules adopted under section 3734.02 41096  
of the Revised Code. 41097

The owner or operator of a solid waste transfer facility or 41098

disposal facility, as applicable, shall prepare and file with the 41099  
director of environmental protection each month a return 41100  
indicating the total tonnage of solid wastes received at the 41101  
facility during that month and the total amount of the fees 41102  
required to be collected under this division during that month. In 41103  
addition, the owner or operator of a solid waste disposal facility 41104  
shall indicate on the return the total tonnage of solid wastes 41105  
received from transfer facilities located in this state during 41106  
that month for which the fees were required to be collected by the 41107  
transfer facilities. The monthly returns shall be filed on a form 41108  
prescribed by the director. Not later than thirty days after the 41109  
last day of the month to which a return applies, the owner or 41110  
operator shall mail to the director the return for that month 41111  
together with the fees required to be collected under this 41112  
division during that month as indicated on the return or may 41113  
submit the return and fees electronically in a manner approved by 41114  
the director. If the return is filed and the amount of the fees 41115  
due is paid in a timely manner as required in this division, the 41116  
owner or operator may retain a discount of three-fourths of one 41117  
per cent of the total amount of the fees that are required to be 41118  
paid as indicated on the return. 41119

The owner or operator may request an extension of not more 41120  
than thirty days for filing the return and remitting the fees, 41121  
provided that the owner or operator has submitted such a request 41122  
in writing to the director together with a detailed description of 41123  
why the extension is requested, the director has received the 41124  
request not later than the day on which the return is required to 41125  
be filed, and the director has approved the request. If the fees 41126  
are not remitted within thirty days after the last day of the 41127  
month to which the return applies or are not remitted by the last 41128  
day of an extension approved by the director, the owner or 41129  
operator shall not retain the three-fourths of one per cent 41130  
discount and shall pay an additional ten per cent of the amount of 41131

the fees for each month that they are late. For purposes of 41132  
calculating the late fee, the first month in which fees are late 41133  
begins on the first day after the deadline has passed for timely 41134  
submitting the return and fees, and one additional month shall be 41135  
counted every thirty days thereafter. 41136

The owner or operator of a solid waste facility may request a 41137  
refund or credit of fees levied under this division and remitted 41138  
to the director that have not been paid to the owner or operator. 41139  
Such a request shall be made only if the fees have not been 41140  
collected by the owner or operator, have become a debt that has 41141  
become worthless or uncollectable for a period of six months or 41142  
more, and may be claimed as a deduction, including a deduction 41143  
claimed if the owner or operator keeps accounts on an accrual 41144  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 41145  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 41146  
making a request for a refund or credit, an owner or operator 41147  
shall make reasonable efforts to collect the applicable fees. A 41148  
request for a refund or credit shall not include any costs 41149  
resulting from those efforts to collect unpaid fees. 41150

A request for a refund or credit of fees shall be made in 41151  
writing, on a form prescribed by the director, and shall be 41152  
supported by evidence that may be required in rules adopted by the 41153  
director under this chapter. After reviewing the request, and if 41154  
the request and evidence submitted with the request indicate that 41155  
a refund or credit is warranted, the director shall grant a refund 41156  
to the owner or operator or shall permit a credit to be taken by 41157  
the owner or operator on a subsequent monthly return submitted by 41158  
the owner or operator. The amount of a refund or credit shall not 41159  
exceed an amount that is equal to ninety days' worth of fees owed 41160  
to an owner or operator by a particular debtor of the owner or 41161  
operator. A refund or credit shall not be granted by the director 41162  
to an owner or operator more than once in any twelve-month period 41163

for fees owed to the owner or operator by a particular debtor. 41164

If, after receiving a refund or credit from the director, an 41165  
owner or operator receives payment of all or part of the fees, the 41166  
owner or operator shall remit the fees with the next monthly 41167  
return submitted to the director together with a written 41168  
explanation of the reason for the submittal. 41169

For purposes of computing the fees levied under this division 41170  
or division (B) of this section, any solid waste transfer or 41171  
disposal facility that does not use scales as a means of 41172  
determining gate receipts shall use a conversion factor of three 41173  
cubic yards per ton of solid waste or one cubic yard per ton for 41174  
baled waste, as applicable. 41175

The fees levied under this division and divisions (B) and (C) 41176  
of this section are in addition to all other applicable fees and 41177  
taxes and shall be paid by the customer or a political subdivision 41178  
to the owner or operator of a solid waste transfer or disposal 41179  
facility. In the alternative, the fees shall be paid by a customer 41180  
or political subdivision to a transporter of waste who 41181  
subsequently transfers the fees to the owner or operator of such a 41182  
facility. The fees shall be paid notwithstanding the existence of 41183  
any provision in a contract that the customer or a political 41184  
subdivision may have with the owner or operator or with a 41185  
transporter of waste to the facility that would not require or 41186  
allow such payment regardless of whether the contract was entered 41187  
prior to or after October 16, 2009. For those purposes, "customer" 41188  
means a person who contracts with, or utilizes the solid waste 41189  
services of, the owner or operator of a solid waste transfer or 41190  
disposal facility or a transporter of solid waste to such a 41191  
facility. 41192

(B) For the purposes specified in division (G) of this 41193  
section, the solid waste management policy committee of a county 41194  
or joint solid waste management district may levy fees upon the 41195

following activities:	41196
(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;	41197 41198
(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;	41199 41200 41201
(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.	41202 41203 41204
The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.	41205 41206 41207 41208 41209 41210 41211 41212 41213 41214
The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.	41215 41216 41217 41218 41219 41220 41221
Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the	41222 41223 41224 41225 41226

committee shall deliver a copy of the resolution to the board of 41227  
county commissioners of each county forming the district and to 41228  
the legislative authority of each municipal corporation and 41229  
township under the jurisdiction of the district and shall prepare 41230  
and publish the resolution and a notice of the time and location 41231  
where a public hearing on the fees will be held. Upon adopting the 41232  
resolution, the committee shall deliver written notice of the 41233  
adoption of the resolution; of the amount of the proposed fees; 41234  
and of the date, time, and location of the public hearing to the 41235  
director and to the fifty industrial, commercial, or institutional 41236  
generators of solid wastes within the district that generate the 41237  
largest quantities of solid wastes, as determined by the 41238  
committee, and to their local trade associations. The committee 41239  
shall make good faith efforts to identify those generators within 41240  
the district and their local trade associations, but the 41241  
nonprovision of notice under this division to a particular 41242  
generator or local trade association does not invalidate the 41243  
proceedings under this division. The publication shall occur at 41244  
least thirty days before the hearing. After the hearing, the 41245  
committee may make such revisions to the proposed fees as it 41246  
considers appropriate and thereafter, by resolution, shall adopt 41247  
the revised fee schedule. Upon adopting the revised fee schedule, 41248  
the committee shall deliver a copy of the resolution doing so to 41249  
the board of county commissioners of each county forming the 41250  
district and to the legislative authority of each municipal 41251  
corporation and township under the jurisdiction of the district. 41252  
Within sixty days after the delivery of a copy of the resolution 41253  
adopting the proposed revised fees by the policy committee, each 41254  
such board and legislative authority, by ordinance or resolution, 41255  
shall approve or disapprove the revised fees and deliver a copy of 41256  
the ordinance or resolution to the committee. If any such board or 41257  
legislative authority fails to adopt and deliver to the policy 41258  
committee an ordinance or resolution approving or disapproving the 41259

revised fees within sixty days after the policy committee 41260  
delivered its resolution adopting the proposed revised fees, it 41261  
shall be conclusively presumed that the board or legislative 41262  
authority has approved the proposed revised fees. The committee 41263  
shall determine if the resolution has been ratified in the same 41264  
manner in which it determines if a draft solid waste management 41265  
plan has been ratified under division (B) of section 3734.55 of 41266  
the Revised Code. 41267

The committee may amend the schedule of fees levied pursuant 41268  
to a resolution adopted and ratified under this division by 41269  
adopting a resolution establishing the proposed amount of the 41270  
amended fees. The committee may repeal the fees levied pursuant to 41271  
such a resolution by adopting a resolution proposing to repeal 41272  
them. Upon adopting such a resolution, the committee shall proceed 41273  
to obtain ratification of the resolution in accordance with this 41274  
division. 41275

Not later than fourteen days after declaring the new fees to 41276  
be ratified or the fees to be repealed under this division, the 41277  
committee shall notify by certified mail the owner or operator of 41278  
each solid waste disposal facility that is required to collect the 41279  
fees of the ratification and the amount of the fees or of the 41280  
repeal of the fees. Collection of any fees shall commence or 41281  
collection of repealed fees shall cease on the first day of the 41282  
second month following the month in which notification is sent to 41283  
the owner or operator. 41284

Fees levied under this division also may be established, 41285  
amended, or repealed by a solid waste management policy committee 41286  
through the adoption of a new district solid waste management 41287  
plan, the adoption of an amended plan, or the amendment of the 41288  
plan or amended plan in accordance with sections 3734.55 and 41289  
3734.56 of the Revised Code or the adoption or amendment of a 41290  
district plan in connection with a change in district composition 41291

under section 3734.521 of the Revised Code. 41292

Not later than fourteen days after the director issues an 41293  
order approving a district's solid waste management plan, amended 41294  
plan, or amendment to a plan or amended plan that establishes, 41295  
amends, or repeals a schedule of fees levied by the district, the 41296  
committee shall notify by certified mail the owner or operator of 41297  
each solid waste disposal facility that is required to collect the 41298  
fees of the approval of the plan or amended plan, or the amendment 41299  
to the plan, as appropriate, and the amount of the fees, if any. 41300  
In the case of an initial or amended plan approved under section 41301  
3734.521 of the Revised Code in connection with a change in 41302  
district composition, other than one involving the withdrawal of a 41303  
county from a joint district, the committee, within fourteen days 41304  
after the change takes effect pursuant to division (G) of that 41305  
section, shall notify by certified mail the owner or operator of 41306  
each solid waste disposal facility that is required to collect the 41307  
fees that the change has taken effect and of the amount of the 41308  
fees, if any. Collection of any fees shall commence or collection 41309  
of repealed fees shall cease on the first day of the second month 41310  
following the month in which notification is sent to the owner or 41311  
operator. 41312

If, in the case of a change in district composition involving 41313  
the withdrawal of a county from a joint district, the director 41314  
completes the actions required under division (G)(1) or (3) of 41315  
section 3734.521 of the Revised Code, as appropriate, forty-five 41316  
days or more before the beginning of a calendar year, the policy 41317  
committee of each of the districts resulting from the change that 41318  
obtained the director's approval of an initial or amended plan in 41319  
connection with the change, within fourteen days after the 41320  
director's completion of the required actions, shall notify by 41321  
certified mail the owner or operator of each solid waste disposal 41322  
facility that is required to collect the district's fees that the 41323

change is to take effect on the first day of January immediately 41324  
following the issuance of the notice and of the amount of the fees 41325  
or amended fees levied under divisions (B)(1) to (3) of this 41326  
section pursuant to the district's initial or amended plan as so 41327  
approved or, if appropriate, the repeal of the district's fees by 41328  
that initial or amended plan. Collection of any fees set forth in 41329  
such a plan or amended plan shall commence on the first day of 41330  
January immediately following the issuance of the notice. If such 41331  
an initial or amended plan repeals a schedule of fees, collection 41332  
of the fees shall cease on that first day of January. 41333

If, in the case of a change in district composition involving 41334  
the withdrawal of a county from a joint district, the director 41335  
completes the actions required under division (G)(1) or (3) of 41336  
section 3734.521 of the Revised Code, as appropriate, less than 41337  
forty-five days before the beginning of a calendar year, the 41338  
director, on behalf of each of the districts resulting from the 41339  
change that obtained the director's approval of an initial or 41340  
amended plan in connection with the change proceedings, shall 41341  
notify by certified mail the owner or operator of each solid waste 41342  
disposal facility that is required to collect the district's fees 41343  
that the change is to take effect on the first day of January 41344  
immediately following the mailing of the notice and of the amount 41345  
of the fees or amended fees levied under divisions (B)(1) to (3) 41346  
of this section pursuant to the district's initial or amended plan 41347  
as so approved or, if appropriate, the repeal of the district's 41348  
fees by that initial or amended plan. Collection of any fees set 41349  
forth in such a plan or amended plan shall commence on the first 41350  
day of the second month following the month in which notification 41351  
is sent to the owner or operator. If such an initial or amended 41352  
plan repeals a schedule of fees, collection of the fees shall 41353  
cease on the first day of the second month following the month in 41354  
which notification is sent to the owner or operator. 41355

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of

where the wastes were generated. 41388

The legislative authority of a municipal corporation or 41389  
township may levy fees under this division by enacting an 41390  
ordinance or adopting a resolution establishing the amount of the 41391  
fees. Upon so doing the legislative authority shall mail a 41392  
certified copy of the ordinance or resolution to the board of 41393  
county commissioners or directors of the county or joint solid 41394  
waste management district in which the municipal corporation or 41395  
township is located or, if a regional solid waste management 41396  
authority has been formed under section 343.011 of the Revised 41397  
Code, to the board of trustees of that regional authority, the 41398  
owner or operator of each solid waste disposal facility in the 41399  
municipal corporation or township that is required to collect the 41400  
fee by the ordinance or resolution, and the director of 41401  
environmental protection. Although the fees levied under this 41402  
division are levied on the basis of tons as the unit of 41403  
measurement, the legislative authority, in its ordinance or 41404  
resolution levying the fees under this division, may direct that 41405  
the fees be levied on the basis of cubic yards as the unit of 41406  
measurement based upon a conversion factor of three cubic yards 41407  
per ton generally or one cubic yard per ton for baled wastes. 41408

Not later than five days after enacting an ordinance or 41409  
adopting a resolution under this division, the legislative 41410  
authority shall so notify by certified mail the owner or operator 41411  
of each solid waste disposal facility that is required to collect 41412  
the fee. Collection of any fee levied on or after March 24, 1992, 41413  
shall commence on the first day of the second month following the 41414  
month in which notification is sent to the owner or operator. 41415

(D)(1) The fees levied under divisions (A), (B), and (C) of 41416  
this section do not apply to the disposal of solid wastes that: 41417

(a) Are disposed of at a facility owned by the generator of 41418  
the wastes when the solid waste facility exclusively disposes of 41419

solid wastes generated at one or more premises owned by the 41420  
generator regardless of whether the facility is located on a 41421  
premises where the wastes are generated; 41422

(b) Are generated from the combustion of coal, or from the 41423  
combustion of primarily coal, regardless of whether the disposal 41424  
facility is located on the premises where the wastes are 41425  
generated; 41426

(c) Are asbestos or asbestos-containing materials or products 41427  
disposed of at a construction and demolition debris facility that 41428  
is licensed under Chapter 3714. of the Revised Code or at a solid 41429  
waste facility that is licensed under this chapter. 41430

(2) Except as provided in section 3734.571 of the Revised 41431  
Code, any fees levied under division (B)(1) of this section apply 41432  
to solid wastes originating outside the boundaries of a county or 41433  
joint district that are covered by an agreement for the joint use 41434  
of solid waste facilities entered into under section 343.02 of the 41435  
Revised Code by the board of county commissioners or board of 41436  
directors of the county or joint district where the wastes are 41437  
generated and disposed of. 41438

(3) When solid wastes, other than solid wastes that consist 41439  
of scrap tires, are burned in a disposal facility that is an 41440  
incinerator or energy recovery facility, the fees levied under 41441  
divisions (A), (B), and (C) of this section shall be levied upon 41442  
the disposal of the fly ash and bottom ash remaining after burning 41443  
of the solid wastes and shall be collected by the owner or 41444  
operator of the sanitary landfill where the ash is disposed of. 41445

(4) When solid wastes are delivered to a solid waste transfer 41446  
facility, the fees levied under divisions (B) and (C) of this 41447  
section shall be levied upon the disposal of solid wastes 41448  
transported off the premises of the transfer facility for disposal 41449  
and shall be collected by the owner or operator of the solid waste 41450

disposal facility where the wastes are disposed of. 41451

(5) The fees levied under divisions (A), (B), and (C) of this 41452  
section do not apply to sewage sludge that is generated by a waste 41453  
water treatment facility holding a national pollutant discharge 41454  
elimination system permit and that is disposed of through 41455  
incineration, land application, or composting or at another 41456  
resource recovery or disposal facility that is not a landfill. 41457

(6) The fees levied under divisions (A), (B), and (C) of this 41458  
section do not apply to solid wastes delivered to a solid waste 41459  
composting facility for processing. When any unprocessed solid 41460  
waste or compost product is transported off the premises of a 41461  
composting facility and disposed of at a landfill, the fees levied 41462  
under divisions (A), (B), and (C) of this section shall be 41463  
collected by the owner or operator of the landfill where the 41464  
unprocessed waste or compost product is disposed of. 41465

(7) When solid wastes that consist of scrap tires are 41466  
processed at a scrap tire recovery facility, the fees levied under 41467  
divisions (A), (B), and (C) of this section shall be levied upon 41468  
the disposal of the fly ash and bottom ash or other solid wastes 41469  
remaining after the processing of the scrap tires and shall be 41470  
collected by the owner or operator of the solid waste disposal 41471  
facility where the ash or other solid wastes are disposed of. 41472

(8) The director of environmental protection may issue an 41473  
order exempting from the fees levied under this section solid 41474  
wastes, including, but not limited to, scrap tires, that are 41475  
generated, transferred, or disposed of as a result of a contract 41476  
providing for the expenditure of public funds entered into by the 41477  
administrator or regional administrator of the United States 41478  
environmental protection agency, the director of environmental 41479  
protection, or the director of administrative services on behalf 41480  
of the director of environmental protection for the purpose of 41481  
remediating conditions at a hazardous waste facility, solid waste 41482

facility, or other location at which the administrator or regional 41483  
administrator or the director of environmental protection has 41484  
reason to believe that there is a substantial threat to public 41485  
health or safety or the environment or that the conditions are 41486  
causing or contributing to air or water pollution or soil 41487  
contamination. An order issued by the director of environmental 41488  
protection under division (D)(8) of this section shall include a 41489  
determination that the amount of the fees not received by a solid 41490  
waste management district as a result of the order will not 41491  
adversely impact the implementation and financing of the 41492  
district's approved solid waste management plan and any approved 41493  
amendments to the plan. Such an order is a final action of the 41494  
director of environmental protection. 41495

(E) The fees levied under divisions (B) and (C) of this 41496  
section shall be collected by the owner or operator of the solid 41497  
waste disposal facility where the wastes are disposed of as a 41498  
trustee for the county or joint district and municipal corporation 41499  
or township where the wastes are disposed of. Moneys from the fees 41500  
levied under division (B) of this section shall be forwarded to 41501  
the board of county commissioners or board of directors of the 41502  
district in accordance with rules adopted under division (H) of 41503  
this section. Moneys from the fees levied under division (C) of 41504  
this section shall be forwarded to the treasurer or such other 41505  
officer of the municipal corporation as, by virtue of the charter, 41506  
has the duties of the treasurer or to the fiscal officer of the 41507  
township, as appropriate, in accordance with those rules. 41508

(F) Moneys received by the treasurer or other officer of the 41509  
municipal corporation under division (E) of this section shall be 41510  
paid into the general fund of the municipal corporation. Moneys 41511  
received by the fiscal officer of the township under that division 41512  
shall be paid into the general fund of the township. The treasurer 41513  
or other officer of the municipal corporation or the township 41514

fiscal officer, as appropriate, shall maintain separate records of 41515  
the moneys received from the fees levied under division (C) of 41516  
this section. 41517

(G) Moneys received by the board of county commissioners or 41518  
board of directors under division (E) of this section or section 41519  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 41520  
shall be paid to the county treasurer, or other official acting in 41521  
a similar capacity under a county charter, in a county district or 41522  
to the county treasurer or other official designated by the board 41523  
of directors in a joint district and kept in a separate and 41524  
distinct fund to the credit of the district. If a regional solid 41525  
waste management authority has been formed under section 343.011 41526  
of the Revised Code, moneys received by the board of trustees of 41527  
that regional authority under division (E) of this section shall 41528  
be kept by the board in a separate and distinct fund to the credit 41529  
of the district. Moneys in the special fund of the county or joint 41530  
district arising from the fees levied under division (B) of this 41531  
section and the fee levied under division (A) of section 3734.573 41532  
of the Revised Code shall be expended by the board of county 41533  
commissioners or directors of the district in accordance with the 41534  
district's solid waste management plan or amended plan approved 41535  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 41536  
exclusively for the following purposes: 41537

(1) Preparation of the solid waste management plan of the 41538  
district under section 3734.54 of the Revised Code, monitoring 41539  
implementation of the plan, and conducting the periodic review and 41540  
amendment of the plan required by section 3734.56 of the Revised 41541  
Code by the solid waste management policy committee; 41542

(2) Implementation of the approved solid waste management 41543  
plan or amended plan of the district, including, without 41544  
limitation, the development and implementation of solid waste 41545  
recycling or reduction programs; 41546

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to

the health districts for the participation of their employees 41578  
responsible for enforcement of the solid waste provisions of this 41579  
chapter and rules adopted and orders and terms and conditions of 41580  
permits, licenses, and variances issued under those provisions in 41581  
the training and certification program as required by rules 41582  
adopted under division (L) of section 3734.02 of the Revised Code; 41583

(9) Providing financial assistance to individual municipal 41584  
corporations and townships within the district to defray their 41585  
added costs of maintaining roads and other public facilities and 41586  
of providing emergency and other public services resulting from 41587  
the location and operation within their boundaries of a 41588  
composting, energy or resource recovery, incineration, or 41589  
recycling facility that either is owned by the district or is 41590  
furnishing solid waste management facility or recycling services 41591  
to the district pursuant to a contract or agreement with the board 41592  
of county commissioners or directors of the district; 41593

(10) Payment of any expenses that are agreed to, awarded, or 41594  
ordered to be paid under section 3734.35 of the Revised Code and 41595  
of any administrative costs incurred pursuant to that section. In 41596  
the case of a joint solid waste management district, if the board 41597  
of county commissioners of one of the counties in the district is 41598  
negotiating on behalf of affected communities, as defined in that 41599  
section, in that county, the board shall obtain the approval of 41600  
the board of directors of the district in order to expend moneys 41601  
for administrative costs incurred. 41602

Prior to the approval of the district's solid waste 41603  
management plan under section 3734.55 of the Revised Code, moneys 41604  
in the special fund of the district arising from the fees shall be 41605  
expended for those purposes in the manner prescribed by the solid 41606  
waste management policy committee by resolution. 41607

Notwithstanding division (G)(6) of this section as it existed 41608  
prior to October 29, 1993, or any provision in a district's solid 41609

waste management plan prepared in accordance with division 41610  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 41611  
prior to that date, any moneys arising from the fees levied under 41612  
division (B)(3) of this section prior to January 1, 1994, may be 41613  
expended for any of the purposes authorized in divisions (G)(1) to 41614  
(10) of this section. 41615

(H) The director shall adopt rules in accordance with Chapter 41616  
119. of the Revised Code prescribing procedures for collecting and 41617  
forwarding the fees levied under divisions (B) and (C) of this 41618  
section to the boards of county commissioners or directors of 41619  
county or joint solid waste management districts and to the 41620  
treasurers or other officers of municipal corporations and the 41621  
fiscal officers of townships. The rules also shall prescribe the 41622  
dates for forwarding the fees to the boards and officials and may 41623  
prescribe any other requirements the director considers necessary 41624  
or appropriate to implement and administer divisions (A), (B), and 41625  
(C) of this section. 41626

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 41627  
defray the cost of administering and enforcing the scrap tire 41628  
provisions of this chapter, rules adopted under those provisions, 41629  
and terms and conditions of orders, variances, and licenses issued 41630  
under those provisions; to abate accumulations of scrap tires; to 41631  
make grants supporting market development activities for scrap 41632  
tires and synthetic rubber from tire manufacturing processes and 41633  
tire recycling processes and to support scrap tire amnesty and 41634  
cleanup events; to make loans to promote the recycling or recovery 41635  
of energy from scrap tires; and to defray the costs of 41636  
administering and enforcing sections 3734.90 to 3734.9014 of the 41637  
Revised Code, a fee of fifty cents per tire is hereby levied on 41638  
the sale of tires. The proceeds of the fee shall be deposited in 41639  
the state treasury to the credit of the scrap tire management fund 41640  
created in section 3734.82 of the Revised Code. The fee is levied 41641

from the first day of the calendar month that begins next after 41642  
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 41643

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 41644  
2022, there is hereby levied an additional fee of fifty cents per 41645  
tire on the sale of tires the proceeds of which shall be deposited 41646  
in the state treasury to the credit of the soil and water 41647  
conservation district assistance fund created in section 940.15 of 41648  
the Revised Code. 41649

(B) Only one sale of the same article shall be used in 41650  
computing the amount of the fee due. 41651

**Sec. 3735.661.** (A) For the purpose of determining the "first 41652  
two amendments" referenced in division (B) of Section 3 of Am. 41653  
Sub. S.B. 19 of the 120th general assembly, an amendment means any 41654  
modification to an ordinance or resolution adopted under section 41655  
3735.66 of the Revised Code that does any of the following: 41656

(1) Expands the geographic size of a community reinvestment 41657  
area; 41658

(2) Increases a property's or category of property's exempted 41659  
percentage of assessed valuation, notwithstanding the requirements 41660  
of section 3735.66 of the Revised Code as that section existed on 41661  
July 21, 1994. Division (A)(2) of this section does not authorize 41662  
a municipal corporation or county to increase a property's or 41663  
category of property's exempted percentage of assessed valuation 41664  
pursuant to that section. 41665

(3) Increases the term of any tax exemption or category of 41666  
tax exemptions, except as provided in division (B)~~(6)~~(7) of this 41667  
section; 41668

(4) Extends the duration of a community reinvestment area; 41669

(5) Changes eligibility requirements for receiving tax 41670  
exemptions. 41671

(B) For the purpose of determining the "first two amendments" 41672  
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 41673  
general assembly, an amendment does not include any modification 41674  
to an ordinance or resolution adopted under section 3735.66 of the 41675  
Revised Code that does any of the following: 41676

(1) Restricts the availability of tax exemptions, including 41677  
any of the following: 41678

(a) Removes area from or decreases the geographic size of a 41679  
community reinvestment area; 41680

(b) Decreases a property's or category of property's exempted 41681  
percentage of assessed valuation, notwithstanding the requirements 41682  
of section 3735.66 of the Revised Code as that section existed on 41683  
July 21, 1994. Division (B)(1)(b) of this section does not 41684  
authorize a municipal corporation or county to decrease a 41685  
property's or category of property's exempted percentage of 41686  
assessed valuation pursuant to that section. 41687

(c) Decreases the term of any tax exemption or category of 41688  
exemption; 41689

(d) Shortens the period of time after which the granting of 41690  
tax exemptions may be terminated. 41691

(2) Requires property owners or developers to enter into an 41692  
agreement to provide a number of affordable housing units as a 41693  
condition of granting, continuing, or revoking an exemption, and 41694  
authorizing municipal or county officials to implement such 41695  
conditions and agreements; 41696

(3) Recognizes or confirms the continuing existence of a 41697  
community reinvestment area, including by providing a date after 41698  
which the area may be terminated; 41699

~~(3)~~(4) Recognizes or confirms a previously granted tax 41700  
exemption; 41701

~~(4)~~(5) Clarifies ambiguities or corrects defects in 41702  
previously enacted ordinances or resolutions; 41703

~~(5)~~(6) Makes modifications that are procedural or 41704  
administrative, including changing the designation of a housing 41705  
officer, the process for approving or appealing a tax exemption, 41706  
or the amount of any application fee, or modifying a community 41707  
reinvestment area housing council created under section 3735.69 of 41708  
the Revised Code or a tax incentive review council under section 41709  
5709.85 of the Revised Code; 41710

~~(6)~~(7) Increases the term of tax exemption for remodeling to 41711  
not more than that authorized by H.B. 463 of the 131st general 41712  
assembly for an exemption application that has been filed but not 41713  
yet granted, or has been filed, on or after April 6, 2017, or that 41714  
is filed on or after any other later date, provided the maximum 41715  
term of the exemption for such remodeling before the ordinance's 41716  
or resolution's modification was the maximum term allowed under 41717  
division (D)(1) or (2) of section 3735.67 of the Revised Code as 41718  
that section existed before its amendment by H.B. 463 of the 131st 41719  
general assembly. 41720

**Sec. 3738.01.** (A) As used in this section and sections 41721  
3738.02 to 3738.09 of the Revised Code, "pregnancy-associated 41722  
death" means the death of a woman while pregnant or anytime within 41723  
one year of pregnancy regardless of cause. 41724

(B) There is hereby established in the department of health a 41725  
pregnancy-associated mortality review (PAMR) board to identify and 41726  
review all pregnancy-associated deaths statewide for the purpose 41727  
of reducing the incidence of those deaths. 41728

**Sec. 3738.02.** The PAMR board may not conduct a review of a 41729  
pregnancy-associated death while an investigation of the death or 41730  
prosecution of a person for causing the death is pending unless 41731

the prosecuting attorney agrees to allow the review. The law 41732  
enforcement agency conducting the criminal investigation, on the 41733  
conclusion of the investigation, and the prosecuting attorney 41734  
prosecuting the case, on the conclusion of the prosecution, shall 41735  
notify the chairperson of the PAMR board of the conclusion. 41736

Sec. 3738.03. All of the following apply with respect to the 41737  
PAMR board: 41738

(A) The director of health shall appoint the board's members. 41739  
In doing so, the director shall make a good faith effort to select 41740  
members who represent all regions of the state and multiple areas 41741  
of expertise and constituencies concerned with the care of 41742  
pregnant and postpartum women. 41743

(B) The board, by a majority vote of a quorum of its members, 41744  
shall select an individual to serve as its chairperson. The board 41745  
may replace a chairperson in the same manner. 41746

(C) An appointed member shall hold office until a successor 41747  
is appointed. The director of health shall fill a vacancy as soon 41748  
as practicable. 41749

(D) A member shall not receive any compensation for, and 41750  
shall not be paid for any expenses incurred pursuant to, 41751  
fulfilling the member's duties on the board. 41752

(E) The board shall meet at the call of the board's 41753  
chairperson as often as the chairperson determines necessary for 41754  
timely completion of pregnancy-associated death reviews. The 41755  
reviews shall be conducted in accordance with rules adopted under 41756  
section 3738.09 of the Revised Code. 41757

(F) The department of health shall provide meeting space, 41758  
staff services, and other technical assistance required by the 41759  
board in carrying out its duties. 41760

Sec. 3738.04. The PAMR board shall seek to reduce the 41761  
incidence of pregnancy-associated deaths in this state by doing 41762  
all of the following: 41763

(A) Promoting cooperation, collaboration, and communication 41764  
between all groups, professions, agencies, and entities that serve 41765  
pregnant and postpartum women and families; 41766

(B) Recommending and developing plans for implementing 41767  
service and program changes, as well as changes to the groups, 41768  
professions, agencies, and entities that serve pregnant and 41769  
postpartum women and families; 41770

(C) Providing the department of health with aggregate data, 41771  
trends, and patterns regarding pregnancy-associated deaths using 41772  
data and other relevant information specified in rules adopted 41773  
under section 3738.09 of the Revised Code; 41774

(D) Developing effective interventions to reduce the 41775  
mortality of pregnant and postpartum women. 41776

Sec. 3738.05. (A) Notwithstanding section 3701.243 and any 41777  
other section of the Revised Code pertaining to confidentiality, 41778  
and except as provided in division (B) of this section, an 41779  
individual, government entity, agency that provides services 41780  
specifically to individuals or families, law enforcement agency, 41781  
health care provider, or other public or private entity that 41782  
provided services to a woman whose death is being reviewed by the 41783  
PAMR board shall submit to the board a copy of any record it 41784  
possesses that the board requests. In addition, such an individual 41785  
or entity may make available to the board additional information, 41786  
documents, or reports that could be useful to the board's 41787  
investigation. 41788

(B) No person, government entity, law enforcement agency, or 41789  
prosecuting attorney shall provide any information regarding a 41790

pregnancy-associated death while an investigation of the death or 41791  
prosecution of a person for causing the death is pending unless 41792  
the prosecuting attorney agrees to allow the review. 41793

(C) A family member of the deceased may decline to 41794  
participate in an interview as part of the review process. In that 41795  
case, the review shall continue without the family member's 41796  
participation. 41797

**Sec. 3738.06.** (A) Any record, document, report, or other 41798  
information presented to the PAMR board, as well as all statements 41799  
made by board members during board meetings, all work products of 41800  
the board, and data submitted to the department of health by the 41801  
board, other than the biennial reports described in section 41802  
3738.08 of the Revised Code, are confidential and not a public 41803  
record under section 149.43 of the Revised Code. Such materials 41804  
shall be used by the board and department only in the exercise of 41805  
the proper functions of the board and department. 41806

(B) No person shall permit or encourage the unauthorized 41807  
dissemination of confidential information described in division 41808  
(A) of this section. 41809

(C) Whoever violates division (B) of this section is guilty 41810  
of a misdemeanor of the second degree. 41811

**Sec. 3738.07.** (A) An individual or public or private entity 41812  
providing records, documents, reports, or other information to the 41813  
PAMR board is immune from any civil liability for injury, death, 41814  
or loss to person or property that otherwise might be incurred or 41815  
imposed as a result of providing the records, documents, reports, 41816  
or information to the board. 41817

(B) Each board member is immune from any civil liability for 41818  
injury, death, or loss to person or property that might otherwise 41819  
be incurred or imposed as a result of the member's participation 41820

on the board. 41821

Sec. 3738.08. (A) The PAMR board shall prepare a biennial report that does all of the following: 41822  
41823

(1) Summarizes the board's findings from the reviews completed in the immediately preceding two calendar years, including any trends or patterns identified by the board; 41824  
41825  
41826

(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws; 41827  
41828  
41829

(3) Includes any other information related to pregnancy-associated mortality the board considers useful. 41830  
41831

(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board. 41832  
41833  
41834

(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The initial report shall be submitted not later than March 1, 2020, with subsequent reports submitted not later than March 1 every two years thereafter. 41835  
41836  
41837  
41838  
41839  
41840

The director shall make a copy of each report available on the department of health's web site. 41841  
41842

(D) Reports prepared under this section are public records under section 149.43 of the Revised Code. 41843  
41844

Sec. 3738.09. The director of health shall adopt rules that are necessary for the implementation of sections 3738.01 to 3738.08 of the Revised Code, including rules that do all of the following: 41845  
41846  
41847  
41848

(A) Establish a procedure for the PAMR board to follow in 41849

conducting pregnancy-associated death reviews; 41850

(B) Specify the data and other relevant information the board 41851

must use when conducting pregnancy-associated death reviews; 41852

(C) Establish guidelines for the board to follow to prevent 41853

an unauthorized dissemination of confidential information in 41854

violation of division (B) of section 3738.06 of the Revised Code. 41855

The rules shall be adopted in accordance with Chapter 119. of 41856

the Revised Code. 41857

**Sec. 3742.03.** The director of health shall adopt rules in 41858

accordance with Chapter 119. of the Revised Code for the 41859

administration and enforcement of sections 3742.01 to 3742.19 and 41860

3742.99 of the Revised Code. The rules shall specify all of the 41861

following: 41862

(A) Procedures to be followed by a lead abatement contractor, 41863

lead abatement project designer, lead abatement worker, lead 41864

inspector, or lead risk assessor licensed under section 3742.05 of 41865

the Revised Code for undertaking lead abatement activities and 41866

procedures to be followed by a clearance technician, lead 41867

inspector, or lead risk assessor in performing a clearance 41868

examination; 41869

(B)(1) Requirements for training and licensure, in addition 41870

to those established under section 3742.08 of the Revised Code, to 41871

include levels of training and periodic refresher training for 41872

each class of worker, and to be used for licensure under section 41873

3742.05 of the Revised Code. Except in the case of clearance 41874

technicians, these requirements shall include at least twenty-four 41875

classroom hours of training based on the Occupational Safety and 41876

Health Act training program for lead set forth in 29 C.F.R. 41877

1926.62. For clearance technicians, the training requirements to 41878

obtain an initial license shall not exceed six hours and the 41879

requirements for refresher training shall not exceed two hours 41880  
every four years. In establishing the training and licensure 41881  
requirements, the director shall consider the core of information 41882  
that is needed by all licensed persons, and establish the training 41883  
requirements so that persons who would seek licenses in more than 41884  
one area would not have to take duplicative course work. 41885

(2) Persons certified by the American board of industrial 41886  
hygiene as a certified industrial hygienist or as an industrial 41887  
hygienist-in-training, and persons registered as a sanitarian or 41888  
sanitarian-in-training under Chapter 4736. of the Revised Code, 41889  
shall be exempt from any training requirements for initial 41890  
licensure established under this chapter, but shall be required to 41891  
take any examinations for licensure required under section 3742.05 41892  
of the Revised Code. 41893

(C) Fees for licenses issued under section 3742.05 of the 41894  
Revised Code and for their renewal; 41895

(D) Procedures to be followed by lead inspectors, lead 41896  
abatement contractors, environmental lead analytical laboratories, 41897  
lead risk assessors, lead abatement project designers, and lead 41898  
abatement workers to prevent public exposure to lead hazards and 41899  
ensure worker protection during lead abatement projects; 41900

(E)(1) Record-keeping and reporting requirements for clinical 41901  
laboratories, environmental lead analytical laboratories, lead 41902  
inspectors, lead abatement contractors, lead risk assessors, lead 41903  
abatement project designers, and lead abatement workers for lead 41904  
abatement projects and record-keeping and reporting requirements 41905  
for clinical laboratories, environmental lead analytical 41906  
laboratories, and clearance technicians for clearance 41907  
examinations; 41908

(2) Record-keeping and reporting requirements regarding lead 41909  
poisoning for physicians, ~~in addition to the requirements of~~ 41910

<del>section 3701.25 of the Revised Code;</del>	41911
(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.	41912 41913 41914 41915 41916
(F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;	41917 41918
(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;	41919 41920
(H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials.	41921 41922 41923 41924 41925 41926 41927 41928
<b>Sec. 3742.04.</b> (A) The director of health shall do all of the following:	41929 41930
(1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections;	41931 41932 41933
(2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met;	41934 41935 41936 41937 41938 41939
(3) Examine records and reports submitted by physicians;	41940

<u>pursuant to rules adopted under section 3742.03 of the Revised</u>	41941
<u>Code and by</u> clinical laboratories, and environmental lead	41942
analytical laboratories under section <del>3701.25</del> or 3742.09 of the	41943
Revised Code;	41944
(4) Issue approval to manufacturers of encapsulants that have	41945
done all of the following:	41946
(a) Submitted an application for approval to the director on	41947
a form prescribed by the director;	41948
(b) Paid the application fee established by the director;	41949
(c) Submitted results from an independent laboratory	41950
indicating that the manufacturer's encapsulants satisfy the	41951
requirements established in rules adopted under division (H) of	41952
section 3742.03 of the Revised Code;	41953
(d) Complied with rules adopted by the director regarding	41954
durability and safety to workers and residents.	41955
(5) Establish liaisons and cooperate with the directors or	41956
agencies in states having lead abatement, licensing,	41957
accreditation, certification, and approval programs to promote	41958
consistency between the requirements of this chapter and those of	41959
other states in order to facilitate reciprocity of the programs	41960
among states;	41961
(6) Establish a program to monitor and audit the quality of	41962
work of lead inspectors, lead risk assessors, lead abatement	41963
project designers, lead abatement contractors, lead abatement	41964
workers, and clearance technicians. The director may refer	41965
improper work discovered through the program to the attorney	41966
general for appropriate action.	41967
(B) In addition to any other authority granted by this	41968
chapter, the director of health may do any of the following:	41969
(1) Employ persons who have received training from a program	41970

the director has determined provides the necessary background. The 41971  
appropriate training may be obtained in a state that has an 41972  
ongoing lead abatement program under which it conducts educational 41973  
programs. 41974

(2) Cooperate with the United States environmental protection 41975  
agency in any joint oversight procedures the agency may propose 41976  
for laboratories that offer lead analysis services and are 41977  
accredited under the agency's laboratory accreditation program; 41978

(3) Advise, consult, cooperate with, or enter into contracts 41979  
or cooperative agreements with any person, government entity, 41980  
interstate agency, or the federal government as the director 41981  
considers necessary to fulfill the requirements of this chapter 41982  
and the rules adopted under it. 41983

**Sec. 3742.18.** (A)(1) At the request of the director of 41984  
health, the attorney general may commence a civil action for civil 41985  
penalties and injunctive and other equitable relief against any 41986  
person who violates section 3742.02, 3742.06, or 3742.07 of the 41987  
Revised Code. The action shall be commenced in the court of common 41988  
pleas of the county in which the violation occurred or is about to 41989  
occur. 41990

(2) The court shall grant injunctive and other equitable 41991  
relief on a showing that the person has violated or is about to 41992  
violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. 41993  
On a finding of a violation, the court shall assess a civil 41994  
penalty of not more than one thousand dollars. Each day a 41995  
violation continues is a separate violation. All civil penalties 41996  
collected by the court under this section shall be deposited into 41997  
the state treasury to the credit of the lead abatement personnel 41998  
licensing fund created under section 3742.19 of the Revised Code. 41999

(B) At the request of the director or a board of health, a 42000  
prosecuting attorney, city director of law, village solicitor, or 42001

similar chief legal officer may commence a civil action for 42002  
injunctive and other equitable relief against any person who 42003  
violates or is about to violate an order issued by the director or 42004  
board of health under section 3742.40 of the Revised Code. The 42005  
court shall grant injunctive or other equitable relief on a 42006  
showing that the person has violated or is about to violate the 42007  
order. 42008

**Sec. 3742.32.** (A) The director of health shall appoint an 42009  
advisory council to assist in the ongoing development and 42010  
implementation of the child lead poisoning prevention program 42011  
created under section 3742.31 of the Revised Code. The advisory 42012  
council shall consist of the following members: 42013

(1) A representative of the department of medicaid; 42014

(2) A representative of the bureau of child care in the 42015  
department of job and family services; 42016

(3) A representative of the department of environmental 42017  
protection; 42018

(4) A representative of the department of education; 42019

(5) A representative of the development services agency; 42020

(6) A representative of the Ohio apartment owner's 42021  
association; 42022

(7) A representative of the Ohio ~~help end lead poisoning~~ 42023  
~~coalition~~ healthy homes network; 42024

(8) A representative of the Ohio environmental health 42025  
association; 42026

(9) An Ohio representative of the ~~national paint and American~~ 42027  
~~coatings association~~; 42028

(10) A representative from Ohio realtors; 42029

(11) A representative of the Ohio housing finance agency; 42030

<u>(12) A physician knowledgeable in the field of lead poisoning prevention;</u>	42031 42032
<u>(13) A representative of the public.</u>	42033
(B) The advisory council shall do both of the following:	42034
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	42035 42036 42037 42038
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	42039 42040 42041
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	42042 42043
<b>Sec. 3742.40.</b> If the owner and manager of a residential unit, child care facility, or school fails or refuses for any reason to comply with a lead hazard control order issued under section 3742.37 of the Revised Code, the director of health or board of health that issued the order shall issue an order prohibiting the owner and manager from permitting the unit, facility, or school to be used as a residential unit, child care facility, or school <u>for any purpose</u> until the unit, facility, or school passes a clearance examination. On receipt of the order, the owner or manager shall take appropriate measures to notify each occupant, in the case of a residential unit, and the parent, guardian, or custodian of each child attending the facility or school, in the case of a child care facility or school, to vacate the unit, facility, or school until the unit, facility, or school passes a clearance examination. The director or board shall post a sign at the unit, facility, or school that warns the public that the unit, facility, or school has a lead hazard. The sign shall include a declaration	42044 42045 42046 42047 42048 42049 42050 42051 42052 42053 42054 42055 42056 42057 42058 42059 42060

that the unit, facility, or school is unsafe for human occupation, 42061  
especially for children under six years of age and pregnant women. 42062  
The director or board shall ensure that the sign remains posted at 42063  
the unit, facility, or school and that the unit, facility, or 42064  
school is not used ~~as a residential unit, child care facility, or~~ 42065  
~~school~~ until the unit, facility, or school passes a clearance 42066  
examination. 42067

Sec. 3742.50. (A) As used in this section: 42068

(1) "Lead abatement costs" means costs incurred by a taxpayer 42069  
for either of the following: 42070

(a) A lead abatement specialist to conduct a lead risk 42071  
assessment, a lead abatement project, or a clearance examination, 42072  
provided the specialist is authorized under this chapter to 42073  
conduct the respective task; 42074

(b) Relocation costs incurred in the relocation of occupants 42075  
of an eligible dwelling to achieve occupant protection, as 42076  
described in 24 C.F.R. 35.1345(a). 42077

"Lead abatement costs" do not include such costs for which 42078  
the taxpayer is reimbursed or such costs the taxpayer deducts or 42079  
excludes in computing the taxpayer's federal adjusted gross income 42080  
for federal income tax purposes or Ohio adjusted gross income as 42081  
determined under section 5747.01 of the Revised Code. 42082

(2) "Eligible dwelling" means a residential unit constructed 42083  
in this state before 1978. 42084

(3) "Lead abatement specialist" means an individual who holds 42085  
a valid license issued under section 3742.05 of the Revised Code. 42086

(4) "Taxable year" and "taxpayer" have the same meanings as 42087  
in section 5747.01 of the Revised Code. 42088

(B) A taxpayer who incurs lead abatement costs on an eligible 42089

dwelling during a taxable year may apply to the director of health 42090  
for a lead abatement tax credit certificate. The applicant shall 42091  
list on the application the amount of lead abatement costs the 42092  
applicant incurred for the eligible dwelling during the taxable 42093  
year. The director, in consultation with the tax commissioner, 42094  
shall prescribe the form of a lead abatement tax credit 42095  
certificate, the manner by which an applicant shall apply for the 42096  
certificate, and requirements for the submission of any record or 42097  
other information an applicant must furnish with the application 42098  
to verify the lead abatement costs. 42099

(C)(1) Upon receipt of an application under division (B) of 42100  
this section, the director of health shall verify all of the 42101  
following: 42102

(a) The residential unit that is the subject of the 42103  
application is an eligible dwelling. 42104

(b) The taxpayer incurred lead abatement costs during the 42105  
taxable year related to the eligible dwelling. 42106

(c) The eligible dwelling has passed a clearance examination 42107  
in accordance with standards prescribed in rules adopted by the 42108  
director under section 3742.03 or 3742.45 of the Revised Code. 42109

(2) After verifying the conditions described in division 42110  
(C)(1) of this section, the director shall issue a lead abatement 42111  
tax credit certificate to the applicant equal to the lesser of (a) 42112  
the lead abatement costs incurred by the taxpayer on the eligible 42113  
dwelling during the taxable year, (b) the amount of lead abatement 42114  
costs listed on the application, or (c) ten thousand dollars, 42115  
subject to the limitation in division (C)(3) of this section. 42116

(3) The director may not issue more than five million dollars 42117  
in lead abatement tax credit certificates in any fiscal year. 42118

(D) The director of health, in consultation with the tax 42119  
commissioner, may adopt rules in accordance with Chapter 119. of 42120

the Revised Code as necessary for the administration of this 42121  
section. 42122

**Sec. 3743.75.** (A) During the period beginning on June 29, 42123  
2001, and ending on December 31, ~~2019~~ 2020, the state fire marshal 42124  
shall not do any of the following: 42125

(1) Issue a license as a manufacturer of fireworks under 42126  
sections 3743.02 and 3743.03 of the Revised Code to a person for a 42127  
particular fireworks plant unless that person possessed such a 42128  
license for that fireworks plant immediately prior to June 29, 42129  
2001; 42130

(2) Issue a license as a wholesaler of fireworks under 42131  
sections 3743.15 and 3743.16 of the Revised Code to a person for a 42132  
particular location unless that person possessed such a license 42133  
for that location immediately prior to June 29, 2001; 42134

(3) Except as provided in division (B) of this section, 42135  
approve the geographic transfer of a license as a manufacturer or 42136  
wholesaler of fireworks issued under this chapter to any location 42137  
other than a location for which a license was issued under this 42138  
chapter immediately prior to June 29, 2001. 42139

(B) Division (A)(3) of this section does not apply to a 42140  
transfer that the state fire marshal approves under division (F) 42141  
of section 3743.17 of the Revised Code. 42142

(C) Notwithstanding section 3743.59 of the Revised Code, the 42143  
prohibited activities established in divisions (A)(1) and (2) of 42144  
this section, geographic transfers approved pursuant to division 42145  
(F) of section 3743.17 of the Revised Code, and storage locations 42146  
allowed pursuant to division (I) of section 3743.04 of the Revised 42147  
Code or division (G) of section 3743.17 of the Revised Code are 42148  
not subject to any variance, waiver, or exclusion. 42149

(D) As used in division (A) of this section: 42150

(1) "Person" includes any person or entity, in whatever form 42151  
or name, that acquires possession of a manufacturer or wholesaler 42152  
of fireworks license issued pursuant to this chapter by transfer 42153  
of possession of a license, whether that transfer occurs by 42154  
purchase, assignment, inheritance, bequest, stock transfer, or any 42155  
other type of transfer, on the condition that the transfer is in 42156  
accordance with division (D) of section 3743.04 of the Revised 42157  
Code or division (D) of section 3743.17 of the Revised Code and is 42158  
approved by the fire marshal. 42159

(2) "Particular location" includes a licensed premises and, 42160  
regardless of when approved, any storage location approved in 42161  
accordance with section 3743.04 or 3743.17 of the Revised Code. 42162

(3) "Such a license" includes a wholesaler of fireworks 42163  
license that was issued in place of a manufacturer of fireworks 42164  
license that existed prior to June 29, 2001, and was requested to 42165  
be canceled by the license holder pursuant to division (D) of 42166  
section 3743.03 of the Revised Code. 42167

**Sec. 3745.11.** (A) Applicants for and holders of permits, 42168  
licenses, variances, plan approvals, and certifications issued by 42169  
the director of environmental protection pursuant to Chapters 42170  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 42171  
to the environmental protection agency for each such issuance and 42172  
each application for an issuance as provided by this section. No 42173  
fee shall be charged for any issuance for which no application has 42174  
been submitted to the director. 42175

(B) Except as otherwise provided in division (C)(2) of this 42176  
section, beginning July 1, 1994, each person who owns or operates 42177  
an air contaminant source and who is required to apply for and 42178  
obtain a Title V permit under section 3704.036 of the Revised Code 42179  
shall pay the fees set forth in this division. For the purposes of 42180  
this division, total emissions of air contaminants may be 42181

calculated using engineering calculations, emissions factors, 42182  
material balance calculations, or performance testing procedures, 42183  
as authorized by the director. 42184

The following fees shall be assessed on the total actual 42185  
emissions from a source in tons per year of the regulated 42186  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 42187  
organic compounds, and lead: 42188

(1) Fifteen dollars per ton on the total actual emissions of 42189  
each such regulated pollutant during the period July through 42190  
December 1993, to be collected no sooner than July 1, 1994; 42191

(2) Twenty dollars per ton on the total actual emissions of 42192  
each such regulated pollutant during calendar year 1994, to be 42193  
collected no sooner than April 15, 1995; 42194

(3) Twenty-five dollars per ton on the total actual emissions 42195  
of each such regulated pollutant in calendar year 1995, and each 42196  
subsequent calendar year, to be collected no sooner than the 42197  
fifteenth day of April of the year next succeeding the calendar 42198  
year in which the emissions occurred. 42199

The fees levied under this division do not apply to that 42200  
portion of the emissions of a regulated pollutant at a facility 42201  
that exceed four thousand tons during a calendar year. 42202

(C)(1) The fees assessed under division (B) of this section 42203  
are for the purpose of providing funding for the Title V permit 42204  
program. 42205

(2) The fees assessed under division (B) of this section do 42206  
not apply to emissions from any electric generating unit 42207  
designated as a Phase I unit under Title IV of the federal Clean 42208  
Air Act prior to calendar year 2000. Those fees shall be assessed 42209  
on the emissions from such a generating unit commencing in 42210  
calendar year 2001 based upon the total actual emissions from the 42211  
generating unit during calendar year 2000 and shall continue to be 42212

assessed each subsequent calendar year based on the total actual 42213  
emissions from the generating unit during the preceding calendar 42214  
year. 42215

(3) The director shall issue invoices to owners or operators 42216  
of air contaminant sources who are required to pay a fee assessed 42217  
under division (B) or (D) of this section. Any such invoice shall 42218  
be issued no sooner than the applicable date when the fee first 42219  
may be collected in a year under the applicable division, shall 42220  
identify the nature and amount of the fee assessed, and shall 42221  
indicate that the fee is required to be paid within thirty days 42222  
after the issuance of the invoice. 42223

(D)(1) Except as provided in division (D)(3) of this section, 42224  
from January 1, 1994, through December 31, 2003, each person who 42225  
owns or operates an air contaminant source; who is required to 42226  
apply for a permit to operate pursuant to rules adopted under 42227  
division (G), or a variance pursuant to division (H), of section 42228  
3704.03 of the Revised Code; and who is not required to apply for 42229  
and obtain a Title V permit under section 3704.036 of the Revised 42230  
Code shall pay a single fee based upon the sum of the actual 42231  
annual emissions from the facility of the regulated pollutants 42232  
particulate matter, sulfur dioxide, nitrogen oxides, organic 42233  
compounds, and lead in accordance with the following schedule: 42234

Total tons per year		42235
of regulated pollutants	Annual fee	42236
emitted	per facility	42237
More than 0, but less than 50	\$ 75	42238
50 or more, but less than 100	300	42239
100 or more	700	42240

(2) Except as provided in division (D)(3) of this section, 42241  
beginning January 1, 2004, each person who owns or operates an air 42242  
contaminant source; who is required to apply for a permit to 42243  
operate pursuant to rules adopted under division (G), or a 42244

variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340

20 or more, but less than 30	670	42277
30 or more, but less than 40	1,010	42278
40 or more, but less than 50	1,340	42279
50 or more, but less than 60	1,680	42280
60 or more, but less than 70	2,010	42281
70 or more, but less than 80	2,350	42282
80 or more, but less than 90	2,680	42283
90 or more, but less than 100	3,020	42284
100 or more	3,350	42285

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of

this section, the director shall compile revised fee schedules for 42310  
the purposes of division (B) of this section and shall make the 42311  
revised schedules available to persons required to pay the fees 42312  
assessed under that division and to the public. 42313

(2) For the purposes of division (E)(1) of this section: 42314

(a) The consumer price index for any year is the average of 42315  
the consumer price index for all urban consumers published by the 42316  
United States department of labor as of the close of the 42317  
twelve-month period ending on the thirty-first day of August of 42318  
that year. 42319

(b) If the 1989 consumer price index is revised, the director 42320  
shall use the revision of the consumer price index that is most 42321  
consistent with that for calendar year 1989. 42322

(F) Each person who is issued a permit to install pursuant to 42323  
rules adopted under division (F) of section 3704.03 of the Revised 42324  
Code on or after July 1, 2003, shall pay the fees specified in the 42325  
following schedules: 42326

(1) Fuel-burning equipment (boilers, furnaces, or process 42327  
heaters used in the process of burning fuel for the primary 42328  
purpose of producing heat or power by indirect heat transfer) 42329  
Input capacity (maximum) 42330

(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	42332
10 or more, but less than 100	400	42333
100 or more, but less than 300	1000	42334
300 or more, but less than 500	2250	42335
500 or more, but less than 1000	3750	42336
1000 or more, but less than 5000	6000	42337
5000 or more	9000	42338

Units burning exclusively natural gas, number two fuel oil, 42339  
or both shall be assessed a fee that is one-half the applicable 42340

amount shown in division (F)(1) of this section.		42341
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		42342
Generating capacity (mega watts)	Permit to install	42344
0 or more, but less than 10	\$ 25	42345
10 or more, but less than 25	150	42346
25 or more, but less than 50	300	42347
50 or more, but less than 100	500	42348
100 or more, but less than 250	1000	42349
250 or more	2000	42350
(3) Incinerators		42351
Input capacity (pounds per hour)	Permit to install	42352
0 to 100	\$ 100	42353
101 to 500	500	42354
501 to 2000	1000	42355
2001 to 20,000	1500	42356
more than 20,000	3750	42357
(4)(a) Process		42358
Process weight rate (pounds per hour)	Permit to install	42359
0 to 1000	\$ 200	42360
1001 to 5000	500	42361
5001 to 10,000	750	42362
10,001 to 50,000	1000	42363
more than 50,000	1250	42364
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee		42365 42366 42367 42368 42369 42370 42371 42372

established in division (F)(2) of this section. 42373

(b) Notwithstanding division (F)(4)(a) of this section, any 42374  
person issued a permit to install pursuant to rules adopted under 42375  
division (F) of section 3704.03 of the Revised Code shall pay the 42376  
fees set forth in division (F)(4)(c) of this section for a process 42377  
used in any of the following industries, as identified by the 42378  
applicable two-digit, three-digit, or four-digit standard 42379  
industrial classification code according to the Standard 42380  
Industrial Classification Manual published by the United States 42381  
office of management and budget in the executive office of the 42382  
president, 1987, as revised: 42383

Major group 10, metal mining; 42384

Major group 12, coal mining; 42385

Major group 14, mining and quarrying of nonmetallic minerals; 42386

Industry group 204, grain mill products; 42387

2873 Nitrogen fertilizers; 42388

2874 Phosphatic fertilizers; 42389

3281 Cut stone and stone products; 42390

3295 Minerals and earth, ground or otherwise treated; 42391

4221 Grain elevators (storage only); 42392

5159 Farm related raw materials; 42393

5261 Retail nurseries and lawn and garden supply stores. 42394

(c) The fees set forth in the following schedule apply to the 42395  
issuance of a permit to install pursuant to rules adopted under 42396  
division (F) of section 3704.03 of the Revised Code for a process 42397  
identified in division (F)(4)(b) of this section: 42398

Process weight rate (pounds per Permit to install 42399  
hour)

0 to 10,000 \$ 200 42400

10,001 to 50,000	400	42401
50,001 to 100,000	500	42402
100,001 to 200,000	600	42403
200,001 to 400,000	750	42404
400,001 or more	900	42405
(5) Storage tanks		42406
Gallons (maximum useful capacity)	Permit to install	42407
0 to 20,000	\$ 100	42408
20,001 to 40,000	150	42409
40,001 to 100,000	250	42410
100,001 to 500,000	400	42411
500,001 or greater	750	42412
(6) Gasoline/fuel dispensing facilities		42413
For each gasoline/fuel		42414
dispensing facility (includes all	Permit to install	42415
units at the facility)	\$ 100	42416
(7) Dry cleaning facilities		42417
For each dry cleaning		42418
facility (includes all units	Permit to install	42419
at the facility)	\$ 100	42420
(8) Registration status		42421
For each source covered	Permit to install	42422
by registration status	\$ 75	42423
(G) An owner or operator who is responsible for an asbestos		42424
demolition or renovation project pursuant to rules adopted under		42425
section 3704.03 of the Revised Code shall pay, upon submitting a		42426
notification pursuant to rules adopted under that section, the		42427
fees set forth in the following schedule:		42428
Action	Fee	42429
Each notification	\$75	42430
Asbestos removal	\$3/unit	42431

Asbestos cleanup \$4/cubic yard 42432

For purposes of this division, "unit" means any combination of 42433  
linear feet or square feet equal to fifty. 42434

(H) A person who is issued an extension of time for a permit 42435  
to install an air contaminant source pursuant to rules adopted 42436  
under division (F) of section 3704.03 of the Revised Code shall 42437  
pay a fee equal to one-half the fee originally assessed for the 42438  
permit to install under this section, except that the fee for such 42439  
an extension shall not exceed two hundred dollars. 42440

(I) A person who is issued a modification to a permit to 42441  
install an air contaminant source pursuant to rules adopted under 42442  
section 3704.03 of the Revised Code shall pay a fee equal to 42443  
one-half of the fee that would be assessed under this section to 42444  
obtain a permit to install the source. The fee assessed by this 42445  
division only applies to modifications that are initiated by the 42446  
owner or operator of the source and shall not exceed two thousand 42447  
dollars. 42448

(J) Notwithstanding division (F) of this section, a person 42449  
who applies for or obtains a permit to install pursuant to rules 42450  
adopted under division (F) of section 3704.03 of the Revised Code 42451  
after the date actual construction of the source began shall pay a 42452  
fee for the permit to install that is equal to twice the fee that 42453  
otherwise would be assessed under the applicable division unless 42454  
the applicant received authorization to begin construction under 42455  
division (W) of section 3704.03 of the Revised Code. This division 42456  
only applies to sources for which actual construction of the 42457  
source begins on or after July 1, 1993. The imposition or payment 42458  
of the fee established in this division does not preclude the 42459  
director from taking any administrative or judicial enforcement 42460  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 42461  
of the Revised Code, or a rule adopted under any of them, in 42462  
connection with a violation of rules adopted under division (F) of 42463

section 3704.03 of the Revised Code. 42464

As used in this division, "actual construction of the source" 42465  
means the initiation of physical on-site construction activities 42466  
in connection with improvements to the source that are permanent 42467  
in nature, including, without limitation, the installation of 42468  
building supports and foundations and the laying of underground 42469  
pipework. 42470

(K)(1) Money received under division (B) of this section 42471  
shall be deposited in the state treasury to the credit of the 42472  
Title V clean air fund created in section 3704.035 of the Revised 42473  
Code. Annually, not more than fifty cents per ton of each fee 42474  
assessed under division (B) of this section on actual emissions 42475  
from a source and received by the environmental protection agency 42476  
pursuant to that division may be transferred by the director using 42477  
an interstate transfer voucher to the state treasury to the credit 42478  
of the small business assistance fund created in section 3706.19 42479  
of the Revised Code. In addition, annually, the amount of money 42480  
necessary for the operation of the office of ombudsperson as 42481  
determined under division (B) of that section shall be transferred 42482  
to the state treasury to the credit of the small business 42483  
ombudsperson fund created by that section. 42484

(2) Money received by the agency pursuant to divisions (D), 42485  
(F), (G), (H), (I), and (J) of this section shall be deposited in 42486  
the state treasury to the credit of the non-Title V clean air fund 42487  
created in section 3704.035 of the Revised Code. 42488

(L)(1) A person applying for a plan approval for a wastewater 42489  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 42490  
of the Revised Code shall pay a nonrefundable fee of one hundred 42491  
dollars plus sixty-five one-hundredths of one per cent of the 42492  
estimated project cost through June 30, ~~2020~~ 2022, and a 42493  
nonrefundable application fee of one hundred dollars plus 42494  
two-tenths of one per cent of the estimated project cost on and 42495

after July 1, ~~2020~~ 2022, except that the total fee shall not 42496  
exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 42497  
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 42498  
shall be paid at the time the application is submitted. 42499

(2) A person who has entered into an agreement with the 42500  
director under section 6111.14 of the Revised Code shall pay an 42501  
administrative service fee for each plan submitted under that 42502  
section for approval that shall not exceed the minimum amount 42503  
necessary to pay administrative costs directly attributable to 42504  
processing plan approvals. The director annually shall calculate 42505  
the fee and shall notify all persons who have entered into 42506  
agreements under that section, or who have applied for agreements, 42507  
of the amount of the fee. 42508

(3)(a)(i) Not later than January 30, ~~2018~~ 2020, and January 42509  
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 42510  
pursuant to Chapter 6111. of the Revised Code with an average 42511  
daily discharge flow of five thousand gallons or more shall pay a 42512  
nonrefundable annual discharge fee. Any person who fails to pay 42513  
the fee at that time shall pay an additional amount that equals 42514  
ten per cent of the required annual discharge fee. 42515

(ii) The billing year for the annual discharge fee 42516  
established in division (L)(3)(a)(i) of this section shall consist 42517  
of a twelve-month period beginning on the first day of January of 42518  
the year preceding the date when the annual discharge fee is due. 42519  
In the case of an existing source that permanently ceases to 42520  
discharge during a billing year, the director shall reduce the 42521  
annual discharge fee, including the surcharge applicable to 42522  
certain industrial facilities pursuant to division (L)(3)(c) of 42523  
this section, by one-twelfth for each full month during the 42524  
billing year that the source was not discharging, but only if the 42525  
person holding the NPDES discharge permit for the source notifies 42526  
the director in writing, not later than the first day of October 42527

of the billing year, of the circumstances causing the cessation of discharge. 42528  
42529

(iii) The annual discharge fee established in division 42530  
(L)(3)(a)(i) of this section, except for the surcharge applicable 42531  
to certain industrial facilities pursuant to division (L)(3)(c) of 42532  
this section, shall be based upon the average daily discharge flow 42533  
in gallons per day calculated using first day of May through 42534  
thirty-first day of October flow data for the period two years 42535  
prior to the date on which the fee is due. In the case of NPDES 42536  
discharge permits for new sources, the fee shall be calculated 42537  
using the average daily design flow of the facility until actual 42538  
average daily discharge flow values are available for the time 42539  
period specified in division (L)(3)(a)(iii) of this section. The 42540  
annual discharge fee may be prorated for a new source as described 42541  
in division (L)(3)(a)(ii) of this section. 42542

(b)(i) An NPDES permit holder that is a public discharger 42543  
shall pay the fee specified in the following schedule: 42544

Average daily discharge flow	Fee due by	
	January 30,	
	<del>2018</del> <u>2020</u> , and	
	January 30, <del>2019</del>	
	<u>2021</u>	
5,000 to 49,999	\$ 200	42549
50,000 to 100,000	500	42550
100,001 to 250,000	1,050	42551
250,001 to 1,000,000	2,600	42552
1,000,001 to 5,000,000	5,200	42553
5,000,001 to 10,000,000	10,350	42554
10,000,001 to 20,000,000	15,550	42555
20,000,001 to 50,000,000	25,900	42556
50,000,001 to 100,000,000	41,400	42557
100,000,001 or more	62,100	42558

(ii) Public dischargers owning or operating two or more 42559  
publicly owned treatment works serving the same political 42560  
subdivision, as "treatment works" is defined in section 6111.01 of 42561  
the Revised Code, and that serve exclusively political 42562  
subdivisions having a population of fewer than one hundred 42563  
thousand persons shall pay an annual discharge fee under division 42564  
(L)(3)(b)(i) of this section that is based on the combined average 42565  
daily discharge flow of the treatment works. 42566

(c)(i) An NPDES permit holder that is an industrial 42567  
discharger, other than a coal mining operator identified by P in 42568  
the third character of the permittee's NPDES permit number, shall 42569  
pay the fee specified in the following schedule: 42570

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2018</del> <u>2020</u> , and	
	January 30, <del>2019</del>	
	<u>2021</u>	
5,000 to 49,999	\$ 250	42575
50,000 to 250,000	1,200	42576
250,001 to 1,000,000	2,950	42577
1,000,001 to 5,000,000	5,850	42578
5,000,001 to 10,000,000	8,800	42579
10,000,001 to 20,000,000	11,700	42580
20,000,001 to 100,000,000	14,050	42581
100,000,001 to 250,000,000	16,400	42582
250,000,001 or more	18,700	42583

(ii) In addition to the fee specified in the above schedule, 42584  
an NPDES permit holder that is an industrial discharger classified 42585  
as a major discharger during all or part of the annual discharge 42586  
fee billing year specified in division (L)(3)(a)(ii) of this 42587  
section shall pay a nonrefundable annual surcharge of seven 42588  
thousand five hundred dollars not later than January 30, ~~2018~~ 42589

2020, and not later than January 30, ~~2019~~ 2021. Any person who 42590  
fails to pay the surcharge at that time shall pay an additional 42591  
amount that equals ten per cent of the amount of the surcharge. 42592

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 42593  
section, a public discharger, that is not a separate municipal 42594  
storm sewer system, identified by I in the third character of the 42595  
permittee's NPDES permit number and an industrial discharger 42596  
identified by I, J, L, V, W, X, Y, or Z in the third character of 42597  
the permittee's NPDES permit number shall pay a nonrefundable 42598  
annual discharge fee of one hundred eighty dollars not later than 42599  
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 42600  
Any person who fails to pay the fee at that time shall pay an 42601  
additional amount that equals ten per cent of the required fee. 42602

(4) Each person obtaining an NPDES permit for municipal storm 42603  
water discharge shall pay a nonrefundable storm water annual 42604  
discharge fee of ten dollars per one-tenth of a square mile of 42605  
area permitted. The fee shall not exceed ten thousand dollars and 42606  
shall be payable on or before January 30, 2004, and the thirtieth 42607  
day of January of each year thereafter. Any person who fails to 42608  
pay the fee on the date specified in division (L)(4) of this 42609  
section shall pay an additional amount per year equal to ten per 42610  
cent of the annual fee that is unpaid. 42611

(5) The director shall transmit all moneys collected under 42612  
division (L) of this section to the treasurer of state for deposit 42613  
into the state treasury to the credit of the surface water 42614  
protection fund created in section 6111.038 of the Revised Code. 42615

(6) As used in this section: 42616

(a) "NPDES" means the federally approved national pollutant 42617  
discharge elimination system individual and general program for 42618  
issuing, modifying, revoking, reissuing, terminating, monitoring, 42619  
and enforcing permits and imposing and enforcing pretreatment 42620

requirements under Chapter 6111. of the Revised Code and rules 42621  
adopted under it. 42622

(b) "Public discharger" means any holder of an NPDES permit 42623  
identified by P in the second character of the NPDES permit number 42624  
assigned by the director. 42625

(c) "Industrial discharger" means any holder of an NPDES 42626  
permit identified by I in the second character of the NPDES permit 42627  
number assigned by the director. 42628

(d) "Major discharger" means any holder of an NPDES permit 42629  
classified as major by the regional administrator of the United 42630  
States environmental protection agency in conjunction with the 42631  
director. 42632

(M) Through June 30, ~~2020~~ 2022, a person applying for a 42633  
license or license renewal to operate a public water system under 42634  
section 6109.21 of the Revised Code shall pay the appropriate fee 42635  
established under this division at the time of application to the 42636  
director. Any person who fails to pay the fee at that time shall 42637  
pay an additional amount that equals ten per cent of the required 42638  
fee. The director shall transmit all moneys collected under this 42639  
division to the treasurer of state for deposit into the drinking 42640  
water protection fund created in section 6109.30 of the Revised 42641  
Code. 42642

Except as provided in divisions (M)(4) and (5) of this 42643  
section, fees required under this division shall be calculated and 42644  
paid in accordance with the following schedule: 42645

(1) For the initial license required under section 6109.21 of 42646  
the Revised Code for any public water system that is a community 42647  
water system as defined in section 6109.01 of the Revised Code, 42648  
and for each license renewal required for such a system prior to 42649  
January 31, ~~2020~~ 2022, the fee is: 42650

Number of service connections	Fee amount	42651
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Not more than 49	\$ 112	42652
50 to 99	176	42653
Number of service connections	Average cost per connection	42654
100 to 2,499	\$ 1.92	42655
2,500 to 4,999	1.48	42656
5,000 to 7,499	1.42	42657
7,500 to 9,999	1.34	42658
10,000 to 14,999	1.16	42659
15,000 to 24,999	1.10	42660
25,000 to 49,999	1.04	42661
50,000 to 99,999	.92	42662
100,000 to 149,999	.86	42663
150,000 to 199,999	.80	42664
200,000 or more	.76	42665

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Population served	Fee amount	42679
Fewer than 150	\$ 112	42680
150 to 299	176	42681
300 to 749	384	42682
750 to 1,499	628	42683

1,500 to 2,999	1,268	42684
3,000 to 7,499	2,816	42685
7,500 to 14,999	5,510	42686
15,000 to 22,499	9,048	42687
22,500 to 29,999	12,430	42688
30,000 or more	16,820	42689

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	42702
2	112	42703
3	176	42704
4	278	42705
5	568	42706
System designated as using a surface water source	792	42708

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the

amount calculated under division (M)(1) or (2) of this section, 42715  
whichever is greater. 42716

(5) An applicant for an initial license who is proposing to 42717  
operate a new public water supply system shall submit a fee that 42718  
equals a prorated amount of the appropriate fee for the remainder 42719  
of the licensing year. 42720

(N)(1) A person applying for a plan approval for a public 42721  
water supply system under section 6109.07 of the Revised Code 42722  
shall pay a fee of one hundred fifty dollars plus thirty-five 42723  
hundredths of one per cent of the estimated project cost, except 42724  
that the total fee shall not exceed twenty thousand dollars 42725  
through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and 42726  
after July 1, ~~2020~~ 2022. The fee shall be paid at the time the 42727  
application is submitted. 42728

(2) A person who has entered into an agreement with the 42729  
director under division (A)(2) of section 6109.07 of the Revised 42730  
Code shall pay an administrative service fee for each plan 42731  
submitted under that section for approval that shall not exceed 42732  
the minimum amount necessary to pay administrative costs directly 42733  
attributable to processing plan approvals. The director annually 42734  
shall calculate the fee and shall notify all persons that have 42735  
entered into agreements under that division, or who have applied 42736  
for agreements, of the amount of the fee. 42737

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 42738  
survey basis, shall be charged any person for services rendered by 42739  
the state in the evaluation of laboratories and laboratory 42740  
personnel for compliance with accepted analytical techniques and 42741  
procedures established pursuant to Chapter 6109. of the Revised 42742  
Code for determining the qualitative characteristics of water: 42743

microbiological 42744

MMO-MUG \$2,000 42745

MF	2,100	42746
MMO-MUG and MF	2,550	42747
organic chemical	5,400	42748
trace metals	5,400	42749
standard chemistry	2,800	42750
limited chemistry	1,550	42751

On and after July 1, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	42754
organic chemicals	3,500	42755
trace metals	3,500	42756
standard chemistry	1,800	42757
limited chemistry	1,000	42758

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2020~~ 2022, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an

examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2020~~ 2022:

Class A operator	\$ 80	42781
Class I operator	105	42782
Class II operator	120	42783
Class III operator	130	42784
Class IV operator	145	42785

On and after December 1, ~~2020~~ 2022, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	42788
Class I operator	70	42789
Class II operator	80	42790
Class III operator	90	42791
Class IV operator	100	42792

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	42801
Class I operator	35	42802
Class II operator	45	42803
Class III operator	55	42804
Class IV operator	65	42805

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the

expiration date of the certification, the person shall pay a 42808  
certification renewal fee in accordance with the following 42809  
schedule: 42810

Class A operator	\$45	42811
Class I operator	55	42812
Class II operator	65	42813
Class III operator	75	42814
Class IV operator	85	42815

A person who requests a replacement certificate shall pay a 42816  
fee of twenty-five dollars at the time the request is made. 42817

Any person applying to be a water supply system or wastewater 42818  
treatment system examination provider shall pay an application fee 42819  
of five hundred dollars. Any person approved by the director as a 42820  
water supply system or wastewater treatment system examination 42821  
provider shall pay an annual fee that is equal to ten per cent of 42822  
the fees that the provider assesses and collects for administering 42823  
water supply system or wastewater treatment system certification 42824  
examinations in this state for the calendar year. The fee shall be 42825  
paid not later than forty-five days after the end of a calendar 42826  
year. 42827

The director shall transmit all moneys collected under this 42828  
division to the treasurer of state for deposit into the drinking 42829  
water protection fund created in section 6109.30 of the Revised 42830  
Code. 42831

(P) Any person submitting an application for an industrial 42832  
water pollution control certificate under section 6111.31 of the 42833  
Revised Code, as that section existed before its repeal by H.B. 95 42834  
of the 125th general assembly, shall pay a nonrefundable fee of 42835  
five hundred dollars at the time the application is submitted. The 42836  
director shall transmit all moneys collected under this division 42837  
to the treasurer of state for deposit into the surface water 42838  
protection fund created in section 6111.038 of the Revised Code. A 42839

person paying a certificate fee under this division shall not pay 42840  
an application fee under division (S)(1) of this section. On and 42841  
after June 26, 2003, persons shall file such applications and pay 42842  
the fee as required under sections 5709.20 to 5709.27 of the 42843  
Revised Code, and proceeds from the fee shall be credited as 42844  
provided in section 5709.212 of the Revised Code. 42845

(Q) Except as otherwise provided in division (R) of this 42846  
section, a person issued a permit by the director for a new solid 42847  
waste disposal facility other than an incineration or composting 42848  
facility, a new infectious waste treatment facility other than an 42849  
incineration facility, or a modification of such an existing 42850  
facility that includes an increase in the total disposal or 42851  
treatment capacity of the facility pursuant to Chapter 3734. of 42852  
the Revised Code shall pay a fee of ten dollars per thousand cubic 42853  
yards of disposal or treatment capacity, or one thousand dollars, 42854  
whichever is greater, except that the total fee for any such 42855  
permit shall not exceed eighty thousand dollars. A person issued a 42856  
modification of a permit for a solid waste disposal facility or an 42857  
infectious waste treatment facility that does not involve an 42858  
increase in the total disposal or treatment capacity of the 42859  
facility shall pay a fee of one thousand dollars. A person issued 42860  
a permit to install a new, or modify an existing, solid waste 42861  
transfer facility under that chapter shall pay a fee of two 42862  
thousand five hundred dollars. A person issued a permit to install 42863  
a new or to modify an existing solid waste incineration or 42864  
composting facility, or an existing infectious waste treatment 42865  
facility using incineration as its principal method of treatment, 42866  
under that chapter shall pay a fee of one thousand dollars. The 42867  
increases in the permit fees under this division resulting from 42868  
the amendments made by Amended Substitute House Bill 592 of the 42869  
117th general assembly do not apply to any person who submitted an 42870  
application for a permit to install a new, or modify an existing, 42871  
solid waste disposal facility under that chapter prior to 42872

September 1, 1987; any such person shall pay the permit fee 42873  
established in this division as it existed prior to June 24, 1988. 42874  
In addition to the applicable permit fee under this division, a 42875  
person issued a permit to install or modify a solid waste facility 42876  
or an infectious waste treatment facility under that chapter who 42877  
fails to pay the permit fee to the director in compliance with 42878  
division (V) of this section shall pay an additional ten per cent 42879  
of the amount of the fee for each week that the permit fee is 42880  
late. 42881

Permit and late payment fees paid to the director under this 42882  
division shall be credited to the general revenue fund. 42883

(R)(1) A person issued a registration certificate for a scrap 42884  
tire collection facility under section 3734.75 of the Revised Code 42885  
shall pay a fee of two hundred dollars, except that if the 42886  
facility is owned or operated by a motor vehicle salvage dealer 42887  
licensed under Chapter 4738. of the Revised Code, the person shall 42888  
pay a fee of twenty-five dollars. 42889

(2) A person issued a registration certificate for a new 42890  
scrap tire storage facility under section 3734.76 of the Revised 42891  
Code shall pay a fee of three hundred dollars, except that if the 42892  
facility is owned or operated by a motor vehicle salvage dealer 42893  
licensed under Chapter 4738. of the Revised Code, the person shall 42894  
pay a fee of twenty-five dollars. 42895

(3) A person issued a permit for a scrap tire storage 42896  
facility under section 3734.76 of the Revised Code shall pay a fee 42897  
of one thousand dollars, except that if the facility is owned or 42898  
operated by a motor vehicle salvage dealer licensed under Chapter 42899  
4738. of the Revised Code, the person shall pay a fee of fifty 42900  
dollars. 42901

(4) A person issued a permit for a scrap tire monocell or 42902  
monofill facility under section 3734.77 of the Revised Code shall 42903

pay a fee of ten dollars per thousand cubic yards of disposal 42904  
capacity or one thousand dollars, whichever is greater, except 42905  
that the total fee for any such permit shall not exceed eighty 42906  
thousand dollars. 42907

(5) A person issued a registration certificate for a scrap 42908  
tire recovery facility under section 3734.78 of the Revised Code 42909  
shall pay a fee of one hundred dollars. 42910

(6) A person issued a permit for a scrap tire recovery 42911  
facility under section 3734.78 of the Revised Code shall pay a fee 42912  
of one thousand dollars. 42913

(7) In addition to the applicable registration certificate or 42914  
permit fee under divisions (R)(1) to (6) of this section, a person 42915  
issued a registration certificate or permit for any such scrap 42916  
tire facility who fails to pay the registration certificate or 42917  
permit fee to the director in compliance with division (V) of this 42918  
section shall pay an additional ten per cent of the amount of the 42919  
fee for each week that the fee is late. 42920

(8) The registration certificate, permit, and late payment 42921  
fees paid to the director under divisions (R)(1) to (7) of this 42922  
section shall be credited to the scrap tire management fund 42923  
created in section 3734.82 of the Revised Code. 42924

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 42925  
(P), and (S)(2) of this section, division (A)(2) of section 42926  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 42927  
and rules adopted under division (T)(1) of this section, any 42928  
person applying for a registration certificate under section 42929  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 42930  
variance, or plan approval under Chapter 3734. of the Revised Code 42931  
shall pay a nonrefundable fee of fifteen dollars at the time the 42932  
application is submitted. 42933

(b) Except as otherwise provided, any person applying for a 42934

permit, variance, or plan approval under Chapter 6109. or 6111. of 42935  
the Revised Code shall pay a nonrefundable application fee of one 42936  
hundred dollars at the time the application is submitted through 42937  
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 42938  
dollars at the time the application is submitted on and after July 42939  
1, ~~2020~~ 2022. 42940

(c)(i) Except as otherwise provided in divisions 42941  
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 42942  
2022, any person applying for an NPDES permit under Chapter 6111. 42943  
of the Revised Code shall pay a nonrefundable application fee of 42944  
two hundred dollars at the time of application for the permit. On 42945  
and after July 1, ~~2020~~ 2022, such a person shall pay a 42946  
nonrefundable application fee of fifteen dollars at the time of 42947  
application. 42948

(ii) In addition to the nonrefundable application fee, any 42949  
person applying for an NPDES permit under Chapter 6111. of the 42950  
Revised Code shall pay a design flow discharge fee based on each 42951  
point source to which the issuance is applicable in accordance 42952  
with the following schedule: 42953

Design flow discharge (gallons per day)	Fee	
0 to <del>1000</del> <u>1,000</u>	\$ 0	42955
1,001 to <del>5000</del> <u>5,000</u>	100	42956
5,001 to 50,000	200	42957
50,001 to 100,000	300	42958
100,001 to 300,000	525	42959
over 300,000	750	42960

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 42961  
section, the application and design flow discharge fee for an 42962  
NPDES permit for a public discharger identified by the letter I in 42963  
the third character of the NPDES permit number shall not exceed 42964  
nine hundred fifty dollars. 42965

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 42966

section, the application and design flow discharge fee for an 42967  
NPDES permit for a coal mining operation regulated under Chapter 42968  
1513. of the Revised Code shall not exceed four hundred fifty 42969  
dollars per mine. 42970

(v) A person issued a modification of an NPDES permit shall 42971  
pay a nonrefundable modification fee equal to the application fee 42972  
and one-half the design flow discharge fee based on each point 42973  
source, if applicable, that would be charged for an NPDES permit, 42974  
except that the modification fee shall not exceed six hundred 42975  
dollars. 42976

(d) In addition to the application fee established under 42977  
division (S)(1)(c)(i) of this section, any person applying for an 42978  
NPDES general storm water construction permit shall pay a 42979  
nonrefundable fee of twenty dollars per acre for each acre that is 42980  
permitted above five acres at the time the application is 42981  
submitted. However, the per acreage fee shall not exceed three 42982  
hundred dollars. In addition to the application fee established 42983  
under division (S)(1)(c)(i) of this section, any person applying 42984  
for an NPDES general storm water industrial permit shall pay a 42985  
nonrefundable fee of one hundred fifty dollars at the time the 42986  
application is submitted. 42987

(e) The director shall transmit all moneys collected under 42988  
division (S)(1) of this section pursuant to Chapter 6109. of the 42989  
Revised Code to the treasurer of state for deposit into the 42990  
drinking water protection fund created in section 6109.30 of the 42991  
Revised Code. 42992

(f) The director shall transmit all moneys collected under 42993  
division (S)(1) of this section pursuant to Chapter 6111. of the 42994  
Revised Code and under division (S)(3) of this section to the 42995  
treasurer of state for deposit into the surface water protection 42996  
fund created in section 6111.038 of the Revised Code. 42997

(g) If a registration certificate is issued under section 42998  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 42999  
the application fee paid shall be deducted from the amount of the 43000  
registration certificate fee due under division (R)(1), (2), or 43001  
(5) of this section, as applicable. 43002

(h) If a person submits an electronic application for a 43003  
registration certificate, permit, variance, or plan approval for 43004  
which an application fee is established under division (S)(1) of 43005  
this section, the person shall pay all applicable fees as 43006  
expeditiously as possible after the submission of the electronic 43007  
application. An application for a registration certificate, 43008  
permit, variance, or plan approval for which an application fee is 43009  
established under division (S)(1) of this section shall not be 43010  
reviewed or processed until the applicable application fee, and 43011  
any other fees established under this division, are paid. 43012

(2) Division (S)(1) of this section does not apply to an 43013  
application for a registration certificate for a scrap tire 43014  
collection or storage facility submitted under section 3734.75 or 43015  
3734.76 of the Revised Code, as applicable, if the owner or 43016  
operator of the facility or proposed facility is a motor vehicle 43017  
salvage dealer licensed under Chapter 4738. of the Revised Code. 43018

(3) A person applying for coverage under an NPDES general 43019  
discharge permit for household sewage treatment systems shall pay 43020  
the following fees: 43021

(a) A nonrefundable fee of two hundred dollars at the time of 43022  
application for initial permit coverage; 43023

(b) A nonrefundable fee of one hundred dollars at the time of 43024  
application for a renewal of permit coverage. 43025

(T) The director may adopt, amend, and rescind rules in 43026  
accordance with Chapter 119. of the Revised Code that do all of 43027  
the following: 43028

(1) Prescribe fees to be paid by applicants for and holders 43029  
of any license, permit, variance, plan approval, or certification 43030  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 43031  
the Revised Code that are not specifically established in this 43032  
section. The fees shall be designed to defray the cost of 43033  
processing, issuing, revoking, modifying, denying, and enforcing 43034  
the licenses, permits, variances, plan approvals, and 43035  
certifications. 43036

The director shall transmit all moneys collected under rules 43037  
adopted under division (T)(1) of this section pursuant to Chapter 43038  
6109. of the Revised Code to the treasurer of state for deposit 43039  
into the drinking water protection fund created in section 6109.30 43040  
of the Revised Code. 43041

The director shall transmit all moneys collected under rules 43042  
adopted under division (T)(1) of this section pursuant to Chapter 43043  
6111. of the Revised Code to the treasurer of state for deposit 43044  
into the surface water protection fund created in section 6111.038 43045  
of the Revised Code. 43046

(2) Exempt the state and political subdivisions thereof, 43047  
including education facilities or medical facilities owned by the 43048  
state or a political subdivision, or any person exempted from 43049  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 43050  
any fee required by this section; 43051

(3) Provide for the waiver of any fee, or any part thereof, 43052  
otherwise required by this section whenever the director 43053  
determines that the imposition of the fee would constitute an 43054  
unreasonable cost of doing business for any applicant, class of 43055  
applicants, or other person subject to the fee; 43056

(4) Prescribe measures that the director considers necessary 43057  
to carry out this section. 43058

(U) When the director reasonably demonstrates that the direct 43059

cost to the state associated with the issuance of a permit, 43060  
license, variance, plan approval, or certification exceeds the fee 43061  
for the issuance or review specified by this section, the director 43062  
may condition the issuance or review on the payment by the person 43063  
receiving the issuance or review of, in addition to the fee 43064  
specified by this section, the amount, or any portion thereof, in 43065  
excess of the fee specified under this section. The director shall 43066  
not so condition issuances for which a fee is prescribed in 43067  
division (S)(1)(c)(iii) of this section. 43068

(V) Except as provided in divisions (L), (M), (P), and (S) of 43069  
this section or unless otherwise prescribed by a rule of the 43070  
director adopted pursuant to Chapter 119. of the Revised Code, all 43071  
fees required by this section are payable within thirty days after 43072  
the issuance of an invoice for the fee by the director or the 43073  
effective date of the issuance of the license, permit, variance, 43074  
plan approval, or certification. If payment is late, the person 43075  
responsible for payment of the fee shall pay an additional ten per 43076  
cent of the amount due for each month that it is late. 43077

(W) As used in this section, "fuel-burning equipment," 43078  
"fuel-burning equipment input capacity," "incinerator," 43079  
"incinerator input capacity," "process," "process weight rate," 43080  
"storage tank," "gasoline dispensing facility," "dry cleaning 43081  
facility," "design flow discharge," and "new source treatment 43082  
works" have the meanings ascribed to those terms by applicable 43083  
rules or standards adopted by the director under Chapter 3704. or 43084  
6111. of the Revised Code. 43085

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 43086  
(J) of this section, and in any other provision of this section 43087  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 43088  
Code: 43089

(1) "Facility," "federal Clean Air Act," "person," and "Title 43090  
V permit" have the same meanings as in section 3704.01 of the 43091

Revised Code.	43092
(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:	43093 43094 43095
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	43096 43097 43098
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	43099 43100 43101 43102
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	43103 43104 43105
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	43106 43107 43108
(e) Emission and ambient monitoring;	43109
(f) Modeling, analyses, or demonstrations;	43110
(g) Preparing inventories and tracking emissions;	43111
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	43112 43113 43114 43115 43116 43117 43118
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	43119 43120 43121

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 43122  
of this section, each sewage sludge facility shall pay a 43123  
nonrefundable annual sludge fee equal to three dollars and fifty 43124  
cents per dry ton of sewage sludge, including the dry tons of 43125  
sewage sludge in materials derived from sewage sludge, that the 43126  
sewage sludge facility treats or disposes of in this state. The 43127  
annual volume of sewage sludge treated or disposed of by a sewage 43128  
sludge facility shall be calculated using the first day of January 43129  
through the thirty-first day of December of the calendar year 43130  
preceding the date on which payment of the fee is due. 43131

(2)(a) Except as provided in division (Y)(2)(d) of this 43132  
section, each sewage sludge facility shall pay a minimum annual 43133  
sewage sludge fee of one hundred dollars. 43134

(b) The annual sludge fee required to be paid by a sewage 43135  
sludge facility that treats or disposes of exceptional quality 43136  
sludge in this state shall be thirty-five per cent less per dry 43137  
ton of exceptional quality sludge than the fee assessed under 43138  
division (Y)(1) of this section, subject to the following 43139  
exceptions: 43140

(i) Except as provided in division (Y)(2)(d) of this section, 43141  
a sewage sludge facility that treats or disposes of exceptional 43142  
quality sludge shall pay a minimum annual sewage sludge fee of one 43143  
hundred dollars. 43144

(ii) A sewage sludge facility that treats or disposes of 43145  
exceptional quality sludge shall not be required to pay the annual 43146  
sludge fee for treatment or disposal in this state of exceptional 43147  
quality sludge generated outside of this state and contained in 43148  
bags or other containers not greater than one hundred pounds in 43149  
capacity. 43150

A thirty-five per cent reduction for exceptional quality 43151  
sludge applies to the maximum annual fees established under 43152

division (Y)(3) of this section. 43153

(c) A sewage sludge facility that transfers sewage sludge to 43154  
another sewage sludge facility in this state for further treatment 43155  
prior to disposal in this state shall not be required to pay the 43156  
annual sludge fee for the tons of sewage sludge that have been 43157  
transferred. In such a case, the sewage sludge facility that 43158  
disposes of the sewage sludge shall pay the annual sludge fee. 43159  
However, the facility transferring the sewage sludge shall pay the 43160  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43161  
of this section. 43162

In the case of a sewage sludge facility that treats sewage 43163  
sludge in this state and transfers it out of this state to another 43164  
entity for disposal, the sewage sludge facility in this state 43165  
shall be required to pay the annual sludge fee for the tons of 43166  
sewage sludge that have been transferred. 43167

(d) A sewage sludge facility that generates sewage sludge 43168  
resulting from an average daily discharge flow of less than five 43169  
thousand gallons per day is not subject to the fees assessed under 43170  
division (Y) of this section. 43171

(3) No sewage sludge facility required to pay the annual 43172  
sludge fee shall be required to pay more than the maximum annual 43173  
fee for each disposal method that the sewage sludge facility uses. 43174  
The maximum annual fee does not include the additional amount that 43175  
may be charged under division (Y)(5) of this section for late 43176  
payment of the annual sludge fee. The maximum annual fee for the 43177  
following methods of disposal of sewage sludge is as follows: 43178

(a) Incineration: five thousand dollars; 43179

(b) Preexisting land reclamation project or disposal in a 43180  
landfill: five thousand dollars; 43181

(c) Land application, land reclamation, surface disposal, or 43182  
any other disposal method not specified in division (Y)(3)(a) or 43183

(b) of this section: twenty thousand dollars. 43184

(4)(a) In the case of an entity that generates sewage sludge 43185  
or a sewage sludge facility that treats sewage sludge and 43186  
transfers the sewage sludge to an incineration facility for 43187  
disposal, the incineration facility, and not the entity generating 43188  
the sewage sludge or the sewage sludge facility treating the 43189  
sewage sludge, shall pay the annual sludge fee for the tons of 43190  
sewage sludge that are transferred. However, the entity or 43191  
facility generating or treating the sewage sludge shall pay the 43192  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43193  
of this section. 43194

(b) In the case of an entity that generates sewage sludge and 43195  
transfers the sewage sludge to a landfill for disposal or to a 43196  
sewage sludge facility for land reclamation or surface disposal, 43197  
the entity generating the sewage sludge, and not the landfill or 43198  
sewage sludge facility, shall pay the annual sludge fee for the 43199  
tons of sewage sludge that are transferred. 43200

(5) Not later than the first day of April of the calendar 43201  
year following March 17, 2000, and each first day of April 43202  
thereafter, the director shall issue invoices to persons who are 43203  
required to pay the annual sludge fee. The invoice shall identify 43204  
the nature and amount of the annual sludge fee assessed and state 43205  
the first day of May as the deadline for receipt by the director 43206  
of objections regarding the amount of the fee and the first day of 43207  
July as the deadline for payment of the fee. 43208

Not later than the first day of May following receipt of an 43209  
invoice, a person required to pay the annual sludge fee may submit 43210  
objections to the director concerning the accuracy of information 43211  
regarding the number of dry tons of sewage sludge used to 43212  
calculate the amount of the annual sludge fee or regarding whether 43213  
the sewage sludge qualifies for the exceptional quality sludge 43214  
discount established in division (Y)(2)(b) of this section. The 43215

director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund

exceeded six hundred thousand dollars in either fiscal year, the 43247  
director, after review of the fee structure and consultation with 43248  
affected persons, shall issue an order reducing the amount of the 43249  
fees levied under division (Y) of this section so that the 43250  
estimated amount of moneys resulting from the fees will not exceed 43251  
six hundred thousand dollars in any fiscal year. 43252

If, upon review of the fees under division (Y)(7) of this 43253  
section and after the fees have been reduced, the director 43254  
determines that the total amount of moneys collected and 43255  
accumulated is less than six hundred thousand dollars, the 43256  
director, after review of the fee structure and consultation with 43257  
affected persons, may issue an order increasing the amount of the 43258  
fees levied under division (Y) of this section so that the 43259  
estimated amount of moneys resulting from the fees will be 43260  
approximately six hundred thousand dollars. Fees shall never be 43261  
increased to an amount exceeding the amount specified in division 43262  
(Y)(7) of this section. 43263

Notwithstanding section 119.06 of the Revised Code, the 43264  
director may issue an order under division (Y)(7) of this section 43265  
without the necessity to hold an adjudicatory hearing in 43266  
connection with the order. The issuance of an order under this 43267  
division is not an act or action for purposes of section 3745.04 43268  
of the Revised Code. 43269

(8) As used in division (Y) of this section: 43270

(a) "Sewage sludge facility" means an entity that performs 43271  
treatment on or is responsible for the disposal of sewage sludge. 43272

(b) "Sewage sludge" means a solid, semi-solid, or liquid 43273  
residue generated during the treatment of domestic sewage in a 43274  
treatment works as defined in section 6111.01 of the Revised Code. 43275  
"Sewage sludge" includes, but is not limited to, scum or solids 43276  
removed in primary, secondary, or advanced wastewater treatment 43277

processes. "Sewage sludge" does not include ash generated during 43278  
the firing of sewage sludge in a sewage sludge incinerator, grit 43279  
and screenings generated during preliminary treatment of domestic 43280  
sewage in a treatment works, animal manure, residue generated 43281  
during treatment of animal manure, or domestic septage. 43282

(c) "Exceptional quality sludge" means sewage sludge that 43283  
meets all of the following qualifications: 43284

(i) Satisfies the class A pathogen standards in 40 C.F.R. 43285  
503.32(a); 43286

(ii) Satisfies one of the vector attraction reduction 43287  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 43288

(iii) Does not exceed the ceiling concentration limitations 43289  
for metals listed in table one of 40 C.F.R. 503.13; 43290

(iv) Does not exceed the concentration limitations for metals 43291  
listed in table three of 40 C.F.R. 503.13. 43292

(d) "Treatment" means the preparation of sewage sludge for 43293  
final use or disposal and includes, but is not limited to, 43294  
thickening, stabilization, and dewatering of sewage sludge. 43295

(e) "Disposal" means the final use of sewage sludge, 43296  
including, but not limited to, land application, land reclamation, 43297  
surface disposal, or disposal in a landfill or an incinerator. 43298

(f) "Land application" means the spraying or spreading of 43299  
sewage sludge onto the land surface, the injection of sewage 43300  
sludge below the land surface, or the incorporation of sewage 43301  
sludge into the soil for the purposes of conditioning the soil or 43302  
fertilizing crops or vegetation grown in the soil. 43303

(g) "Land reclamation" means the returning of disturbed land 43304  
to productive use. 43305

(h) "Surface disposal" means the placement of sludge on an 43306  
area of land for disposal, including, but not limited to, 43307

monofills, surface impoundments, lagoons, waste piles, or 43308  
dedicated disposal sites. 43309

(i) "Incinerator" means an entity that disposes of sewage 43310  
sludge through the combustion of organic matter and inorganic 43311  
matter in sewage sludge by high temperatures in an enclosed 43312  
device. 43313

(j) "Incineration facility" includes all incinerators owned 43314  
or operated by the same entity and located on a contiguous tract 43315  
of land. Areas of land are considered to be contiguous even if 43316  
they are separated by a public road or highway. 43317

(k) "Annual sludge fee" means the fee assessed under division 43318  
(Y)(1) of this section. 43319

(l) "Landfill" means a sanitary landfill facility, as defined 43320  
in rules adopted under section 3734.02 of the Revised Code, that 43321  
is licensed under section 3734.05 of the Revised Code. 43322

(m) "Preexisting land reclamation project" means a 43323  
property-specific land reclamation project that has been in 43324  
continuous operation for not less than five years pursuant to 43325  
approval of the activity by the director and includes the 43326  
implementation of a community outreach program concerning the 43327  
activity. 43328

**Sec. 3769.07. (A)** Except as otherwise provided in this 43329  
section, no permit shall be issued under sections 3769.01 to 43330  
3769.14 of the Revised Code, authorizing the conduct of a live 43331  
racing program for thoroughbred horses and quarter horses at any 43332  
place, track, or enclosure except between the hours of twelve noon 43333  
and seven p.m., for running horse-racing meetings, except that on 43334  
special events days running horse-racing meetings may begin at 43335  
nine a.m. by application to the state racing commission and except 43336  
that the seven p.m. time may be extended to eight p.m. on a Sunday 43337

or holiday by application to the commission, and no permit shall 43338  
be issued under those sections authorizing the conduct of a live 43339  
racing program for harness horses at any place, track, or 43340  
enclosure except between the hours of twelve noon and twelve 43341  
midnight for light harness horse-racing meetings. The seven p.m. 43342  
and eight p.m. closing times described in this section shall upon 43343  
application to the commission be extended to nine p.m. for any 43344  
running horse-racing meeting conducted between the fifteenth day 43345  
of May and the fifteenth day of September at a track that is 43346  
located more than twenty-five miles from a track located in this 43347  
state where a light harness horse-racing meeting, other than a 43348  
light harness horse-racing meeting at a county fair or independent 43349  
fair, is being conducted and that is located less than twenty-five 43350  
miles from a track located outside this state. A permit issued for 43351  
horse racing at a county fair shall authorize live horse racing to 43352  
begin at nine a.m. 43353

(B) No permit shall be granted for the holding or conducting 43354  
of a horse-racing meeting after the tenth day of December in any 43355  
calendar year, except for racing at winterized tracks. "Winterized 43356  
track" means a track with enclosed club house or grandstand, 43357  
all-weather racing track, heated facilities for jockeys or 43358  
drivers, backstretch facilities that are properly prepared for 43359  
winter racing, and adequate snow removal equipment available. 43360

(C) No permit shall be issued for more than an aggregate of 43361  
fifty-six racing days in any one calendar year, except that an 43362  
additional five days of racing may be approved by the commission 43363  
upon application by a permit holder and except that an additional 43364  
thirty days of racing may be granted for racing at any time after 43365  
the fifteenth day of October and prior to the fifteenth day of 43366  
March to a permit holder who has a winterized facility, but no 43367  
more than thirty such additional days may be issued at any one 43368  
track or enclosure. No more than an aggregate of fifty-six racing 43369

days shall be issued in any one calendar year for any one race 43370  
track, place, or enclosure, except for the additional five days of 43371  
racing for each permit holder which may be approved by the 43372  
commission pursuant to this section, except as provided in 43373  
sections 3769.071 and 3769.13 of the Revised Code, except for 43374  
racing days granted as a result of a winterized facility, and 43375  
except that the commission may issue a second permit for a maximum 43376  
of fifty-six racing days for any one track, place, or enclosure, 43377  
if the commission determines that the issuance of such second 43378  
permit is not against the public interest. No such second permit 43379  
shall be issued: 43380

~~(A)~~(1) For the operation of racing in any county with a 43381  
population of less than seven hundred thousand or for the 43382  
operation of racing in any county which has more than one race 43383  
track at which a racing meet has been authorized, except as 43384  
provided in this division and in sections 3769.071 and 3769.13 of 43385  
the Revised Code, in the same year by the commission. A second 43386  
permit issued pursuant to this division may be issued at either or 43387  
both race tracks in a county that has only two race tracks if a 43388  
racing meet has been authorized at both race tracks in the same 43389  
year by the commission and one race track has been authorized to 43390  
conduct thoroughbred racing meets and the other race track has 43391  
been authorized to conduct harness racing meets. When such second 43392  
permit is issued pursuant to this division for racing at the one 43393  
race track, racing shall not be conducted at that race track on 43394  
the same day that racing is conducted at the other race track in 43395  
the county except by mutual agreement of the two race tracks. 43396

~~(B)~~(2) To any corporation having one or more shareholders 43397  
owning an interest in any other permit issued by the commission 43398  
for the operation of racing, in the same year, at any other race 43399  
track, place, or enclosure in this state; 43400

~~(C)~~(3) To any person, association, or trust which owns, or 43401

which has any members owning, an interest in any other permit 43402  
issued by the commission for the operation of racing, in the same 43403  
year, at any other race track, place, or enclosure in this state. 43404

(D) No permit shall be issued so as to permit live racing 43405  
programs on the same hour at more than one track in one county or 43406  
on tracks in operation in 1975 within fifty miles of each other, 43407  
nor shall any other form of pari-mutuel wagering other than horse 43408  
racing be permitted within seventy-five miles of a track where 43409  
horse racing is being conducted, except that this provision shall 43410  
not apply to a horse-racing meeting held at the state fair or at a 43411  
fair conducted by a county agricultural society or at a fair 43412  
conducted by an independent agricultural society. Distribution of 43413  
days shall not apply to fairs or horse shows not required to 43414  
secure a permit under such section. ~~Notwithstanding~~ 43415

(E) ~~Notwithstanding any other contrary provision of this~~ 43416  
~~chapter, a~~The Revised Code: 43417

(1) No person, association, trust, or corporation may own or 43418  
operate or entity shall be issued permits to conduct horse-racing 43419  
meetings at more than two separate facilities in this state that 43420  
are conducting horse racing meetings at any one time. 43421

(2) No person or entity shall be issued permits to conduct 43422  
thoroughbred horse-racing meetings at more than one facility in 43423  
this state at any one time. 43424

(3) No person or entity shall be a management company for 43425  
persons or entities that have been issued permits to conduct 43426  
horse-racing meetings at more than two facilities in this state at 43427  
any one time. 43428

(4) A person or entity is not prohibited from owning more 43429  
than two facilities in this state at which horse-racing meetings 43430  
are conducted, so long as the person or entity is not in violation 43431  
of division (E)(1), (2), or (3) of this section. 43432

(F) A permit, granted under sections 3769.01 to 3769.14 of the Revised Code, shall be conspicuously displayed during the horse-racing meeting in the principal office at such race track and at all reasonable times shall be exhibited to any authorized person requesting to see the same.

**Sec. 3772.19.** ~~A person~~ No casino operator shall ~~not~~ hold a majority ownership interest in, ~~or be a management company for,~~ more than two casino operator licenses or casino facilities at any one time. ~~A person shall not hold a majority ownership interest in, or be a management company, for more than two tracks at which horse racing where the pari mutuel system of wagering is conducted at any one time, of which not more than one shall be a track for thoroughbred horses.~~ No person shall be a management company for casino operators licensed to operate more than two casino facilities in this state at any one time.

**Sec. 3781.06.** (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the Revised Code shall be construed to limit the power of the division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the

Revised Code do not apply to either of the following: 43463

(1) Buildings or structures that are incident to the use for 43464  
agricultural purposes of the land on which the buildings or 43465  
structures are located, provided those buildings or structures are 43466  
not used in the business of retail trade. For purposes of this 43467  
division, a building or structure is not considered used in the 43468  
business of retail trade if fifty per cent or more of the gross 43469  
income received from sales of products in the building or 43470  
structure by the owner or operator is from sales of products 43471  
produced or raised in a normal crop year on farms owned or 43472  
operated by the seller. 43473

(2) Existing single-family, two-family, and three-family 43474  
detached dwelling houses for which applications have been 43475  
submitted to the director of job and family services pursuant to 43476  
section 5104.03 of the Revised Code for the purposes of operating 43477  
type A family day-care homes as defined in section 5104.01 of the 43478  
Revised Code. 43479

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 43480  
Revised Code: 43481

(1) "Agricultural purposes" include agriculture, farming, 43482  
dairying, pasturage, apiculture, algaculture meaning the farming 43483  
of algae, horticulture, floriculture, viticulture, ornamental 43484  
horticulture, olericulture, pomiculture, and animal and poultry 43485  
husbandry. 43486

(2) "Building" means any structure consisting of foundations, 43487  
walls, columns, girders, beams, floors, and roof, or a combination 43488  
of any number of these parts, with or without other parts or 43489  
appurtenances. 43490

(3) "Industrialized unit" means a building unit or assembly 43491  
of closed construction fabricated in an off-site facility, that is 43492  
substantially self-sufficient as a unit or as part of a greater 43493

structure, and that requires transportation to the site of 43494  
intended use. "Industrialized unit" includes units installed on 43495  
the site as independent units, as part of a group of units, or 43496  
incorporated with standard construction methods to form a 43497  
completed structural entity. "Industrialized unit" does not 43498  
include a manufactured home as defined by division (C)(4) of this 43499  
section or a mobile home as defined by division (O) of section 43500  
4501.01 of the Revised Code. 43501

(4) "Manufactured home" means a building unit or assembly of 43502  
closed construction that is fabricated in an off-site facility and 43503  
constructed in conformance with the federal construction and 43504  
safety standards established by the secretary of housing and urban 43505  
development pursuant to the "Manufactured Housing Construction and 43506  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 43507  
5403, and that has a permanent label or tag affixed to it, as 43508  
specified in 42 U.S.C.A. 5415, certifying compliance with all 43509  
applicable federal construction and safety standards. 43510

(5) "Permanent foundation" means permanent masonry, concrete, 43511  
or a footing or foundation approved by the division of industrial 43512  
compliance of the department of commerce pursuant to Chapter 4781. 43513  
of the Revised Code, to which a manufactured or mobile home may be 43514  
affixed. 43515

(6) "Permanently sited manufactured home" means a 43516  
manufactured home that meets all of the following criteria: 43517

(a) The structure is affixed to a permanent foundation and is 43518  
connected to appropriate facilities; 43519

(b) The structure, excluding any addition, has a width of at 43520  
least twenty-two feet at one point, a length of at least 43521  
twenty-two feet at one point, and a total living area, excluding 43522  
garages, porches, or attachments, of at least nine hundred square 43523  
feet; 43524

(c) The structure has a minimum 3:12 residential roof pitch, 43525  
conventional residential siding, and a six-inch minimum eave 43526  
overhang, including appropriate guttering; 43527

(d) The structure was manufactured after January 1, 1995; 43528

(e) The structure is not located in a manufactured home park 43529  
as defined by section 4781.01 of the Revised Code. 43530

(7) "Safe," with respect to a building, means it is free from 43531  
danger or hazard to the life, safety, health, or welfare of 43532  
persons occupying or frequenting it, or of the public and from 43533  
danger of settlement, movement, disintegration, or collapse, 43534  
whether such danger arises from the methods or materials of its 43535  
construction or from equipment installed therein, for the purpose 43536  
of lighting, heating, the transmission or utilization of electric 43537  
current, or from its location or otherwise. 43538

(8) "Sanitary," with respect to a building, means it is free 43539  
from danger or hazard to the health of persons occupying or 43540  
frequenting it or to that of the public, if such danger arises 43541  
from the method or materials of its construction or from any 43542  
equipment installed therein, for the purpose of lighting, heating, 43543  
ventilating, or plumbing. 43544

(9) "Residential building" means a one-family, two-family, or 43545  
three-family dwelling house, and any accessory structure 43546  
incidental to that dwelling house. "Residential building" includes 43547  
a one-family, two-family, or three-family dwelling house that is 43548  
used as a model to promote the sale of a similar dwelling house. 43549  
"Residential building" does not include an industrialized unit as 43550  
defined by division (C)(3) of this section, a manufactured home as 43551  
defined by division (C)(4) of this section, or a mobile home as 43552  
defined by division (O) of section 4501.01 of the Revised Code. 43553

(10) "Nonresidential building" means any building that is not 43554  
a residential building or a manufactured or mobile home. 43555

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

**Sec. 3781.061.** Whenever a county zoning inspector under section 303.16 of the Revised Code, or a township zoning inspector under section 519.16 of the Revised Code, issues a zoning certificate that declares a specific building or structure is to be used in agriculture, such building is not subject to sections 3781.06 to 3781.20, 3781.40, or 3791.04 of the Revised Code.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless

that code or regulation addresses subject matter not addressed by 43587  
the state residential building code or is adopted pursuant to 43588  
section 3781.01 of the Revised Code. 43589

(3) The rules adopted pursuant to this section are complete, 43590  
lawful alternatives to any requirements specified for buildings or 43591  
industrialized units in any section of the Revised Code. Except as 43592  
otherwise provided in division (I) of this section, the board 43593  
shall, on its own motion or on application made under sections 43594  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 43595  
adopt, modify, amend, or repeal the rules to the extent necessary 43596  
or desirable to effectuate the purposes of sections 3781.06 to 43597  
3781.18 of the Revised Code. 43598

(B) The board shall report to the general assembly proposals 43599  
for amendments to existing statutes relating to the purposes 43600  
declared in section 3781.06 of the Revised Code that public health 43601  
and safety and the development of the arts require and shall 43602  
recommend any additional legislation to assist in carrying out 43603  
fully, in statutory form, the purposes declared in that section. 43604  
The board shall prepare and submit to the general assembly a 43605  
summary report of the number, nature, and disposition of the 43606  
petitions filed under sections 3781.13 and 3781.14 of the Revised 43607  
Code. 43608

(C) On its own motion or on application made under sections 43609  
3781.12 and 3781.13 of the Revised Code, and after thorough 43610  
testing and evaluation, the board shall determine by rule that any 43611  
particular fixture, device, material, process of manufacture, 43612  
manufactured unit or component, method of manufacture, system, or 43613  
method of construction complies with performance standards adopted 43614  
pursuant to section 3781.11 of the Revised Code. The board shall 43615  
make its determination with regard to adaptability for safe and 43616  
sanitary erection, use, or construction, to that described in any 43617  
section of the Revised Code, wherever the use of a fixture, 43618

device, material, method of manufacture, system, or method of 43619  
construction described in that section of the Revised Code is 43620  
permitted by law. The board shall amend or annul any rule or issue 43621  
an authorization for the use of a new material or manufactured 43622  
unit on any like application. No department, officer, board, or 43623  
commission of the state other than the board of building standards 43624  
or the board of building appeals shall permit the use of any 43625  
fixture, device, material, method of manufacture, newly designed 43626  
product, system, or method of construction at variance with what 43627  
is described in any rule the board of building standards adopts or 43628  
issues or that is authorized by any section of the Revised Code. 43629  
Nothing in this section shall be construed as requiring approval, 43630  
by rule, of plans for an industrialized unit that conforms with 43631  
the rules the board of building standards adopts pursuant to 43632  
section 3781.11 of the Revised Code. 43633

(D) The board shall recommend rules, codes, and standards to 43634  
help carry out the purposes of section 3781.06 of the Revised Code 43635  
and to help secure uniformity of state administrative rulings and 43636  
local legislation and administrative action to the bureau of 43637  
workers' compensation, the director of commerce, any other 43638  
department, officer, board, or commission of the state, and to 43639  
legislative authorities and building departments of counties, 43640  
townships, and municipal corporations, and shall recommend that 43641  
they audit those recommended rules, codes, and standards by any 43642  
appropriate action that they are allowed pursuant to law or the 43643  
constitution. 43644

(E)(1) The board shall certify municipal, township, and 43645  
county building departments ~~and~~, the personnel of those building 43646  
departments, ~~and~~ persons described in division (E)(7) of this 43647  
section, and employees of individuals, firms, the state, or 43648  
corporations ~~as~~ described in division (E)(7) of this section to 43649  
exercise enforcement authority, to accept and approve plans and 43650

specifications, and to make inspections, pursuant to sections 43651  
3781.03, 3791.04, and 4104.43 of the Revised Code. 43652

(2) The board shall certify departments, personnel, and 43653  
persons to enforce the state residential building code, to enforce 43654  
the nonresidential building code, or to enforce both the 43655  
residential and the nonresidential building codes. Any department, 43656  
personnel, or person may enforce only the type of building code 43657  
for which certified. 43658

(3) The board shall not require a building department, its 43659  
personnel, or any persons that it employs to be certified for 43660  
residential building code enforcement if that building department 43661  
does not enforce the state residential building code. The board 43662  
shall specify, in rules adopted pursuant to Chapter 119. of the 43663  
Revised Code, the requirements for certification for residential 43664  
and nonresidential building code enforcement, which shall be 43665  
consistent with this division. The requirements for residential 43666  
and nonresidential certification may differ. Except as otherwise 43667  
provided in this division, the requirements shall include, but are 43668  
not limited to, the satisfactory completion of an initial 43669  
examination and, to remain certified, the completion of a 43670  
specified number of hours of continuing building code education 43671  
within each three-year period following the date of certification 43672  
which shall be not less than thirty hours. The rules shall provide 43673  
that continuing education credits and certification issued by the 43674  
council of American building officials, national model code 43675  
organizations, and agencies or entities the board recognizes are 43676  
acceptable for purposes of this division. The rules shall specify 43677  
requirements that are consistent with the provisions of section 43678  
5903.12 of the Revised Code relating to active duty military 43679  
service and are compatible, to the extent possible, with 43680  
requirements the council of American building officials and 43681  
national model code organizations establish. 43682

(4) The board shall establish and collect a certification and 43683  
renewal fee for building department personnel, and persons and 43684  
employees of persons, firms, or corporations as described in this 43685  
section, who are certified pursuant to this division. 43686

(5) Any individual certified pursuant to this division shall 43687  
complete the number of hours of continuing building code education 43688  
that the board requires or, for failure to do so, forfeit 43689  
certification. 43690

(6) This division does not require or authorize the board to 43691  
certify personnel of municipal, township, and county building 43692  
departments, and persons and employees of persons, firms, or 43693  
corporations as described in this section, whose responsibilities 43694  
do not include the exercise of enforcement authority, the approval 43695  
of plans and specifications, or making inspections under the state 43696  
residential and nonresidential building codes. 43697

(7) Enforcement authority for approval of plans and 43698  
specifications and enforcement authority for inspections may be 43699  
exercised, and plans and specifications may be approved and 43700  
inspections may be made on behalf of a municipal corporation, 43701  
township, or county, by any of the following who the board of 43702  
building standards certifies: 43703

(a) Officers or employees of the municipal corporation, 43704  
township, or county; 43705

(b) Persons, or employees of persons, firms, or corporations, 43706  
pursuant to a contract to furnish architectural, engineering, or 43707  
other services to the municipal corporation, township, or county; 43708

(c) Officers or employees of, and persons under contract 43709  
with, a municipal corporation, township, county, health district, 43710  
or other political subdivision, pursuant to a contract to furnish 43711  
architectural, engineering, or other services; 43712

(d) Officers or employees of the division of industrial 43713

compliance in the department of commerce pursuant to a contract 43714  
authorized by division (B) of section 121.083 of the Revised Code. 43715

(8) Municipal, township, and county building departments have 43716  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 43717  
4104.43 of the Revised Code, only with respect to the types of 43718  
buildings and subject matters for which they are certified under 43719  
this section. 43720

(9) A certified municipal, township, or county building 43721  
department may exercise enforcement authority, accept and approve 43722  
plans and specifications, and make inspections pursuant to 43723  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 43724  
park district created pursuant to Chapter 1545. of the Revised 43725  
Code upon the approval, by resolution, of the board of park 43726  
commissioners of the park district requesting the department to 43727  
exercise that authority and conduct those activities, as 43728  
applicable. 43729

(10) Certification shall be granted upon application by the 43730  
municipal corporation, the board of township trustees, or the 43731  
board of county commissioners and approval of that application by 43732  
the board of building standards. The application shall set forth: 43733

(a) Whether the certification is requested for residential or 43734  
nonresidential buildings, or both; 43735

(b) The number and qualifications of the staff composing the 43736  
building department; 43737

(c) The names, addresses, and qualifications of persons, 43738  
firms, or corporations contracting to furnish work or services 43739  
pursuant to division (E)(7)(b) of this section; 43740

(d) The names of any other municipal corporation, township, 43741  
county, health district, or political subdivision under contract 43742  
to furnish work or services pursuant to division (E)(7) of this 43743  
section; 43744

(e) The proposed budget for the operation of the building department. 43745  
43746

(11) The board of building standards shall adopt rules governing all of the following: 43747  
43748

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. 43749  
43750  
The rules shall disqualify any employee of the department or 43751  
43752  
person who contracts for services with the department from 43753  
43754  
performing services for the department when that employee or 43755  
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person would have to pass upon, inspect, or otherwise exercise 43757  
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authority over any labor, material, or equipment the employee or 43759  
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person furnishes for the construction, alteration, or maintenance 43761  
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of a building or the preparation of working drawings or 43763  
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specifications for work within the jurisdictional area of the 43765  
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department. The department shall provide other similarly qualified 43767  
43768  
personnel to enforce the residential and nonresidential building 43769  
43770  
codes as they pertain to that work. 43771  
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(b) The minimum services to be provided by a certified building department. 43774  
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(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards. 43776  
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(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the 43796  
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residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

**Sec. 3781.1010.** (A) No rule of the board of building standards for the erection, construction, repair, alteration, and maintenance of buildings adopted under section 3781.10 of the Revised Code shall require the installation of a storm shelter in any of the following:

(1) Prior to September 15, 2019, a school building operated by a public or private school ~~prior to September 15, 2019,~~ or in any such school building undergoing or about to undergo construction, alteration, repair, or maintenance for which financing has been secured prior to that date. ~~Any~~

(2) Prior to September 15, 2021, any school building operated by a public school, which has undergone a construction, alteration, repair, or maintenance project financed under Chapter 3318. of the Revised Code or under any other state appropriation specifically made for that purpose, or in any such school building for which state-assisted financing has been approved prior to that

date. 43839

(B) Any rule adopted by the board that conflicts with this 43840  
section shall not be effective with respect to any school building 43841  
prior to ~~September 15, 2019~~ the respective date prescribed in 43842  
division (A)(1) or (2) of this section. 43843

(C) As used in this section, "school building," "public 43844  
school," and "private school" have the same meanings as in section 43845  
3781.106 of the Revised Code. 43846

**Sec. 3781.40.** (A) As used in this section: 43847

(1) "Adequate welding standards" means specifications, 43848  
guidelines, tests, and other methods used to ensure that all 43849  
structural steel welds meet, at minimum, the codes and standards 43850  
for such welds established in the American welding society 43851  
structural steel welding code D1.1 and the nonresidential building 43852  
code adopted under section 3781.10 of the Revised Code. 43853

(2) "Certified welding inspector" means a person who has been 43854  
certified by the American welding society to inspect structural 43855  
steel welding projects and conduct welder qualification tests. 43856

(3) "Structural steel welding" means structural welds, weld 43857  
repair, the structural system, and the welding of all primary 43858  
steel members of a structure in accordance with the American 43859  
welding society structural steel welding code D1.1. "Structural 43860  
steel welding" does not include welding that is required by the 43861  
American society of mechanical engineers to have its own 43862  
certification. 43863

(B) A contractor, subcontractor, or construction manager 43864  
whose workers are welding the structural steel on a construction 43865  
project shall ensure that all of the following occur: 43866

(1) The workers performing the structural steel welding have 43867  
been tested by and hold a valid certification from a facility that 43868

or individual who has been accredited by the American welding society to test and certify welders and welding inspectors. 43869  
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(2) All structural steel welds performed for the project meet adequate welding standards and are listed in the project's job specifications. 43871  
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(3) All structural steel welding inspections listed in the project's job specifications are completed by a certified welding inspector. 43874  
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(C) No person shall recklessly fail to comply with this section. 43877  
43878

**Sec. 3798.01.** As used in this chapter: 43879

(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304. 43880  
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~~(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the medicaid director pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.~~ 43883  
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~~(C)~~ "Covered entity," "disclosure," "health care provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103. 43891  
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~~(D)~~(C) "Designated record set" has the same meaning as in 45 C.F.R. 164.501. 43895  
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~~(E)~~(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection 43897  
43898

between the electronic record systems of health care providers 43899  
without the use of a health information exchange. 43900

~~(F)~~(E) "Health care component" and "hybrid entity" have the 43901  
same meanings as in 45 C.F.R. 164.103. 43902

~~(G)~~(F) "Health information exchange" means any person or 43903  
governmental entity that provides in this state a technical 43904  
infrastructure to connect computer systems or other electronic 43905  
devices used by covered entities to facilitate the secure 43906  
transmission of health information. "Health information exchange" 43907  
excludes health care providers engaged in direct exchange, 43908  
including direct exchange through the use of a health information 43909  
service provider. 43910

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy 43911  
of individually identifiable health information in 45 C.F.R. part 43912  
160 and in 45 C.F.R. part 164, subparts A and E. 43913

~~(I)~~(H) "Interoperability" means the capacity of two or more 43914  
information systems to exchange information in an accurate, 43915  
effective, secure, and consistent manner. 43916

~~(J)~~(I) "Minor" means an unemancipated person under eighteen 43917  
years of age or a mentally or physically disabled person under 43918  
twenty-one years of age who meets criteria specified in rules 43919  
adopted by the medicaid director under section 3798.13 of the 43920  
Revised Code. 43921

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 43922  
160.202. 43923

~~(L)~~ "Office of health transformation" means the office of 43924  
health transformation created by executive order 2011-02K or a 43925  
successor governmental entity responsible for health system 43926  
oversight in this state. 43927

~~(M)~~(K) "Personal representative" means a person who has 43928

authority under applicable law to make decisions related to health 43929  
care on behalf of an adult or emancipated minor, or the parent, 43930  
legal guardian, or other person acting in loco parentis who is 43931  
authorized under law to make health care decisions on behalf of an 43932  
unemancipated minor. "Personal representative" does not include 43933  
the parent or legal guardian of, or another person acting in loco 43934  
parentis to, a minor who consents to the minor's own receipt of 43935  
health care or a minor who makes medical decisions on the minor's 43936  
own behalf pursuant to law, court approval, or because the minor's 43937  
parent, legal guardian, or other person acting in loco parentis 43938  
has assented to an agreement of confidentiality between the 43939  
provider and the minor. 43940

~~(N)~~(L) "Political subdivision" means a municipal corporation, 43941  
township, county, school district, or other body corporate and 43942  
politic responsible for governmental activities in a geographic 43943  
area smaller than that of the state. 43944

~~(O)~~(M) "State agency" means any one or more of the following: 43945

- (1) The department of administrative services; 43946
- (2) The department of aging; 43947
- (3) The department of mental health and addiction services; 43948
- (4) The department of developmental disabilities; 43949
- (5) The department of education; 43950
- (6) The department of health; 43951
- (7) The department of insurance; 43952
- (8) The department of job and family services; 43953
- (9) The department of medicaid; 43954
- (10) The department of rehabilitation and correction; 43955
- (11) The department of youth services; 43956
- (12) The bureau of workers' compensation; 43957

- (13) The opportunities for Ohioans with disabilities agency; 43958
- (14) The office of the attorney general; 43959
- (15) A health care licensing board created under Title XLVII 43960  
of the Revised Code that possesses individually identifiable 43961  
health information. 43962

**Sec. 3798.07.** (A) ~~In addition to a covered entity generally~~ 43963  
~~being subject to the conditions specified in divisions (A) to (D)~~ 43964  
~~of section 3798.06 of the Revised Code when the covered entity~~ 43965  
~~discloses protected health information to a health information~~ 43966  
~~exchange without a valid authorization, the~~ A covered entity shall 43967  
~~also~~ be subject to the following conditions when it discloses 43968  
protected health information to a health information exchange: 43969

(1) The covered entity shall restrict disclosure consistent 43970  
with all applicable federal laws governing the disclosure. 43971

(2) If the protected health information concerns a minor, the 43972  
covered entity shall restrict disclosure in a manner that complies 43973  
with laws of this state pertaining to the circumstances under 43974  
which a minor may consent to the minor's own receipt of health 43975  
care or make medical decisions on the minor's own behalf, 43976  
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, 43977  
and 5126.043 of the Revised Code unless the minor authorizes the 43978  
disclosure. 43979

(3) The covered entity shall restrict disclosure in a manner 43980  
that is consistent with a written request from the individual or 43981  
the individual's personal representative to restrict disclosure of 43982  
all of the individual's protected health information. 43983

~~(4) The covered entity shall restrict disclosure in a manner~~ 43984  
~~that is consistent with a written request from the individual or~~ 43985  
~~the individual's personal representative concerning specific~~ 43986  
~~categories of protected health information to the extent that~~ 43987

~~rules adopted pursuant to section 3798.16 of the Revised Code 43988  
require the covered entity to comply with such a request. 43989~~

(B) The conditions in division (A) of this section on a 43990  
covered entity's disclosure of protected health information to a 43991  
health information exchange do not render unenforceable or 43992  
restrict in any manner any of the following: 43993

(1) A provision of the Revised Code that on ~~the effective~~ 43994  
~~date of this section~~ September 10, 2012, requires a person or 43995  
governmental entity to disclose protected health information to a 43996  
state agency, political subdivision, or other governmental entity; 43997

(2) The confidential status of proceedings and records within 43998  
the scope of a peer review committee of a health care entity as 43999  
described in section 2305.252 of the Revised Code; 44000

(3) The confidential status of quality assurance program 44001  
activities and quality assurance records as described in section 44002  
5122.32 of the Revised Code; 44003

(4) The testimonial privilege established by division (B) of 44004  
section 2317.02 of the Revised Code; 44005

(5) Any of the following items that govern the 44006  
confidentiality, privacy, security, or privileged status of 44007  
protected health information in the possession or custody of an 44008  
agency as defined in section 111.15 of the Revised Code; govern 44009  
the process for obtaining from a patient consent to the provision 44010  
of health care or consent for participation in medical or other 44011  
scientific research; govern the process for determining whether an 44012  
adult has a physical or mental impairment or an adult's capacity 44013  
to make health care decisions for purposes of Chapter 5126. of the 44014  
Revised Code; or govern the process for determining whether a 44015  
minor has been emancipated: 44016

(a) A section of the Revised Code that is not in this 44017  
chapter; 44018

(b) A rule as defined in section 119.01 of the Revised Code;	44019
(c) An internal management rule as defined in section 111.15 of the Revised Code;	44020 44021
(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;	44022 44023
(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;	44024 44025
(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;	44026 44027
(g) An ordinance or resolution adopted by a political subdivision;	44028 44029
(h) A professional code of ethics;	44030
(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	44031 44032 44033 44034 44035
<b>Sec. 3798.10.</b> (A) <del>Not later than six months after September</del> <del>10, 2012, the</del> <u>The</u> <del>medicaid director, in consultation with the</del> <del>office of health transformation,</del> shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.	44036 44037 44038 44039 44040 44041 44042 44043
(B) If a form the medicaid director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any person or governmental entity in this state as valid authorization for the use or disclosure of the individual's protected health	44044 44045 44046 44047 44048

information to the persons or governmental entities specified in 44049  
the form. 44050

(C) This section does not preclude a person or governmental 44051  
entity from accepting as valid authorization for the use or 44052  
disclosure of protected health information a form other than the 44053  
form prescribed under division (A) of this section if the other 44054  
form meets all requirements specified in 45 C.F.R. 164.508 and, if 44055  
applicable, 42 C.F.R. part 2. 44056

**Sec. 3901.381.** (A) Except as provided in sections 3901.382, 44057  
3901.383, 3901.384, and 3901.386 of the Revised Code, a 44058  
third-party payer shall process a claim for payment for health 44059  
care services rendered by a provider to a beneficiary in 44060  
accordance with this section. 44061

(B)(1) Unless division (B)(2) or (3) of this section applies, 44062  
when a third-party payer receives from a provider or beneficiary a 44063  
claim on the standard claim form prescribed in rules adopted by 44064  
the superintendent of insurance under section 3902.22 of the 44065  
Revised Code, the third-party payer shall pay or deny the claim 44066  
not later than thirty days after receipt of the claim. When a 44067  
third-party payer denies a claim, the third-party payer shall 44068  
notify the provider and the beneficiary. The notice shall state, 44069  
with specificity, why the third-party payer denied the claim. 44070

(2)(a) Unless division (B)(3) of this section applies, when a 44071  
provider or beneficiary has used the standard claim form, but the 44072  
third-party payer determines that reasonable supporting 44073  
documentation is needed to establish the third-party payer's 44074  
responsibility to make payment, the third-party payer shall pay or 44075  
deny the claim not later than forty-five days after receipt of the 44076  
claim. Supporting documentation includes the verification of 44077  
employer and beneficiary coverage under a benefits contract, 44078  
confirmation of premium payment, medical information regarding the 44079

beneficiary and the services provided, information on the 44080  
responsibility of another third-party payer to make payment or 44081  
confirmation of the amount of payment by another third-party 44082  
payer, and information that is needed to correct material 44083  
deficiencies in the claim related to a diagnosis or treatment or 44084  
the provider's identification. 44085

Not later than thirty days after receipt of the claim, the 44086  
third-party payer shall notify all relevant external sources that 44087  
the supporting documentation is needed. All such notices shall 44088  
state, with specificity, the supporting documentation needed. If 44089  
the notice was not provided in writing, the provider, beneficiary, 44090  
or third-party payer may request the third-party payer to provide 44091  
the notice in writing, and the third-party payer shall then 44092  
provide the notice in writing. If any of the supporting 44093  
documentation is under the control of the beneficiary, the 44094  
beneficiary shall provide the supporting documentation to the 44095  
third-party payer. 44096

The number of days that elapse between the third-party 44097  
payer's last request for supporting documentation within the 44098  
thirty-day period and the third-party payer's receipt of all of 44099  
the supporting documentation that was requested shall not be 44100  
counted for purposes of determining the third-party payer's 44101  
compliance with the time period of not more than forty-five days 44102  
for payment or denial of a claim. Except as provided in division 44103  
(B)(2)(b) of this section, if the third-party payer requests 44104  
additional supporting documentation after receiving the initially 44105  
requested documentation, the number of days that elapse between 44106  
making the request and receiving the additional supporting 44107  
documentation shall be counted for purposes of determining the 44108  
third-party payer's compliance with the time period of not more 44109  
than forty-five days. 44110

(b) If a third-party payer determines, after receiving 44111

initially requested documentation, that it needs additional 44112  
supporting documentation pertaining to a beneficiary's preexisting 44113  
condition, which condition was unknown to the third-party payer 44114  
and about which it was reasonable for the third-party payer to 44115  
have no knowledge at the time of its initial request for 44116  
documentation, and the third-party payer subsequently requests 44117  
this additional supporting documentation, the number of days that 44118  
elapse between making the request and receiving the additional 44119  
supporting documentation shall not be counted for purposes of 44120  
determining the third-party payer's compliance with the time 44121  
period of not more than forty-five days. 44122

(c) When a third-party payer denies a claim, the third-party 44123  
payer shall notify the provider and the beneficiary. The notice 44124  
shall state, with specificity, why the third-party payer denied 44125  
the claim. 44126

(d) If a third-party payer determines that supporting 44127  
documentation related to medical information is routinely 44128  
necessary to process a claim for payment of a particular health 44129  
care service, the third-party payer shall establish a description 44130  
of the supporting documentation that is routinely necessary and 44131  
make the description available to providers in a readily 44132  
accessible format. 44133

Third-party payers and providers shall, in connection with a 44134  
claim, use the most current CPT code in effect, as published by 44135  
the American medical association, the most current ICD-10 code in 44136  
effect, as published by the United States department of health and 44137  
human services, the most current CDT code in effect, as published 44138  
by the American dental association, or the most current HCPCS code 44139  
in effect, as published by the United States ~~health care financing~~ 44140  
administration centers for medicare and medicaid services. 44141

(3) When a provider or beneficiary submits a claim by using 44142  
the standard claim form prescribed in the superintendent's rules, 44143

but the information provided in the claim is materially deficient, 44144  
the third-party payer shall notify the provider or beneficiary not 44145  
later than fifteen days after receipt of the claim. The notice 44146  
shall state, with specificity, the information needed to correct 44147  
all material deficiencies. Once the material deficiencies are 44148  
corrected, the third-party payer shall proceed in accordance with 44149  
division (B)(1) or (2) of this section. 44150

It is not a violation of the notification time period of not 44151  
more than fifteen days if a third-party payer fails to notify a 44152  
provider or beneficiary of material deficiencies in the claim 44153  
related to a diagnosis or treatment or the provider's 44154  
identification. A third-party payer may request the information 44155  
necessary to correct these deficiencies after the end of the 44156  
notification time period. Requests for such information shall be 44157  
made as requests for supporting documentation under division 44158  
(B)(2) of this section, and payment or denial of the claim is 44159  
subject to the time periods specified in that division. 44160

(C) For purposes of this section, if a dispute exists between 44161  
a provider and a third-party payer as to the day a claim form was 44162  
received by the third-party payer, both of the following apply: 44163

(1) If the provider or a person acting on behalf of the 44164  
provider submits a claim directly to a third-party payer by mail 44165  
and retains a record of the day the claim was mailed, there exists 44166  
a rebuttable presumption that the claim was received by the 44167  
third-party payer on the fifth business day after the day the 44168  
claim was mailed, unless it can be proven otherwise. 44169

(2) If the provider or a person acting on behalf of the 44170  
provider submits a claim directly to a third-party payer 44171  
electronically, there exists a rebuttable presumption that the 44172  
claim was received by the third-party payer twenty-four hours 44173  
after the claim was submitted, unless it can be proven otherwise. 44174

(D) Nothing in this section requires a third-party payer to provide more than one notice to an employer whose premium for coverage of employees under a benefits contract has not been received by the third-party payer.

(E) Compliance with the provisions of division (B)(3) of this section shall be determined separately from compliance with the provisions of divisions (B)(1) and (2) of this section.

(F) A third-party payer shall transmit electronically any payment with respect to claims that the third-party payer receives electronically and pays to a contracted provider under this section and under sections 3901.383, 3901.384, and 3901.386 of the Revised Code. A provider shall not refuse to accept a payment made under this section or sections 3901.383, 3901.384, and 3901.386 of the Revised Code on the basis that the payment was transmitted electronically.

**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:

(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;

(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program, ~~except that if a federal waiver applied for~~

~~under section 5167.25 of the Revised Code is granted or the 44205  
medicaid director determines that this provision can be 44206  
implemented without a waiver, sections 3901.38 and 3901.381 to 44207  
3901.3813 of the Revised Code apply to claims submitted 44208  
electronically or non-electronically that are made with respect to 44209  
coverage of medicaid recipients by health insuring corporations 44210  
licensed under Chapter 1751. of the Revised Code, instead of the 44211  
prompt payment requirements of 42 C.F.R. 447.46; 44212~~

(E) A third-party payer for coverage provided under the 44213  
tricare program offered by the United States department of 44214  
defense. 44215

**Sec. 3901.89.** (A) As used in this section: 44216

(1) "Full-time employee" means an employee working an average 44217  
of at least thirty hours of service per week during a calendar 44218  
month, or at least one hundred thirty hours of service during the 44219  
calendar month. 44220

(2) "Group policyholder" means a policyholder for a health 44221  
insurance policy covering fifty or more full-time employees. 44222  
"Group policyholder" includes an authorized representative of a 44223  
group policyholder. 44224

(3) "Health plan issuer" has the same meaning as in section 44225  
3922.01 of the Revised Code. 44226

(B)(1)(a) A health plan issuer shall, upon request, release 44227  
to each group policyholder monthly claims data and shall provide 44228  
this data within thirty business days of receipt of the request. 44229

(b) A health plan issuer shall not be required to release 44230  
claims information as required in division (B)(1)(a) of this 44231  
section more than once per calendar year per group policyholder. 44232

(2) The data released shall include all of the following with 44233  
regard to the policy in question for the policy period immediately 44234

<u>preceding or the current policy period, as requested by the</u>	44235
<u>policyholder:</u>	44236
<u>(a) The net claims paid or incurred by month;</u>	44237
<u>(b)(i) If the group policyholder is an employer, the monthly</u>	44238
<u>enrollment data by employee only, employee and spouse, and</u>	44239
<u>employee and family;</u>	44240
<u>(ii) If the group policyholder is not an employer, the</u>	44241
<u>monthly enrollment data shall be provided and organized in a</u>	44242
<u>relevant manner.</u>	44243
<u>(c) Monthly prescription claims information;</u>	44244
<u>(d) Paid claims over thirty thousand dollars, including claim</u>	44245
<u>identifier other than name and the date of occurrence, the amount</u>	44246
<u>paid toward each claim, and claimant health condition or</u>	44247
<u>diagnosis.</u>	44248
<u>(C) A health plan issuer that discloses data or information</u>	44249
<u>in compliance with division (B) of this section may condition any</u>	44250
<u>such disclosure upon the execution of an agreement with the</u>	44251
<u>policyholder absolving the health plan issuer from civil liability</u>	44252
<u>related to the use of such data or information.</u>	44253
<u>(D) A health plan issuer that provides data or information in</u>	44254
<u>compliance with division (B) of this section shall be immune from</u>	44255
<u>civil liability for any acts or omissions of any person's</u>	44256
<u>subsequent use of such data or information.</u>	44257
<u>(E) This section shall not be construed as authorizing the</u>	44258
<u>disclosure of the identity of a particular individual covered</u>	44259
<u>under the group policy, nor the disclosure of any covered</u>	44260
<u>individual's particular health insurance claim, condition, or</u>	44261
<u>diagnosis, which would violate federal or state law.</u>	44262
<u>(F) A group policyholder is entitled to receive protected</u>	44263
<u>health information under this section only after an appropriately</u>	44264

authorized representative of the group policyholder makes to the 44265  
health plan issuer a certification substantially similar to the 44266  
following: 44267

"I hereby certify and have demonstrated that the plan 44268  
documents comply with the requirements of 45 C.F.R. 164.504(f)(2) 44269  
and that the group policyholder will safeguard and limit the use 44270  
and disclosure of protected health information that the 44271  
policyholder may receive from the group health plan to perform 44272  
plan administration functions." 44273

(G) A group policyholder that does not provide the 44274  
certification required in division (F) of this section is not 44275  
entitled to receive the protected health information described in 44276  
division (B)(2)(d) of this section, but is entitled to receive a 44277  
report of claim information that includes the other information 44278  
described under division (B) of this section. 44279

(H) Committing a series of violations of this section that, 44280  
taken together, constitute a practice or pattern shall be 44281  
considered an unfair or deceptive practice under sections 3901.19 44282  
to 3901.26 of the Revised Code. 44283

(I) Nothing in this section shall be construed as prohibiting 44284  
a health plan issuer from disclosing additional claims information 44285  
beyond what is required by this section. 44286

**Sec. 3901.95.** A direct primary care agreement that meets all 44287  
of the following shall not be considered insurance and nothing in 44288  
Title XXXIX or Chapter 1739., 1751., or 1753. of the Revised Code 44289  
shall apply to such an agreement: 44290

(A) It is in writing. 44291

(B) It is between a patient, or that patient's legal 44292  
representative, and a health care provider and is related to 44293  
services to be provided in exchange for the payment of a fee to be 44294

<u>paid on a periodic basis.</u>	44295
<u>(C) It allows either party to terminate the agreement as specified in the agreement.</u>	44296 44297
<u>(D) It requires termination to be accomplished through written notification.</u>	44298 44299
<u>(E) It permits termination to take effect immediately upon the other party's receipt of the notification or not more than sixty days after the other party's receipt of the notification.</u>	44300 44301 44302
<u>(F) It does not impose a termination penalty or require payment of a termination fee.</u>	44303 44304
<u>(G) It describes the health care services to be provided under the agreement and the basis on which a periodic fee is to be paid in exchange for those services.</u>	44305 44306 44307
<u>(H) It specifies the periodic fee required and any additional fees that may be charged.</u>	44308 44309
<u>(I) It authorizes the periodic fee and any additional fees to be paid by a third party.</u>	44310 44311
<u>(J) It prohibits the health services provider from charging or receiving any fee other than the fees prescribed in the agreement for those services prescribed in the agreement.</u>	44312 44313 44314
<u>(K) It conspicuously and prominently states that the agreement is not health insurance, is not subject to the insurance laws of this state, and does not meet any individual health insurance mandate that may be required under federal law.</u>	44315 44316 44317 44318
<b><u>Sec. 3902.30. (A) As used in this section:</u></b>	44319
<u>(1) "Health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.</u>	44320 44321 44322
<u>(2) "Health care professional" means any of the following:</u>	44323

(a) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 44324  
44325  
44326

(b) A physician assistant licensed under Chapter 4731. of the Revised Code; 44327  
44328

(c) An advanced practice registered nurse as defined in section 4723.01 of the Revised Code. 44329  
44330

(3) "In-person health care services" means health care services delivered by a health care professional through the use of any communication method where the professional and patient are simultaneously present in the same geographic location. 44331  
44332  
44333  
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(4) "Recipient" means a patient receiving health care services or a health care professional with whom the provider of health care services is consulting regarding the patient. 44335  
44336  
44337

(5) "Telemedicine services" means a mode of providing health care services through synchronous or asynchronous information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where the recipient is located. 44338  
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(B)(1) A health benefit plan shall provide coverage for telemedicine services on the same basis and to the same extent that the plan provides coverage for the provision of in-person health care services. 44343  
44344  
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44346

(2) A health benefit plan shall not exclude coverage for a service solely because it is provided as a telemedicine service. 44347  
44348

(C) A health benefit plan shall not impose any annual or lifetime benefit maximum in relation to telemedicine services other than such a benefit maximum imposed on all benefits offered under the plan. 44349  
44350  
44351  
44352

(D) This section shall not be construed as prohibiting a 44353

health benefit plan from assessing cost-sharing requirements to a 44354  
covered individual for telemedicine services, provided that such 44355  
cost-sharing requirements for telemedicine services are not 44356  
greater than those for comparable in-person health care services. 44357

(E) This section shall not be construed as requiring a health 44358  
plan issuer to reimburse a physician for any costs or fees 44359  
associated with the provision of telemedicine services that would 44360  
be in addition to or greater than the standard reimbursement for 44361  
comparable in-person health care services. 44362

(F) This section applies to all health benefit plans issued, 44363  
offered, or renewed on or after January 1, 2021. 44364

**Sec. 3902.50.** As used in sections 3902.50 to 3902.54 of the 44365  
Revised Code: 44366

(A) "Covered person," "health benefit plan," "health care 44367  
services," and "health plan issuer" have the same meanings as in 44368  
section 3922.01 of the Revised Code. 44369

(B) "Emergency services" means all of the following as 44370  
described in 42 U.S.C. 1395dd: 44371

(1) Medical screening examinations undertaken to determine 44372  
whether an emergency medical condition exists; 44373

(2) Treatment necessary to stabilize an emergency medical 44374  
condition; 44375

(3) Appropriate transfers undertaken prior to an emergency 44376  
medical condition being stabilized. 44377

(C) "Health care practitioner" has the same meaning as in 44378  
section 3701.74 of the Revised Code. 44379

(D) "Hospital" has the same meaning as in section 3701.01 of 44380  
the Revised Code. 44381

(E) "Unanticipated out-of-network care" means health care 44382

services that are covered under a health benefit plan and that are 44383  
provided by an out-of-network health care practitioner when either 44384  
of the following conditions applies: 44385

(1) The covered person did not have the ability to request 44386  
such services from an in-network health care practitioner. 44387

(2) The services provided were emergency services. 44388

(F) "Cost-sharing" means the cost to an individual covered 44389  
under a health benefit plan according to any coverage limit, 44390  
copayment, coinsurance, deductible, or other out-of-pocket expense 44391  
requirements imposed by a health benefit plan. 44392

(G) "Usual and customary fee" means the eightieth percentile 44393  
of all charges for the particular health care service performed by 44394  
a health care practitioner in the same or similar specialty and 44395  
provided in the same geographical area as reported in the 44396  
benchmarking database maintained by a nonprofit organization 44397  
specified by the superintendent of insurance pursuant to division 44398  
(A) of section 3902.54 of the Revised Code. 44399

**Sec. 3902.51.** (A) For unanticipated out-of-network care, the 44400  
health care practitioner shall not bill a covered person for the 44401  
difference between the health plan issuer's reimbursement and the 44402  
health care practitioner's charge for the services. 44403

(B) A health plan issuer shall reimburse an out-of-network 44404  
health care practitioner for unanticipated out-of-network care 44405  
when the care is provided to a covered person at a hospital that 44406  
is in the covered person's health benefit plan provider network. 44407

(C) A health care practitioner shall bill a health plan 44408  
issuer for unanticipated out-of-network care, and the health plan 44409  
issuer shall, within thirty days, either pay the billed amount or 44410  
attempt to negotiate reimbursement with the practitioner. 44411

(D)(1) If a health care practitioner and a health plan issuer 44412

do not agree on a negotiated reimbursement within sixty days of 44413  
the start of negotiations, the health plan issuer or health care 44414  
practitioner may initiate binding arbitration to determine the 44415  
reimbursement amount for unanticipated out-of-network care on a 44416  
per bill basis if the bill meets the criteria described in 44417  
division (B) of section 3902.53 of the Revised Code. 44418

(2) The party requesting arbitration shall notify the other 44419  
party that arbitration has been initiated and state its final 44420  
offer before arbitration. In response to such a notice, the 44421  
non-requesting party shall inform the requesting party of its 44422  
final offer before the arbitration occurs. 44423

(3) Arbitration shall be initiated by filing a request with 44424  
the superintendent of insurance. 44425

(4) A health plan issuer shall not deny coverage in relation 44426  
to a bill after arbitration on that bill has been initiated 44427  
pursuant to division (D)(3) of this section. 44428

(E) Sections 3901.38 to 3901.3814 of the Revised Code shall 44429  
not apply with respect to a claim during a period of negotiation 44430  
or arbitration under this section. 44431

(F) A health plan issuer shall not require cost-sharing for 44432  
unanticipated out-of-network care at a rate higher than if the 44433  
care were provided by an in-network health care practitioner. 44434

(G) For health care services, other than unanticipated 44435  
out-of-network care, that are covered under a health benefit plan 44436  
but are provided by an out-of-network health care practitioner, 44437  
the practitioner shall not bill a covered person for the 44438  
difference between the health plan issuer's out-of-network 44439  
reimbursement and the practitioner's charge for the services 44440  
unless all of the following conditions are met: 44441

(1) The health care practitioner informs the covered person 44442  
that the practitioner is not in the person's health benefit plan 44443

provider network. 44444

(2) The health care practitioner provides the covered person 44445  
a good faith estimate of the cost of the health care services. 44446  
This estimate shall contain a disclaimer that the covered person 44447  
is not required to obtain the services at that location or from 44448  
that practitioner. 44449

(3) The covered person affirmatively consents to receive the 44450  
health care services. 44451

(H) Nothing in this section is subject to the provisions of 44452  
section 3901.71 of the Revised Code. 44453

**Sec. 3902.52.** (A) When arbitration is requested under 44454  
division (D) of section 3902.51 of the Revised Code, the 44455  
superintendent of insurance shall appoint an arbitrator within ten 44456  
days of receiving the request. 44457

(B) The arbitration shall consist of a review of the written 44458  
documentation submitted by both parties to the arbitrator. The 44459  
parties shall submit to the arbitrator all required documentation 44460  
as soon as is practicable. 44461

(C) The arbitrator shall make a decision and provide that 44462  
decision in writing to both parties and to the superintendent 44463  
within thirty days after the appointment of the arbitrator. 44464

(D) An arbitrator arbitrating a dispute between a health plan 44465  
issuer and a health care practitioner shall only award either the 44466  
health plan issuer's reimbursement offer or the health care 44467  
practitioner's billed amount. 44468

(E) In reaching a decision under division (D) of this 44469  
section, an arbitrator shall consider all of the following 44470  
factors: 44471

(1) Whether there is a gross disparity between the health 44472  
care practitioner's billed amount and either of the following: 44473

<u>(a) Payments made to the practitioner for the same health care services rendered in other recent instances in which the practitioner was out-of-network;</u>	44474
	44475
	44476
<u>(b) Recent fees paid by the health plan issuer to reimburse similarly qualified out-of-network practitioners for the same services in the same geographic region.</u>	44477
	44478
	44479
<u>(2) The level of training, education, and experience of the practitioner;</u>	44480
	44481
<u>(3) The practitioner's usual charge for comparable services when the practitioner is out-of-network;</u>	44482
	44483
<u>(4) The circumstances and complexity of the particular case, including the time and place of the service;</u>	44484
	44485
<u>(5) Individual patient characteristics;</u>	44486
<u>(6) Rates, including historical rates, between the fiftieth percentile of contracted rates and the eightieth percentile of billed charges in the practitioner's geographical area using the first three numbers in the practitioner's zip code according to a benchmarking database maintained by a nonprofit organization specified by the superintendent pursuant to division (A) of section 3902.54 of the Revised Code;</u>	44487
	44488
	44489
	44490
	44491
	44492
	44493
<u>(7) The history of network contracting between the parties;</u>	44494
<u>(8) Any additional criteria as determined by the arbitrator.</u>	44495
<u>(F)(1) An arbitrator may direct both parties to attempt a good faith negotiation if the arbitrator determines either of the following to be true:</u>	44496
	44497
	44498
<u>(a) A settlement between the parties is reasonably likely.</u>	44499
<u>(b) Both the health care practitioner's charge and the health plan issuer's reimbursement offer are unreasonable.</u>	44500
	44501
<u>(2) Negotiations undertaken pursuant to division (F)(1) of</u>	44502

this section shall take not more than ten days, but in any case 44503  
shall conclude within the thirty-day time period identified in 44504  
division (C) of this section. 44505

(G) The determination of the arbitrator shall be binding and 44506  
shall be admissible in any court proceeding between the health 44507  
care practitioner and health plan issuer, or in any proceeding 44508  
between the state and the practitioner. 44509

(H) An arbitrator's fees shall be paid as follows: 44510

(1) By the non-prevailing party; 44511

(2) By both parties equally if the parties reach a settlement 44512  
as a result of negotiations undertaken pursuant to division (F) of 44513  
this section. 44514

**Sec. 3902.53.** (A) Sections 3902.50 to 3902.54 of the Revised 44515  
Code shall not apply to health care services, including emergency 44516  
services, for which health care practitioner fees are subject to 44517  
schedules or other monetary limitations under any other law, 44518  
including Chapters 4121. and 4123. of the Revised Code, and to 44519  
Medicaid managed care plans. 44520

(B) A bill for unanticipated out-of-network care shall be 44521  
subject to the arbitration provisions of sections 3902.51 and 44522  
3902.52 of the Revised Code only if the amount billed exceeds both 44523  
of the following: 44524

(1) One hundred twenty per cent of the usual and customary 44525  
amount for the service in question; 44526

(2) Seven hundred dollars. 44527

**Sec. 3902.54.** (A) The superintendent shall specify the 44528  
benchmarking database described in division (G) of section 3902.50 44529  
and division (E)(6) of section 3902.52 of the Revised Code. The 44530  
superintendent shall not select a nonprofit organization that is 44531

affiliated with or receives funding from a health plan issuer. 44532

(B) The superintendent shall adopt rules as necessary to 44533  
implement sections 3902.50 to 3902.54 of the Revised Code. The 44534  
rules shall at minimum address all of the following: 44535

(1) The certification of arbitrators to carry out the 44536  
arbitration process provided under section 3902.52 of the Revised 44537  
Code; 44538

(2) The payment of an arbitrator's fees under division (H) of 44539  
section 3902.52 of the Revised Code; 44540

(3) Any other items the superintendent considers necessary to 44541  
implement sections 3902.50 to 3902.54 of the Revised Code. 44542

**Sec. 3902.60.** A health plan issuer, as defined in section 44543  
3922.01 of the Revised Code, shall provide to its covered persons 44544  
and their representatives estimates of the costs of health care 44545  
services and procedures to at least the same extent it is required 44546  
to do so by federal law. The superintendent of insurance has no 44547  
authority to enforce this section. 44548

**Sec. 3904.13.** No insurance institution, agent, or insurance 44549  
support organization shall disclose any personal or privileged 44550  
information about an individual collected or received in 44551  
connection with an insurance transaction, unless the disclosure is 44552  
made pursuant to any of the following: 44553

(A) With the written authorization of the individual, 44554  
provided: 44555

(1) If such authorization is submitted by another insurance 44556  
institution, agent, or insurance support organization, the 44557  
authorization meets the requirements of section 3904.06 of the 44558  
Revised Code; 44559

(2) If such authorization is submitted by a person other than an insurance institution, agent, or insurance support organization, the authorization is dated, signed by the individual, and obtained one year or less prior to the date a disclosure is sought under this division.

(B) To a person other than an insurance institution, agent, or insurance support organization, provided such disclosure is reasonably necessary for the following reasons:

(1) To enable such person to perform a business, professional, or insurance function for the disclosing insurance institution, agent, or insurance support organization, and such person agrees not to disclose the information further without the individual's written authorization unless the further disclosure either:

(a) Would otherwise be permitted by this section if made by an insurance institution, agent, or insurance support organization;

(b) Is reasonably necessary for such person to perform ~~its~~ the person's function for the disclosing insurance institution, agent, or insurance support organization.

(2) To enable such person to provide information to the disclosing insurance institution, agent, or insurance support organization for the purpose of either:

(a) Determining an individual's eligibility for an insurance benefit or payment;

(b) Detecting or preventing criminal activity, fraud, material misrepresentation, or material nondisclosure in connection with an insurance transaction.

(C) To an insurance institution, agent, insurance support organization, or self-insurer, provided the information disclosed

is limited to that which is reasonably necessary either: 44590

(1) To detect or prevent criminal activity, fraud, material 44591  
misrepresentation, or material nondisclosure in connection with 44592  
insurance transactions; 44593

(2) For either the disclosing or receiving insurance 44594  
institution, agent, or insurance support organization to perform 44595  
its function in connection with an insurance transaction involving 44596  
the individual. 44597

(D) To a medical care institution or medical professional for 44598  
the purpose of verifying insurance coverage or benefits, informing 44599  
an individual of a medical problem of which the individual may not 44600  
be aware, or conducting an operations or services audit to verify 44601  
the individuals treated by the medical professional or at the 44602  
medical care institution. However, only such information may be 44603  
disclosed as is reasonably necessary to accomplish any of the 44604  
purposes set forth in this division. 44605

(E) To an insurance regulatory authority; 44606

(F) To a law enforcement or other governmental authority to 44607  
protect the interests of the insurance institution, agent, or 44608  
insurance support organization in preventing or prosecuting the 44609  
perpetration of fraud upon it; or if the insurance institution, 44610  
agent or insurance support organization reasonably believes that 44611  
illegal activities have been conducted by the individual; 44612

(G) As otherwise permitted or required by law; 44613

(H) In response to a facially valid administrative or 44614  
judicial order, including a search warrant or subpoena; 44615

(I) Made for the purpose of conducting actuarial or research 44616  
studies, provided the following conditions are met: 44617

(1) No individual may be identified in any actuarial or 44618  
research report; 44619

(2) Materials allowing the individual to be identified are 44620  
returned or destroyed as soon as they are no longer needed; 44621

(3) The actuarial or research organization agrees not to 44622  
disclose the information unless the disclosure would otherwise be 44623  
permitted by this section if made by an insurance institution, 44624  
agent, or insurance support organization. 44625

(J) To a party or representative of a party to a proposed or 44626  
consummated sale, transfer, merger, or consolidation of all or 44627  
part of the business of the insurance institution, agent, or 44628  
insurance support organization, provided the following conditions 44629  
are met: 44630

(1) Prior to the consummation of the sale, transfer, merger, 44631  
or consolidation, only such information is disclosed as is 44632  
reasonably necessary to enable the recipient to make business 44633  
decisions about the purchase, transfer, merger, or consolidation; 44634

(2) The recipient agrees not to disclose the information, 44635  
unless the disclosure would otherwise be permitted by this section 44636  
if made by an insurance institution, agent, or insurance support 44637  
organization. 44638

(K) To a person whose only use of such information will be in 44639  
connection with the marketing of a product or service, provided 44640  
the following conditions are met: 44641

(1) No medical record information, privileged information, or 44642  
personal information relating to an individual's character, 44643  
personal habits, mode of living, or general reputation is 44644  
disclosed, and no classification derived from such information is 44645  
disclosed; 44646

(2) The individual has been given an opportunity to indicate 44647  
that ~~he~~ the individual does not want personal information 44648  
disclosed for marketing purposes and has given no indication that 44649  
~~he~~ the individual does not want the information disclosed; 44650

(3) The person receiving such information agrees not to use it except in connection with the marketing of a product or service.

(L) To an affiliate whose only use of the information will be in connection with an audit of the insurance institution or agent or the marketing of an insurance product or service, provided the affiliate agrees not to disclose the information for any other purpose or to unaffiliated persons;

(M) By a consumer reporting agency, provided the disclosure is to a person other than an insurance institution or agent;

(N) To a group policyholder for the purpose of reporting claims experience or conducting an audit of the insurance institution's or agent's operations or services, provided the information disclosed is reasonably necessary for the group policyholder to conduct the review or audit;

(O) To a group policy holder as provided in section 3901.89 of the Revised Code;

(P) To a professional peer review organization for the purpose of reviewing the service or conduct of a medical care institution or medical professional;

~~(P)~~(Q) To a governmental authority for the purpose of determining the individual's eligibility for health benefits for which the governmental authority may be liable;

~~(Q)~~(R) To a certificate holder or policyholder for the purpose of providing information regarding the status of an insurance transaction;

~~(R)~~(S) To a lienholder, mortgagee, assignee, lessor, or other person shown on the records of an insurance institution or agent as having a legal or beneficial interest in a policy of insurance, provided the following conditions are met:

(1) No medical record information is disclosed unless the disclosure would otherwise be permitted by this section;

(2) The information disclosed is limited to that which is reasonably necessary to permit such person to protect its interests in such policy.

Sec. 3923.87. Each sickness and accident insurer or public employee benefit plan shall comply with the requirements of section 3959.20 of the Revised Code as they pertain to health plan issuers.

As used in this section, "health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.

**Sec. 3953.231.** (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code.

(2) The account shall be established and maintained in any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state.

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all 44710  
non-directed escrow funds that are nominal in amount or are to be 44711  
held for a short period of time into the account established under 44712  
division (A) of this section no later than the next business day 44713  
after receipt. 44714

(C) Each account established under division (A) of this 44715  
section shall comply with all of the following: 44716

(1) All funds in the account shall be subject to withdrawal 44717  
or transfer upon request and without delay, or as soon as 44718  
permitted by law; 44719

(2) The rate of interest payable on the account shall not be 44720  
less than the rate paid by the bank, savings and loan, credit 44721  
union, or savings bank to its regular depositors. The rate may be 44722  
higher if there is no impairment of the right to the immediate 44723  
withdrawal or transfer of the principal; 44724

(3) All interest earned on the account, net of service 44725  
charges and other related charges, shall be transmitted to the 44726  
treasurer of state for deposit in the legal aid fund established 44727  
under section 120.52 of the Revised Code. No part of the interest 44728  
earned shall be paid to the title insurance agent or company. 44729

(D) The title insurance agent or company establishing an 44730  
account under division (A) of this section shall direct the bank, 44731  
savings and loan association, credit union, or savings bank to do 44732  
both of the following: 44733

(1) Remit interest or dividends on the average monthly 44734  
balance in the account, or as otherwise computed in accordance 44735  
with the standard accounting practice of the bank, savings and 44736  
loan association, credit union, or savings bank, less reasonable 44737  
service charges and other related charges, to the treasurer of 44738  
state at least quarterly for deposit in the legal aid fund 44739  
established under section 120.52 of the Revised Code; 44740

(2) At the time of each remittance, transmit to the treasurer 44741  
of state, and if requested, to the Ohio ~~legal assistance~~ access to 44742  
justice foundation, and the title insurance agent or company, a 44743  
statement showing the name of the title insurance agent or company 44744  
for whom the remittance is sent, the rate of interest applied, the 44745  
accounting period, the net amount remitted to the treasurer of 44746  
state for each account, the total remitted, the average account 44747  
balance for each month of the period for which the report is made, 44748  
and the amount deducted for service charges and other related 44749  
charges. 44750

(E) The statements and reports submitted by the bank, savings 44751  
and loan association, credit union, or savings bank under this 44752  
section, are not public records subject to section 149.43 of the 44753  
Revised Code and shall be used only to administer the legal aid 44754  
fund. 44755

(F) No funds belonging to a title insurance agent or company 44756  
shall be deposited into an account established under division (A) 44757  
of this section except funds necessary to pay service charges and 44758  
other related charges of the bank, savings and loan association, 44759  
credit union, or savings bank that are in excess of earnings on 44760  
the account. 44761

(G) No liability arising out of any negligent act or omission 44762  
of any title insurance agent or company with respect to any 44763  
account established under division (A) of this section shall be 44764  
imputed to the bank, savings and loan association, credit union, 44765  
or savings bank. 44766

(H) No liability or responsibility arising out of any 44767  
negligent act or omission of any title insurance agent with 44768  
respect to any account established under division (A) of this 44769  
section shall be imputed to a title insurance company. 44770

(I) The superintendent may adopt, in accordance with Chapter 44771

119. of the Revised Code, rules that pertain to the use of 44772  
accounts established under division (A) of this section and to the 44773  
enforcement of this section. 44774

**Sec. 3959.12.** (A) Any license issued under sections 3959.01 44775  
to 3959.16 of the Revised Code may be suspended for a period not 44776  
to exceed two years, revoked, or not renewed by the superintendent 44777  
of insurance after notice to the licensee and hearing in 44778  
accordance with Chapter 119. of the Revised Code. The 44779  
superintendent may suspend, revoke, or refuse to renew a license 44780  
if upon investigation and proof the superintendent finds that the 44781  
licensee has done any of the following: 44782

(1) Knowingly violated any provision of sections 3959.01 to 44783  
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 44784  
the superintendent; 44785

(2) Knowingly made a material misstatement in the application 44786  
for the license; 44787

(3) Obtained or attempted to obtain a license through 44788  
misrepresentation or fraud; 44789

(4) Misappropriated or converted to the licensee's own use or 44790  
improperly withheld insurance company premiums or contributions 44791  
held in a fiduciary capacity, excluding, however, any interest 44792  
earnings received by the administrator as disclosed in writing by 44793  
the administrator to the plan sponsor; 44794

(5) In the transaction of business under the license, used 44795  
fraudulent, coercive, or dishonest practices; 44796

(6) Failed to appear without reasonable cause or excuse in 44797  
response to a subpoena, examination, warrant, or other order 44798  
lawfully issued by the superintendent; 44799

(7) Is affiliated with or under the same general management 44800  
or interlocking directorate or ownership of another administrator 44801

that transacts business in this state and is not licensed under 44802  
sections 3959.01 to 3959.16 of the Revised Code; 44803

(8) Had a license suspended, revoked, or not renewed in any 44804  
other state, district, territory, or province on grounds identical 44805  
to those stated in sections 3959.01 to 3959.16 of the Revised 44806  
Code; 44807

(9) Been convicted of a financially related felony; 44808

(10) Failed to report a felony conviction as required under 44809  
section 3959.13 of the Revised Code. 44810

(B) Upon receipt of notice of the order of suspension in 44811  
accordance with section 119.07 of the Revised Code, the licensee 44812  
shall promptly deliver the license to the superintendent, unless 44813  
the order of suspension is appealed under section 119.12 of the 44814  
Revised Code. 44815

(C) Any person whose license is revoked or whose application 44816  
is denied pursuant to sections 3959.01 to 3959.16 of the Revised 44817  
Code is ineligible to apply for an administrators license for two 44818  
years. 44819

(D) The superintendent may impose a monetary fine against a 44820  
licensee if, upon investigation and after notice and opportunity 44821  
for hearing in accordance with Chapter 119. of the Revised Code, 44822  
the superintendent finds that the licensee has done either of the 44823  
following: 44824

(1) Committed fraud or engaged in any illegal or dishonest 44825  
activity in connection with the administration of pharmacy benefit 44826  
management services; 44827

(2) Violated any provision of section 3959.111 of the Revised 44828  
Code or any rule adopted by the superintendent pursuant to or to 44829  
implement that section. 44830

**Sec. 3959.20.** (A) As used in this section: 44831

(1) "Cost-sharing" means the cost to an individual insured under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan. 44832  
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(2) "Health benefit plan" and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 44836  
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(3) "Pharmacy audit" has the same meaning as in section 3901.81 of the Revised Code. 44838  
44839

(4) "Pharmacy benefit manager" and "administrator" have the same meanings as in section 3959.01 of the Revised Code. 44840  
44841

(B) No health plan issuer, pharmacy benefit manager, or any other administrator shall require cost-sharing in an amount, or direct a pharmacy to collect cost-sharing in an amount, greater than the lesser of either of the following from an individual purchasing a prescription drug: 44842  
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(1) The amount an individual would pay for the drug if the drug were to be purchased without coverage under a health benefit plan; 44847  
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(2) The net reimbursement paid to the pharmacy for the prescription drug by the health plan issuer, pharmacy benefit manager, or administrator. 44850  
44851  
44852

(C)(1) No health plan issuer, pharmacy benefit manager, or administrator shall retroactively adjust a pharmacy claim for reimbursement for a prescription drug unless the adjustment is the result of either of the following: 44853  
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44856

(a) A pharmacy audit conducted in accordance with sections 3901.811 to 3901.814 of the Revised Code; 44857  
44858

(b) A technical billing error. 44859

(2) No health plan issuer, pharmacy benefit manager, or administrator shall charge a fee related to a claim unless the 44860  
44861

amount of the fee can be determined at the time of claim 44862  
adjudication. 44863

(D) The department of insurance shall create a web form that 44864  
consumers can use to submit complaints relating to violations of 44865  
this section. 44866

**Sec. 4109.05.** (A) The director of commerce, after 44867  
consultation with the director of health, shall adopt rules, in 44868  
accordance with Chapter 119. of the Revised Code, prohibiting the 44869  
employment of minors in occupations which are hazardous or 44870  
detrimental to the health and well-being of minors. 44871

In adopting the rules, the director of commerce shall 44872  
consider the orders issued pursuant to the "Fair Labor Standards 44873  
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 44874

The director of commerce shall not adopt any rule that 44875  
prohibits a minor who is sixteen or seventeen years of age and who 44876  
is employed by an employer under the construction and 44877  
manufacturing mentorship program created in section 4109.22 of the 44878  
Revised Code from being employed in a construction occupation or 44879  
manufacturing occupation if the orders issued pursuant to the 44880  
"Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit 44881  
the employment of the minor in the construction occupation or 44882  
manufacturing occupation. As used in this division, "construction 44883  
occupation" and "manufacturing occupation" have the same meanings 44884  
as in section 4109.22 of the Revised Code. 44885

(B) No minor may be employed in any occupation found 44886  
hazardous or detrimental to the health and well-being of minors 44887  
under the rules adopted pursuant to division (A) of this section. 44888

**Sec. 4109.22.** (A) As used in this section: 44889

(1) "Construction occupation" means employment that consists 44890  
of the construction, reconstruction, enlargement, alteration, 44891

repair, remodeling, renovation, demolition, or painting of a 44892  
building or other structure, including preparation of a site for 44893  
new construction. 44894

(2) "Manufacturing occupation" means employment that consists 44895  
of the mechanical, physical, or chemical transformation of 44896  
materials, substances, or components into new products for sale, 44897  
including the assembling of component parts into a finished 44898  
product. 44899

(3) Notwithstanding the definition of "employer" in section 44900  
4109.01 of the Revised Code, "employer" means every person who 44901  
employs any individual in a construction occupation or 44902  
manufacturing occupation. 44903

(B) There is hereby created the construction and 44904  
manufacturing mentorship program to expose minors who are sixteen 44905  
or seventeen years of age to construction occupations and 44906  
manufacturing occupations in this state through temporary 44907  
employment with an employer. An employer employing a minor under 44908  
the mentorship program shall do all of the following: 44909

(1) Determine the duration of the minor's employment; 44910

(2) Assign the minor a mentor to provide direct and close 44911  
supervision while the minor is engaged in any workplace activity; 44912

(3) Provide the minor with the training described in division 44913  
(C) of this section; 44914

(4) Encourage the minor to participate in a career-technical 44915  
education program approved by the department of education after 44916  
the minor's employment ends, if the minor is not participating in 44917  
a career-technical education program when the minor begins 44918  
employment; 44919

(5) Comply with all applicable state and federal laws and 44920  
regulations relating to the employment of minors. 44921

(C)(1) An employer employing a minor who is sixteen or 44922  
seventeen years of age in a construction occupation or 44923  
manufacturing occupation under the mentorship program shall 44924  
provide the minor with training that includes all of the 44925  
following: 44926

(a) A ten-hour course in construction or general industry 44927  
safety and health hazard recognition and prevention approved by 44928  
the occupational safety and health administration of the United 44929  
States department of labor; 44930

(b) Instructions on how to operate the specific tools the 44931  
minor will use during the minor's employment; 44932

(c) The general safety and health hazards to which the minor 44933  
may be exposed at the minor's workplace; 44934

(d) The value of safety and management commitment; 44935

(e) Information on the employer's drug testing policy. 44936

(2) For purposes of division (C)(1)(a) of this section, a 44937  
minor may participate in a thirty-hour course in construction or 44938  
general industry safety and health hazard recognition and 44939  
prevention approved by the occupational safety and health 44940  
administration if the minor has already successfully completed a 44941  
ten-hour course. 44942

(3) The employer shall pay any costs associated with 44943  
providing the training required by division (C)(1) or permitted 44944  
under division (C)(2) of this section. 44945

(4) An employer is not required to provide the training 44946  
described in division (C)(1) or (2) of this section if the minor 44947  
presents proof of completing the training during the six-month 44948  
period immediately before beginning employment with the employer. 44949

(D) The director of commerce, in consultation with employers, 44950  
shall adopt rules in accordance with Chapter 119. of the Revised 44951

Code specifying a list of the tools that a minor who is sixteen or 44952  
seventeen years of age who is employed under the mentorship 44953  
program may operate during the minor's employment in a 44954  
construction occupation or manufacturing occupation. The director 44955  
shall use the manual issued by the wage and hour division of the 44956  
United States department of labor titled "field operations 44957  
handbook" or its successor for guidance in developing the list. 44958  
Nothing in this division requires the director to include a tool 44959  
on the list if the orders issued pursuant to the "Fair Labor 44960  
Standards Act of 1938," 29 U.S.C. 201, et seq., and section 44961  
4109.05 of the Revised Code or rules adopted under that section 44962  
specifically permit minors of that age to operate the tool. 44963

(E) A minor who is sixteen or seventeen years of age who is 44964  
employed by an employer under the mentorship program may work in 44965  
any construction occupation or manufacturing occupation not denied 44966  
by law to minors of that age under section 4109.05 of the Revised 44967  
Code or rules adopted under that section. 44968

(F) No employer shall do either of the following: 44969

(1) Permit a minor who is sixteen or seventeen years of age 44970  
to operate a tool minors of that age are permitted to operate 44971  
pursuant to the rules adopted under division (D) of this section 44972  
unless the minor is employed by the employer under the mentorship 44973  
program; 44974

(2) Permit a minor who is sixteen or seventeen years of age 44975  
who is employed by the employer under the mentorship program to 44976  
operate a tool prohibited for use by minors of that age pursuant 44977  
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 44978  
and section 4109.05 of the Revised Code or rules adopted under 44979  
that section. 44980

**Sec. 4109.99.** (A) Whoever violates section 4109.04, division 44981  
(C) of section 4109.07, division (A), (B), or (D) of section 44982

4109.08, section 4109.11, or division (B) of section 4109.12 of 44983  
the Revised Code is guilty of a minor misdemeanor. 44984

(B) Whoever violates section 4109.05 of the Revised Code is 44985  
guilty of a misdemeanor of the third degree. 44986

(C) Whoever violates section 4109.03, division (A), (B), or 44987  
(D) of section 4109.07, or section 4109.10 of the Revised Code is 44988  
guilty of a minor misdemeanor on a first offense and a misdemeanor 44989  
of the third degree on each subsequent offense. 44990

(D) Whoever violates division (A) of section 4109.12 of the 44991  
Revised Code is guilty of a minor misdemeanor for each day the 44992  
violation continues. 44993

(E) Whoever violates division (A) of section 4109.21 of the 44994  
Revised Code is guilty of a misdemeanor of the fourth degree on a 44995  
first offense and a first degree misdemeanor on each subsequent 44996  
offense. If, however, the violation on a first offense contains 44997  
aggravating circumstances, including, but not limited to, threats 44998  
to a minor, reckless operation of a motor vehicle, or abandonment 44999  
of or endangerment to a minor but not including circumstances that 45000  
are the basis of a felony violation of section 2919.22 of the 45001  
Revised Code, then the person is guilty of a misdemeanor of the 45002  
first degree. If the offender previously has been convicted under 45003  
this section and if the subsequent offense contains aggravating 45004  
circumstances other than circumstances that are the basis of a 45005  
felony violation of section 2919.22 of the Revised Code, then the 45006  
person is guilty of a felony of the fourth degree. 45007

(F) Whoever violates division (F) of section 4109.22 of the 45008  
Revised Code shall be assessed a civil penalty of up to one 45009  
thousand seven hundred thirty dollars for each violation. 45010

**Sec. 4111.03.** (A) An employer shall pay an employee for 45011  
overtime at a wage rate of one and one-half times the employee's 45012

wage rate for hours worked in excess of forty hours in one 45013  
workweek, in the manner and methods provided in and subject to the 45014  
exemptions of section 7 and section 13 of the "Fair Labor 45015  
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 45016  
amended. 45017

Any employee employed in agriculture shall not be covered by 45018  
the overtime provision of this section. 45019

A motor carrier may elect to apply the overtime provision of 45020  
this section to an individual who is excluded from the provision 45021  
under division (D)(3)(i) of this section. 45022

(B) If a county employee or township employee elects to take 45023  
compensatory time off in lieu of overtime pay, for any overtime 45024  
worked, compensatory time may be granted by the employee's 45025  
administrative superior, on a time and one-half basis, at a time 45026  
mutually convenient to the employee and the administrative 45027  
superior within one hundred eighty days after the overtime is 45028  
worked. 45029

(C) A township appointing authority or a county appointing 45030  
authority with the exception of the county department of job and 45031  
family services may, by rule or resolution as is appropriate, 45032  
indicate the authority's intention not to be bound by division (B) 45033  
of this section, and to adopt a different policy for the 45034  
calculation and payment of overtime than that established by that 45035  
division. Upon adoption, the alternative overtime policy prevails. 45036  
Prior to the adoption of an alternative overtime policy, a 45037  
township appointing authority or a county appointing authority 45038  
with the exception of the county department of job and family 45039  
services shall give a written notice of the alternative policy to 45040  
each employee at least ten days prior to its effective date. 45041

(D) As used in this section: 45042

- (1) "Employ" means to suffer or to permit to work. 45043
- (2) "Employer" means the state of Ohio, its 45044  
instrumentalities, and its political subdivisions and their 45045  
instrumentalities, any individual, partnership, association, 45046  
corporation, business trust, or any person or group of persons, 45047  
acting in the interest of an employer in relation to an employee, 45048  
but does not include either of the following: 45049
- (a) An employer whose annual gross volume of sales made for 45050  
business done is less than one hundred fifty thousand dollars, 45051  
exclusive of excise taxes at the retail level which are separately 45052  
stated; 45053
- (b) A franchisor with respect to the franchisor's 45054  
relationship with a franchisee or an employee of a franchisee, 45055  
unless the franchisor agrees to assume that role in writing or a 45056  
court of competent jurisdiction determines that the franchisor 45057  
exercises a type or degree of control over the franchisee or the 45058  
franchisee's employees that is not customarily exercised by a 45059  
franchisor for the purpose of protecting the franchisor's 45060  
trademark, brand, or both. For purposes of this division, 45061  
"franchisor" and "franchisee" have the same meanings as in 16 45062  
C.F.R. 436.1. 45063
- (3) "Employee" means any individual employed by an employer 45064  
but does not include: 45065
- (a) Any individual employed by the United States; 45066
- (b) Any individual employed as a baby-sitter in the 45067  
employer's home, or a live-in companion to a sick, convalescing, 45068  
or elderly person whose principal duties do not include 45069  
housekeeping; 45070
- (c) Any individual engaged in the delivery of newspapers to 45071  
the consumer; 45072

(d) Any individual employed as an outside salesperson	45073
compensated by commissions or employed in a bona fide executive,	45074
administrative, or professional capacity as such terms are defined	45075
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	45076
U.S.C.A. 201, as amended;	45077
(e) Any individual who works or provides personal services of	45078
a charitable nature in a hospital or health institution for which	45079
compensation is not sought or contemplated;	45080
(f) A member of a police or fire protection agency or student	45081
employed on a part-time or seasonal basis by a political	45082
subdivision of this state;	45083
(g) Any individual in the employ of a camp or recreational	45084
area for children under eighteen years of age and owned and	45085
operated by a nonprofit organization or group of organizations	45086
described in Section 501(c)(3) of the "Internal Revenue Code of	45087
1954," and exempt from income tax under Section 501(a) of that	45088
code;	45089
(h) Any individual employed directly by the house of	45090
representatives or directly by the senate;	45091
(i) An individual who operates a vehicle or vessel in the	45092
performance of services for or on behalf of a motor carrier	45093
transporting property and to whom all of the following factors	45094
apply:	45095
(i) The individual owns the vehicle or vessel that is used in	45096
performing the services for or on behalf of the carrier, or the	45097
individual leases the vehicle or vessel under a bona fide lease	45098
agreement that is not a temporary replacement lease agreement. For	45099
purposes of this division, a bona fide lease agreement does not	45100
include an agreement between the individual and the motor carrier	45101
transporting property for which, or on whose behalf, the	45102
individual provides services.	45103

(ii) The individual is responsible for supplying the 45104  
necessary personal services to operate the vehicle or vessel used 45105  
to provide the service. 45106

(iii) The compensation paid to the individual is based on 45107  
factors related to work performed, including on a mileage-based 45108  
rate or a percentage of any schedule of rates, and not solely on 45109  
the basis of the hours or time expended. 45110

(iv) The individual substantially controls the means and 45111  
manner of performing the services, in conformance with regulatory 45112  
requirements and specifications of the shipper. 45113

(v) The individual enters into a written contract with the 45114  
carrier for whom the individual is performing the services that 45115  
describes the relationship between the individual and the carrier 45116  
to be that of an independent contractor and not that of an 45117  
employee. 45118

(vi) The individual is responsible for substantially all of 45119  
the principal operating costs of the vehicle or vessel and 45120  
equipment used to provide the services, including maintenance, 45121  
fuel, repairs, supplies, vehicle or vessel insurance, and personal 45122  
expenses, except that the individual may be paid by the carrier 45123  
the carrier's fuel surcharge and incidental costs, including 45124  
tolls, permits, and lump sum fees. 45125

(vii) The individual is responsible for any economic loss or 45126  
economic gain from the arrangement with the carrier. 45127

(4) "Motor carrier" has the same meaning as in section 45128  
4923.01 of the Revised Code. 45129

**Sec. 4141.01.** As used in this chapter, unless the context 45130  
otherwise requires: 45131

(A)(1) "Employer" means the state, its instrumentalities, its 45132  
political subdivisions and their instrumentalities, Indian tribes, 45133

and any individual or type of organization including any 45134  
partnership, limited liability company, association, trust, 45135  
estate, joint-stock company, insurance company, or corporation, 45136  
whether domestic or foreign, or the receiver, trustee in 45137  
bankruptcy, trustee, or the successor thereof, or the legal 45138  
representative of a deceased person who subsequent to December 31, 45139  
1971, or in the case of political subdivisions or their 45140  
instrumentalities, subsequent to December 31, 1973: 45141

(a) Had in employment at least one individual, or in the case 45142  
of a nonprofit organization, subsequent to December 31, 1973, had 45143  
not less than four individuals in employment for some portion of a 45144  
day in each of twenty different calendar weeks, in either the 45145  
current or the preceding calendar year whether or not the same 45146  
individual was in employment in each such day; or 45147

(b) Except for a nonprofit organization, had paid for service 45148  
in employment wages of fifteen hundred dollars or more in any 45149  
calendar quarter in either the current or preceding calendar year; 45150  
or 45151

(c) Had paid, subsequent to December 31, 1977, for employment 45152  
in domestic service in a local college club, or local chapter of a 45153  
college fraternity or sorority, cash remuneration of one thousand 45154  
dollars or more in any calendar quarter in the current calendar 45155  
year or the preceding calendar year, or had paid subsequent to 45156  
December 31, 1977, for employment in domestic service in a private 45157  
home cash remuneration of one thousand dollars in any calendar 45158  
quarter in the current calendar year or the preceding calendar 45159  
year: 45160

(i) For the purposes of divisions (A)(1)(a) and (b) of this 45161  
section, there shall not be taken into account any wages paid to, 45162  
or employment of, an individual performing domestic service as 45163  
described in this division. 45164

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and

(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this

chapter; or	45196
(iii) Who became an employer by election under division	45197
(A)(4) or (5) of this section and for the duration of such	45198
election; or	45199
(f) In the case of the state, its instrumentalities, its	45200
political subdivisions, and their instrumentalities, and Indian	45201
tribes, had in employment, as defined in divisions (B)(2)(a) and	45202
(B)(2)(1) of this section, at least one individual;	45203
(g) For the purposes of division (A)(1)(a) of this section,	45204
if any week includes both the thirty-first day of December and the	45205
first day of January, the days of that week before the first day	45206
of January shall be considered one calendar week and the days	45207
beginning the first day of January another week.	45208
(2) Each individual employed to perform or to assist in	45209
performing the work of any agent or employee of an employer is	45210
employed by such employer for all the purposes of this chapter,	45211
whether such individual was hired or paid directly by such	45212
employer or by such agent or employee, provided the employer had	45213
actual or constructive knowledge of the work. All individuals	45214
performing services for an employer of any person in this state	45215
who maintains two or more establishments within this state are	45216
employed by a single employer for the purposes of this chapter.	45217
(3) An employer subject to this chapter within any calendar	45218
year is subject to this chapter during the whole of such year and	45219
during the next succeeding calendar year.	45220
(4) An employer not otherwise subject to this chapter who	45221
files with the director of job and family services a written	45222
election to become an employer subject to this chapter for not	45223
less than two calendar years shall, with the written approval of	45224
such election by the director, become an employer subject to this	45225
chapter to the same extent as all other employers as of the date	45226

stated in such approval, and shall cease to be subject to this 45227  
chapter as of the first day of January of any calendar year 45228  
subsequent to such two calendar years only if at least thirty days 45229  
prior to such first day of January the employer has filed with the 45230  
director a written notice to that effect. 45231

(5) Any employer for whom services that do not constitute 45232  
employment are performed may file with the director a written 45233  
election that all such services performed by individuals in the 45234  
employer's employ in one or more distinct establishments or places 45235  
of business shall be deemed to constitute employment for all the 45236  
purposes of this chapter, for not less than two calendar years. 45237  
Upon written approval of the election by the director, such 45238  
services shall be deemed to constitute employment subject to this 45239  
chapter from and after the date stated in such approval. Such 45240  
services shall cease to be employment subject to this chapter as 45241  
of the first day of January of any calendar year subsequent to 45242  
such two calendar years only if at least thirty days prior to such 45243  
first day of January such employer has filed with the director a 45244  
written notice to that effect. 45245

(6) "Employer" does not include a franchisor with respect to 45246  
the franchisor's relationship with a franchisee or an employee of 45247  
a franchisee, unless the franchisor agrees to assume that role in 45248  
writing or a court of competent jurisdiction determines that the 45249  
franchisor exercises a type or degree of control over the 45250  
franchisee or the franchisee's employees that is not customarily 45251  
exercised by a franchisor for the purpose of protecting the 45252  
franchisor's trademark, brand, or both. For purposes of this 45253  
division, "franchisor" and "franchisee" have the same meanings as 45254  
in 16 C.F.R. 436.1. 45255

(B)(1) "Employment" means service performed by an individual 45256  
for remuneration under any contract of hire, written or oral, 45257  
express or implied, including service performed in interstate 45258

commerce and service performed by an officer of a corporation, 45259  
without regard to whether such service is executive, managerial, 45260  
or manual in nature, and without regard to whether such officer is 45261  
a stockholder or a member of the board of directors of the 45262  
corporation, unless it is shown to the satisfaction of the 45263  
director that such individual has been and will continue to be 45264  
free from direction or control over the performance of such 45265  
service, both under a contract of service and in fact. The 45266  
director shall adopt rules to define "direction or control." 45267

(2) "Employment" includes: 45268

(a) Service performed after December 31, 1977, by an 45269  
individual in the employ of the state or any of its 45270  
instrumentalities, or any political subdivision thereof or any of 45271  
its instrumentalities or any instrumentality of more than one of 45272  
the foregoing or any instrumentality of any of the foregoing and 45273  
one or more other states or political subdivisions and without 45274  
regard to divisions (A)(1)(a) and (b) of this section, provided 45275  
that such service is excluded from employment as defined in the 45276  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 45277  
3306(c)(7) and is not excluded under division (B)(3) of this 45278  
section; or the services of employees covered by voluntary 45279  
election, as provided under divisions (A)(4) and (5) of this 45280  
section; 45281

(b) Service performed after December 31, 1971, by an 45282  
individual in the employ of a religious, charitable, educational, 45283  
or other organization which is excluded from the term "employment" 45284  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 45285  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 45286  
3306(c)(8) of that act and is not excluded under division (B)(3) 45287  
of this section; 45288

(c) Domestic service performed after December 31, 1977, for 45289  
an employer, as provided in division (A)(1)(c) of this section; 45290

(d) Agricultural labor performed after December 31, 1977, for 45291  
a farm operator or a crew leader, as provided in division 45292  
(A)(1)(d) of this section; 45293

(e) Subject to division (B)(2)(m) of this section, service 45294  
not covered under division (B)(1) of this section which is 45295  
performed after December 31, 1971: 45296

(i) As an agent-driver or commission-driver engaged in 45297  
distributing meat products, vegetable products, fruit products, 45298  
bakery products, beverages other than milk, laundry, or 45299  
dry-cleaning services, for the individual's employer or principal; 45300

(ii) As a traveling or city salesperson, other than as an 45301  
agent-driver or commission-driver, engaged on a full-time basis in 45302  
the solicitation on behalf of and in the transmission to the 45303  
salesperson's employer or principal except for sideline sales 45304  
activities on behalf of some other person of orders from 45305  
wholesalers, retailers, contractors, or operators of hotels, 45306  
restaurants, or other similar establishments for merchandise for 45307  
resale, or supplies for use in their business operations, provided 45308  
that for the purposes of division (B)(2)(e)(ii) of this section, 45309  
the services shall be deemed employment if the contract of service 45310  
contemplates that substantially all of the services are to be 45311  
performed personally by the individual and that the individual 45312  
does not have a substantial investment in facilities used in 45313  
connection with the performance of the services other than in 45314  
facilities for transportation, and the services are not in the 45315  
nature of a single transaction that is not a part of a continuing 45316  
relationship with the person for whom the services are performed. 45317

(f) An individual's entire service performed within or both 45318  
within and without the state if: 45319

(i) The service is localized in this state. 45320

(ii) The service is not localized in any state, but some of 45321

the service is performed in this state and either the base of 45322  
operations, or if there is no base of operations then the place 45323  
from which such service is directed or controlled, is in this 45324  
state or the base of operations or place from which such service 45325  
is directed or controlled is not in any state in which some part 45326  
of the service is performed but the individual's residence is in 45327  
this state. 45328

(g) Service not covered under division (B)(2)(f)(ii) of this 45329  
section and performed entirely without this state, with respect to 45330  
no part of which contributions are required and paid under an 45331  
unemployment compensation law of any other state, the Virgin 45332  
Islands, Canada, or of the United States, if the individual 45333  
performing such service is a resident of this state and the 45334  
director approves the election of the employer for whom such 45335  
services are performed; or, if the individual is not a resident of 45336  
this state but the place from which the service is directed or 45337  
controlled is in this state, the entire services of such 45338  
individual shall be deemed to be employment subject to this 45339  
chapter, provided service is deemed to be localized within this 45340  
state if the service is performed entirely within this state or if 45341  
the service is performed both within and without this state but 45342  
the service performed without this state is incidental to the 45343  
individual's service within the state, for example, is temporary 45344  
or transitory in nature or consists of isolated transactions; 45345

(h) Service of an individual who is a citizen of the United 45346  
States, performed outside the United States except in Canada after 45347  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 45348  
and before the first day of January of the year following that in 45349  
which the United States secretary of labor approves the Virgin 45350  
Islands law for the first time, in the employ of an American 45351  
employer, other than service which is "employment" under divisions 45352  
(B)(2)(f) and (g) of this section or similar provisions of another 45353

state's law, if: 45354

(i) The employer's principal place of business in the United States is located in this state; 45355  
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(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or 45357  
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(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter. 45364  
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(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. 45369  
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(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not 45378  
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covered under division (A)(1)(c) of this section, which, as a 45385  
condition for full tax credit against the tax imposed by the 45386  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 45387  
3311, is required to be covered under this chapter. 45388

(k) Construction services performed by any individual under a 45389  
construction contract, as defined in section 4141.39 of the 45390  
Revised Code, if the director determines that the employer for 45391  
whom services are performed has the right to direct or control the 45392  
performance of the services and that the individuals who perform 45393  
the services receive remuneration for the services performed. The 45394  
director shall presume that the employer for whom services are 45395  
performed has the right to direct or control the performance of 45396  
the services if ten or more of the following criteria apply: 45397

(i) The employer directs or controls the manner or method by 45398  
which instructions are given to the individual performing 45399  
services; 45400

(ii) The employer requires particular training for the 45401  
individual performing services; 45402

(iii) Services performed by the individual are integrated 45403  
into the regular functioning of the employer; 45404

(iv) The employer requires that services be provided by a 45405  
particular individual; 45406

(v) The employer hires, supervises, or pays the wages of the 45407  
individual performing services; 45408

(vi) A continuing relationship between the employer and the 45409  
individual performing services exists which contemplates 45410  
continuing or recurring work, even if not full-time work; 45411

(vii) The employer requires the individual to perform 45412  
services during established hours; 45413

(viii) The employer requires that the individual performing 45414

services be devoted on a full-time basis to the business of the employer;	45415 45416
(ix) The employer requires the individual to perform services on the employer's premises;	45417 45418
(x) The employer requires the individual performing services to follow the order of work established by the employer;	45419 45420
(xi) The employer requires the individual performing services to make oral or written reports of progress;	45421 45422
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	45423 45424
(xiii) The employer pays expenses for the individual performing services;	45425 45426
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	45427 45428
(xv) The individual performing services has not invested in the facilities used to perform services;	45429 45430
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	45431 45432 45433
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	45434 45435
(xviii) The individual performing services does not make the services available to the general public;	45436 45437
(xix) The employer has a right to discharge the individual performing services;	45438 45439
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	45440 45441 45442
(1) Service performed by an individual in the employ of an	45443

Indian tribe as defined by section 4(e) of the "Indian  
Self-Determination and Education Assistance Act," 88 Stat. 2204  
(1975), 25 U.S.C.A. 450b(e), including any subdivision,  
subsidiary, or business enterprise wholly owned by an Indian tribe  
provided that the service is excluded from employment as defined  
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26  
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division  
(B)(3) of this section.

(m) Service performed by an individual for or on behalf of a  
motor carrier transporting property as an operator of a vehicle or  
vessel, unless all of the following factors apply to the  
individual and the motor carrier has not elected to consider the  
individual's service as employment:

(i) The individual owns the vehicle or vessel that is used in  
performing the services for or on behalf of the carrier, or the  
individual leases the vehicle or vessel under a bona fide lease  
agreement that is not a temporary replacement lease agreement. For  
purposes of this division, a bona fide lease agreement does not  
include an agreement between the individual and the motor carrier  
transporting property for which, or on whose behalf, the  
individual provides services.

(ii) The individual is responsible for supplying the  
necessary personal services to operate the vehicle or vessel used  
to provide the service.

(iii) The compensation paid to the individual is based on  
factors related to work performed, including on a mileage-based  
rate or a percentage of any schedule of rates, and not solely on  
the basis of the hours or time expended.

(iv) The individual substantially controls the means and  
manner of performing the services, in conformance with regulatory  
requirements and specifications of the shipper.

(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee.

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 26 U.S.C. 3306(c)(7) or (8).

(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;

(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:

(i) As a publicly elected official;	45506
(ii) As a member of a legislative body, or a member of the judiciary;	45507 45508
(iii) As a military member of the Ohio national guard;	45509
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	45510 45511 45512 45513
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	45514 45515 45516 45517 45518
(d) In the employ of any governmental unit or instrumentality of the United States;	45519 45520
(e) Service performed after December 31, 1971:	45521
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	45522 45523 45524 45525 45526
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to	45527 45528 45529 45530 45531 45532 45533 45534 45535

service performed in a program established for or on behalf of an employer or group of employers. 45536  
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(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother; 45538  
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(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971: 45542  
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(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission; 45550  
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(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose. 45553  
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(h) Service performed after December 31, 1971: 45558

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; 45559  
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(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by 45564  
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such order; or 45567

(iii) In a facility conducted for the purpose of carrying out 45568  
a program of rehabilitation for individuals whose earning capacity 45569  
is impaired by age or physical or mental deficiency or injury, or 45570  
providing remunerative work for individuals who because of their 45571  
impaired physical or mental capacity cannot be readily absorbed in 45572  
the competitive labor market, by an individual receiving such 45573  
rehabilitation or remunerative work. 45574

(i) Service performed after June 30, 1939, with respect to 45575  
which unemployment compensation is payable under the "Railroad 45576  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 45577

(j) Service performed by an individual in the employ of any 45578  
organization exempt from income tax under section 501 of the 45579  
"Internal Revenue Code of 1954," if the remuneration for such 45580  
service does not exceed fifty dollars in any calendar quarter, or 45581  
if such service is in connection with the collection of dues or 45582  
premiums for a fraternal beneficial society, order, or association 45583  
and is performed away from the home office or is ritualistic 45584  
service in connection with any such society, order, or 45585  
association; 45586

(k) Casual labor not in the course of an employer's trade or 45587  
business; incidental service performed by an officer, appraiser, 45588  
or member of a finance committee of a bank, building and loan 45589  
association, savings and loan association, or savings association 45590  
when the remuneration for such incidental service exclusive of the 45591  
amount paid or allotted for directors' fees does not exceed sixty 45592  
dollars per calendar quarter is casual labor; 45593

(l) Service performed in the employ of a voluntary employees' 45594  
beneficial association providing for the payment of life, 45595  
sickness, accident, or other benefits to the members of such 45596  
association or their dependents or their designated beneficiaries, 45597

if admission to a membership in such association is limited to 45598  
individuals who are officers or employees of a municipal or public 45599  
corporation, of a political subdivision of the state, or of the 45600  
United States and no part of the net earnings of such association 45601  
inures, other than through such payments, to the benefit of any 45602  
private shareholder or individual; 45603

(m) Service performed by an individual in the employ of a 45604  
foreign government, including service as a consular or other 45605  
officer or employee or of a nondiplomatic representative; 45606

(n) Service performed in the employ of an instrumentality 45607  
wholly owned by a foreign government if the service is of a 45608  
character similar to that performed in foreign countries by 45609  
employees of the United States or of an instrumentality thereof 45610  
and if the director finds that the secretary of state of the 45611  
United States has certified to the secretary of the treasury of 45612  
the United States that the foreign government, with respect to 45613  
whose instrumentality exemption is claimed, grants an equivalent 45614  
exemption with respect to similar service performed in the foreign 45615  
country by employees of the United States and of instrumentalities 45616  
thereof; 45617

(o) Service with respect to which unemployment compensation 45618  
is payable under an unemployment compensation system established 45619  
by an act of congress; 45620

(p) Service performed as a student nurse in the employ of a 45621  
hospital or a nurses' training school by an individual who is 45622  
enrolled and is regularly attending classes in a nurses' training 45623  
school chartered or approved pursuant to state law, and service 45624  
performed as an intern in the employ of a hospital by an 45625  
individual who has completed a four years' course in a medical 45626  
school chartered or approved pursuant to state law; 45627

(q) Service performed by an individual under the age of 45628

eighteen in the delivery or distribution of newspapers or shopping 45629  
news, not including delivery or distribution to any point for 45630  
subsequent delivery or distribution; 45631

(r) Service performed in the employ of the United States or 45632  
an instrumentality of the United States immune under the 45633  
Constitution of the United States from the contributions imposed 45634  
by this chapter, except that to the extent that congress permits 45635  
states to require any instrumentalities of the United States to 45636  
make payments into an unemployment fund under a state unemployment 45637  
compensation act, this chapter shall be applicable to such 45638  
instrumentalities and to services performed for such 45639  
instrumentalities in the same manner, to the same extent, and on 45640  
the same terms as to all other employers, individuals, and 45641  
services, provided that if this state is not certified for any 45642  
year by the proper agency of the United States under section 3304 45643  
of the "Internal Revenue Code of 1954," the payments required of 45644  
such instrumentalities with respect to such year shall be refunded 45645  
by the director from the fund in the same manner and within the 45646  
same period as is provided in division (E) of section 4141.09 of 45647  
the Revised Code with respect to contributions erroneously 45648  
collected; 45649

(s) Service performed by an individual as a member of a band 45650  
or orchestra, provided such service does not represent the 45651  
principal occupation of such individual, and which service is not 45652  
subject to or required to be covered for full tax credit against 45653  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 45654  
183 (1939), 26 U.S.C.A. 3301 to 3311. 45655

(t) Service performed in the employ of a day camp whose 45656  
camping season does not exceed twelve weeks in any calendar year, 45657  
and which service is not subject to the "Federal Unemployment Tax 45658  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 45659  
performed after December 31, 1971: 45660

(i) In the employ of a hospital, if the service is performed 45661  
by a patient of the hospital, as defined in division (W) of this 45662  
section; 45663

(ii) For a prison or other correctional institution by an 45664  
inmate of the prison or correctional institution; 45665

(iii) Service performed after December 31, 1977, by an inmate 45666  
of a custodial institution operated by the state, a political 45667  
subdivision, or a nonprofit organization. 45668

(u) Service that is performed by a nonresident alien 45669  
individual for the period the individual temporarily is present in 45670  
the United States as a nonimmigrant under division (F), (J), (M), 45671  
or (Q) of section 101(a)(15) of the "Immigration and Nationality 45672  
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 45673  
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 45674  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 45675

(v) Notwithstanding any other provisions of division (B)(3) 45676  
of this section, services that are excluded under divisions 45677  
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 45678  
from employment when performed for a nonprofit organization, as 45679  
defined in division (X) of this section, or for this state or its 45680  
instrumentalities, or for a political subdivision or its 45681  
instrumentalities or for Indian tribes; 45682

(w) Service that is performed by an individual working as an 45683  
election official or election worker if the amount of remuneration 45684  
received by the individual during the calendar year for services 45685  
as an election official or election worker is less than one 45686  
thousand dollars; 45687

(x) Service performed for an elementary or secondary school 45688  
that is operated primarily for religious purposes, that is 45689  
described in subsection 501(c)(3) and exempt from federal income 45690  
taxation under subsection 501(a) of the Internal Revenue Code, 26 45691

U.S.C.A. 501;	45692
(y) Service performed by a person committed to a penal institution.	45693 45694
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	45695 45696 45697
(i) As a publicly elected official;	45698
(ii) As a member of an Indian tribal council;	45699
(iii) As a member of a legislative or judiciary body;	45700
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	45701 45702 45703 45704 45705
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	45706 45707
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	45708 45709 45710 45711 45712 45713 45714
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	45715 45716
(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an	45717 45718 45719 45720 45721

employee for the person employing that employee do not constitute 45722  
employment, then none of the services of such employee for such 45723  
period shall be deemed to be employment. As used in division 45724  
(B)(4) of this section, "pay period" means a period, of not more 45725  
than thirty-one consecutive days, for which payment of 45726  
remuneration is ordinarily made to the employee by the person 45727  
employing that employee. Division (B)(4) of this section does not 45728  
apply to services performed in a pay period by an employee for the 45729  
person employing that employee, if any of such service is excepted 45730  
by division (B)(3)(o) of this section. 45731

(C) "Benefits" means money payments payable to an individual 45732  
who has established benefit rights, as provided in this chapter, 45733  
for loss of remuneration due to the individual's unemployment. 45734

(D) "Benefit rights" means the weekly benefit amount and the 45735  
maximum benefit amount that may become payable to an individual 45736  
within the individual's benefit year as determined by the 45737  
director. 45738

(E) "Claim for benefits" means a claim for waiting period or 45739  
benefits for a designated week. 45740

(F) "Additional claim" means the first claim for benefits 45741  
filed following any separation from employment during a benefit 45742  
year; "continued claim" means any claim other than the first claim 45743  
for benefits and other than an additional claim. 45744

(G) "Wages" means remuneration paid to an employee by each of 45745  
the employee's employers with respect to employment; except that 45746  
wages shall not include that part of remuneration paid during any 45747  
calendar year to an individual by an employer or such employer's 45748  
predecessor in interest in the same business or enterprise, which 45749  
in any calendar year is in excess of nine thousand dollars on and 45750  
after January 1, 1995; nine thousand five hundred dollars on and 45751  
after January 1, 2018; and nine thousand dollars on and after 45752

January 1, ~~2020~~ 2023. Remuneration in excess of such amounts shall 45753  
be deemed wages subject to contribution to the same extent that 45754  
such remuneration is defined as wages under the "Federal 45755  
Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 45756  
3311, as amended. The remuneration paid an employee by an employer 45757  
with respect to employment in another state, upon which 45758  
contributions were required and paid by such employer under the 45759  
unemployment compensation act of such other state, shall be 45760  
included as a part of remuneration in computing the amount 45761  
specified in this division. 45762

(H)(1) "Remuneration" means all compensation for personal 45763  
services, including commissions and bonuses and the cash value of 45764  
all compensation in any medium other than cash, except that in the 45765  
case of agricultural or domestic service, "remuneration" includes 45766  
only cash remuneration. Gratuities customarily received by an 45767  
individual in the course of the individual's employment from 45768  
persons other than the individual's employer and which are 45769  
accounted for by such individual to the individual's employer are 45770  
taxable wages. 45771

The reasonable cash value of compensation paid in any medium 45772  
other than cash shall be estimated and determined in accordance 45773  
with rules prescribed by the director, provided that 45774  
"remuneration" does not include: 45775

(a) Payments as provided in divisions (b)(2) to (b)(20) of 45776  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 45777  
26 U.S.C.A. 3301 to 3311, as amended; 45778

(b) The payment by an employer, without deduction from the 45779  
remuneration of the individual in the employer's employ, of the 45780  
tax imposed upon an individual in the employer's employ under 45781  
section 3101 of the "Internal Revenue Code of 1954," with respect 45782  
to services performed after October 1, 1941. 45783

(2) "Cash remuneration" means all remuneration paid in cash, 45784  
including commissions and bonuses, but not including the cash 45785  
value of all compensation in any medium other than cash. 45786

(I) "Interested party" means the director and any party to 45787  
whom notice of a determination of an application for benefit 45788  
rights or a claim for benefits is required to be given under 45789  
section 4141.28 of the Revised Code. 45790

(J) "Annual payroll" means the total amount of wages subject 45791  
to contributions during a twelve-month period ending with the last 45792  
day of the second calendar quarter of any calendar year. 45793

(K) "Average annual payroll" means the average of the last 45794  
three annual payrolls of an employer, provided that if, as of any 45795  
computation date, the employer has had less than three annual 45796  
payrolls in such three-year period, such average shall be based on 45797  
the annual payrolls which the employer has had as of such date. 45798

(L)(1) "Contributions" means the money payments to the state 45799  
unemployment compensation fund required of employers by section 45800  
4141.25 of the Revised Code and of the state and any of its 45801  
political subdivisions electing to pay contributions under section 45802  
4141.242 of the Revised Code. Employers paying contributions shall 45803  
be described as "contributory employers." 45804

(2) "Payments in lieu of contributions" means the money 45805  
payments to the state unemployment compensation fund required of 45806  
reimbursing employers under sections 4141.241 and 4141.242 of the 45807  
Revised Code. 45808

(M) An individual is "totally unemployed" in any week during 45809  
which the individual performs no services and with respect to such 45810  
week no remuneration is payable to the individual. 45811

(N) An individual is "partially unemployed" in any week if, 45812  
due to involuntary loss of work, the total remuneration payable to 45813  
the individual for such week is less than the individual's weekly 45814

benefit amount. 45815

(O) "Week" means the calendar week ending at midnight 45816  
Saturday unless an equivalent week of seven consecutive calendar 45817  
days is prescribed by the director. 45818

(1) "Qualifying week" means any calendar week in an 45819  
individual's base period with respect to which the individual 45820  
earns or is paid remuneration in employment subject to this 45821  
chapter. A calendar week with respect to which an individual earns 45822  
remuneration but for which payment was not made within the base 45823  
period, when necessary to qualify for benefit rights, may be 45824  
considered to be a qualifying week. The number of qualifying weeks 45825  
which may be established in a calendar quarter shall not exceed 45826  
the number of calendar weeks in the quarter. 45827

(2) "Average weekly wage" means the amount obtained by 45828  
dividing an individual's total remuneration for all qualifying 45829  
weeks during the base period by the number of such qualifying 45830  
weeks, provided that if the computation results in an amount that 45831  
is not a multiple of one dollar, such amount shall be rounded to 45832  
the next lower multiple of one dollar. 45833

(P) "Weekly benefit amount" means the amount of benefits an 45834  
individual would be entitled to receive for one week of total 45835  
unemployment. 45836

(Q)(1) "Base period" means the first four of the last five 45837  
completed calendar quarters immediately preceding the first day of 45838  
an individual's benefit year, except as provided in division 45839  
(Q)(2) of this section. 45840

(2) If an individual does not have sufficient qualifying 45841  
weeks and wages in the base period to qualify for benefit rights, 45842  
the individual's base period shall be the four most recently 45843  
completed calendar quarters preceding the first day of the 45844  
individual's benefit year. Such base period shall be known as the 45845

"alternate base period." If information as to weeks and wages for 45846  
the most recent quarter of the alternate base period is not 45847  
available to the director from the regular quarterly reports of 45848  
wage information, which are systematically accessible, the 45849  
director may, consistent with the provisions of section 4141.28 of 45850  
the Revised Code, base the determination of eligibility for 45851  
benefits on the affidavit of the claimant with respect to weeks 45852  
and wages for that calendar quarter. The claimant shall furnish 45853  
payroll documentation, where available, in support of the 45854  
affidavit. The determination based upon the alternate base period 45855  
as it relates to the claimant's benefit rights, shall be amended 45856  
when the quarterly report of wage information from the employer is 45857  
timely received and that information causes a change in the 45858  
determination. As provided in division (B) of section 4141.28 of 45859  
the Revised Code, any benefits paid and charged to an employer's 45860  
account, based upon a claimant's affidavit, shall be adjusted 45861  
effective as of the beginning of the claimant's benefit year. No 45862  
calendar quarter in a base period or alternate base period shall 45863  
be used to establish a subsequent benefit year. 45864

(3) The "base period" of a combined wage claim, as described 45865  
in division (H) of section 4141.43 of the Revised Code, shall be 45866  
the base period prescribed by the law of the state in which the 45867  
claim is allowed. 45868

(4) For purposes of determining the weeks that comprise a 45869  
completed calendar quarter under this division, only those weeks 45870  
ending at midnight Saturday within the calendar quarter shall be 45871  
utilized. 45872

(R)(1) "Benefit year" with respect to an individual means the 45873  
fifty-two week period beginning with the first day of that week 45874  
with respect to which the individual first files a valid 45875  
application for determination of benefit rights, and thereafter 45876  
the fifty-two week period beginning with the first day of that 45877

week with respect to which the individual next files a valid 45878  
application for determination of benefit rights after the 45879  
termination of the individual's last preceding benefit year, 45880  
except that the application shall not be considered valid unless 45881  
the individual has had employment in six weeks that is subject to 45882  
this chapter or the unemployment compensation act of another 45883  
state, or the United States, and has, since the beginning of the 45884  
individual's previous benefit year, in the employment earned three 45885  
times the average weekly wage determined for the previous benefit 45886  
year. The "benefit year" of a combined wage claim, as described in 45887  
division (H) of section 4141.43 of the Revised Code, shall be the 45888  
benefit year prescribed by the law of the state in which the claim 45889  
is allowed. Any application for determination of benefit rights 45890  
made in accordance with section 4141.28 of the Revised Code is 45891  
valid if the individual filing such application is unemployed, has 45892  
been employed by an employer or employers subject to this chapter 45893  
in at least twenty qualifying weeks within the individual's base 45894  
period, and has earned or been paid remuneration at an average 45895  
weekly wage of not less than twenty-seven and one-half per cent of 45896  
the statewide average weekly wage for such weeks. For purposes of 45897  
determining whether an individual has had sufficient employment 45898  
since the beginning of the individual's previous benefit year to 45899  
file a valid application, "employment" means the performance of 45900  
services for which remuneration is payable. 45901

(2) Effective for benefit years beginning on and after 45902  
December 26, 2004, any application for determination of benefit 45903  
rights made in accordance with section 4141.28 of the Revised Code 45904  
is valid if the individual satisfies the criteria described in 45905  
division (R)(1) of this section, and if the reason for the 45906  
individual's separation from employment is not disqualifying 45907  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 45908  
of the Revised Code. A disqualification imposed pursuant to 45909  
division (D)(2) of section 4141.29 or section 4141.291 of the 45910

Revised Code must be removed as provided in those sections as a 45911  
requirement of establishing a valid application for benefit years 45912  
beginning on and after December 26, 2004. 45913

(3) The statewide average weekly wage shall be calculated by 45914  
the director once a year based on the twelve-month period ending 45915  
the thirtieth day of June, as set forth in division (B)(3) of 45916  
section 4141.30 of the Revised Code, rounded down to the nearest 45917  
dollar. Increases or decreases in the amount of remuneration 45918  
required to have been earned or paid in order for individuals to 45919  
have filed valid applications shall become effective on Sunday of 45920  
the calendar week in which the first day of January occurs that 45921  
follows the twelve-month period ending the thirtieth day of June 45922  
upon which the calculation of the statewide average weekly wage 45923  
was based. 45924

(4) As used in this division, an individual is "unemployed" 45925  
if, with respect to the calendar week in which such application is 45926  
filed, the individual is "partially unemployed" or "totally 45927  
unemployed" as defined in this section or if, prior to filing the 45928  
application, the individual was separated from the individual's 45929  
most recent work for any reason which terminated the individual's 45930  
employee-employer relationship, or was laid off indefinitely or 45931  
for a definite period of seven or more days. 45932

(S) "Calendar quarter" means the period of three consecutive 45933  
calendar months ending on the thirty-first day of March, the 45934  
thirtieth day of June, the thirtieth day of September, and the 45935  
thirty-first day of December, or the equivalent thereof as the 45936  
director prescribes by rule. 45937

(T) "Computation date" means the first day of the third 45938  
calendar quarter of any calendar year. 45939

(U) "Contribution period" means the calendar year beginning 45940  
on the first day of January of any year. 45941

(V) "Agricultural labor," for the purpose of this division, 45942  
means any service performed prior to January 1, 1972, which was 45943  
agricultural labor as defined in this division prior to that date, 45944  
and service performed after December 31, 1971: 45945

(1) On a farm, in the employ of any person, in connection 45946  
with cultivating the soil, or in connection with raising or 45947  
harvesting any agricultural or horticultural commodity, including 45948  
the raising, shearing, feeding, caring for, training, and 45949  
management of livestock, bees, poultry, and fur-bearing animals 45950  
and wildlife; 45951

(2) In the employ of the owner or tenant or other operator of 45952  
a farm in connection with the operation, management, conservation, 45953  
improvement, or maintenance of such farm and its tools and 45954  
equipment, or in salvaging timber or clearing land of brush and 45955  
other debris left by hurricane, if the major part of such service 45956  
is performed on a farm; 45957

(3) In connection with the production or harvesting of any 45958  
commodity defined as an agricultural commodity in section 15 (g) 45959  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 45960  
U.S.C. 1141j, as amended, or in connection with the ginning of 45961  
cotton, or in connection with the operation or maintenance of 45962  
ditches, canals, reservoirs, or waterways, not owned or operated 45963  
for profit, used exclusively for supplying and storing water for 45964  
farming purposes; 45965

(4) In the employ of the operator of a farm in handling, 45966  
planting, drying, packing, packaging, processing, freezing, 45967  
grading, storing, or delivering to storage or to market or to a 45968  
carrier for transportation to market, in its unmanufactured state, 45969  
any agricultural or horticultural commodity, but only if the 45970  
operator produced more than one half of the commodity with respect 45971  
to which such service is performed; 45972

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.

(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian 46003  
tribe to provide a program of education beyond high school; and 46004

(3) Provides an educational program for which it awards a 46005  
bachelor's or higher degree, or provides a program which is 46006  
acceptable for full credit toward such a degree, a program of 46007  
post-graduate or post-doctoral studies, or a program of training 46008  
to prepare students for gainful employment in a recognized 46009  
occupation. 46010

For the purposes of this division, all colleges and 46011  
universities in this state are institutions of higher education. 46012

(Z) For the purposes of this chapter, "states" includes the 46013  
District of Columbia, the Commonwealth of Puerto Rico, and the 46014  
Virgin Islands. 46015

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 46016  
this section, an individual who is an alien admitted to the United 46017  
States to perform service in agricultural labor pursuant to 46018  
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 46019  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 46020

(BB)(1) "Crew leader" means an individual who furnishes 46021  
individuals to perform agricultural labor for any other employer 46022  
or farm operator, and: 46023

(a) Pays, either on the individual's own behalf or on behalf 46024  
of the other employer or farm operator, the individuals so 46025  
furnished by the individual for the service in agricultural labor 46026  
performed by them; 46027

(b) Has not entered into a written agreement with the other 46028  
employer or farm operator under which the agricultural worker is 46029  
designated as in the employ of the other employer or farm 46030  
operator. 46031

(2) For the purposes of this chapter, any individual who is a 46032

member of a crew furnished by a crew leader to perform service in 46033  
agricultural labor for any other employer or farm operator shall 46034  
be treated as an employee of the crew leader if: 46035

(a) The crew leader holds a valid certificate of registration 46036  
under the "Farm Labor Contractor Registration Act of 1963," 90 46037  
Stat. 2668, 7 U.S.C. 2041; or 46038

(b) Substantially all the members of the crew operate or 46039  
maintain tractors, mechanized harvesting or crop-dusting 46040  
equipment, or any other mechanized equipment, which is provided by 46041  
the crew leader; and 46042

(c) If the individual is not in the employment of the other 46043  
employer or farm operator within the meaning of division (B)(1) of 46044  
this section. 46045

(3) For the purposes of this division, any individual who is 46046  
furnished by a crew leader to perform service in agricultural 46047  
labor for any other employer or farm operator and who is not 46048  
treated as in the employment of the crew leader under division 46049  
(BB)(2) of this section shall be treated as the employee of the 46050  
other employer or farm operator and not of the crew leader. The 46051  
other employer or farm operator shall be treated as having paid 46052  
cash remuneration to the individual in an amount equal to the 46053  
amount of cash remuneration paid to the individual by the crew 46054  
leader, either on the crew leader's own behalf or on behalf of the 46055  
other employer or farm operator, for the service in agricultural 46056  
labor performed for the other employer or farm operator. 46057

(CC) "Educational institution" means an institution other 46058  
than an institution of higher education as defined in division (Y) 46059  
of this section, including an educational institution operated by 46060  
an Indian tribe, which: 46061

(1) Offers participants, trainees, or students an organized 46062  
course of study or training designed to transfer to them 46063

knowledge, skills, information, doctrines, attitudes, or abilities 46064  
from, by, or under the guidance of an instructor or teacher; and 46065

(2) Is approved, chartered, or issued a permit to operate as 46066  
a school by the state board of education, other government agency, 46067  
or Indian tribe that is authorized within the state to approve, 46068  
charter, or issue a permit for the operation of a school. 46069

For the purposes of this division, the courses of study or 46070  
training which the institution offers may be academic, technical, 46071  
trade, or preparation for gainful employment in a recognized 46072  
occupation. 46073

(DD) "Cost savings day" means any unpaid day off from work in 46074  
which employees continue to accrue employee benefits which have a 46075  
determinable value including, but not limited to, vacation, 46076  
pension contribution, sick time, and life and health insurance. 46077

(EE) "Motor carrier" has the same meaning as in section 46078  
4923.01 of the Revised Code. 46079

**Sec. 4141.30.** (A) All benefits shall be paid through public 46080  
employment offices in accordance with such rules as the director 46081  
of job and family services prescribes. 46082

(B) With the exceptions in division (B)(4) of this section, 46083  
benefits are payable to each eligible and qualified individual on 46084  
account of each week of involuntary total unemployment after the 46085  
specified waiting period at the weekly benefit amount determined 46086  
by: 46087

(1) Computing the individual's average weekly wage as defined 46088  
in division (O)(2) of section 4141.01 of the Revised Code; 46089

(2) Determining the individual's dependency class under 46090  
division (E) of this section; 46091

(3) Computing the individual's weekly benefit amount to be 46092  
fifty per cent of the individual's average weekly wage except, 46093

that the individual's weekly benefit amount shall not exceed the 46094  
maximum amount shown for the individual's dependency class in the 46095  
following table: 46096

Dependency Class	Maximum Weekly Benefit Amount	
A	\$147	46097
B	223	46098
C	233	46099

The director shall calculate the statewide average weekly 46102  
wage based on the average weekly earnings of all workers in 46103  
employment subject to this chapter during the preceding 46104  
twelve-month period ending the thirtieth day of June. The 46105  
calculation shall be made in the following manner: 46106

(a) The sum of the total monthly employment reported for the 46107  
previous twelve-month period shall be divided by twelve to 46108  
determine the average monthly employment; 46109

(b) The sum of the total wages reported for the previous 46110  
twelve-month period shall be divided by the average monthly 46111  
employment to determine the average annual wage; 46112

(c) The average annual wage shall be divided by fifty-two to 46113  
determine the statewide average weekly wage. 46114

In the computation of the weekly benefit amount, any 46115  
resulting amount not a multiple of one dollar shall be rounded to 46116  
the next lower multiple of one dollar. In the computation of the 46117  
adjusted maximum benefit amounts, based on the statewide average 46118  
weekly wage, any resulting amount not a multiple of one dollar 46119  
shall be rounded to the next lower multiple of one dollar. 46120

(4) Effective Sunday of the calendar week in which January 1, 46121  
occurs for calendar years 1988 through 1993, the maximum weekly 46122  
benefit amount payable for an individual's dependency class for 46123  
those years shall be computed in accordance with this division, 46124

with an additional increase added to the prior year's increase 46125  
equal to one-sixth of total percentage increase that otherwise 46126  
would have been available in calendar years 1983, 1984, 1985, 46127  
1986, and 1987, if in those years an adjustment in the maximum 46128  
weekly benefit amount would have been made pursuant to this 46129  
division. 46130

(5) Effective Sunday of the calendar week in which January 1, 46131  
1991, occurs, the maximum weekly benefit amounts computed under 46132  
divisions (B)(3) and (4) of this section shall not exceed the 46133  
following amounts: 46134

(a) For dependency class A, fifty per cent of the statewide 46135  
average weekly wage; 46136

(b) For dependency class B, sixty per cent of the statewide 46137  
average weekly wage; 46138

(c) For dependency class C, sixty-six and two-thirds per cent 46139  
of the statewide average weekly wage. 46140

Division (B)(5) of this section applies to all new claims 46141  
filed on and after the Sunday of the calendar week in which 46142  
January 1, 1991, occurs, provided that the maximum weekly benefit 46143  
amounts established for the dependency classes prior to such date 46144  
apply to all claims until the maximum weekly benefit amounts as 46145  
determined pursuant to division (B)(5) of this section equal or 46146  
exceed the maximum weekly benefit amounts in effect prior to such 46147  
date. 46148

(6) For the time period beginning on January 1, 2018, and 46149  
ending January 1, ~~2020~~ 2023, no individual's weekly benefit amount 46150  
shall exceed the maximum weekly benefit amounts in effect on ~~the~~ 46151  
~~effective date of this section~~ March 28, 2017. 46152

(C) Benefits are payable to each partially unemployed 46153  
individual otherwise eligible on account of each week of 46154  
involuntary partial unemployment after the specified waiting 46155

period in an amount equal to the individual's weekly benefit 46156  
amount less that part of the remuneration payable to the 46157  
individual with respect to such week which is in excess of twenty 46158  
per cent of the individual's weekly benefit amount, and the 46159  
resulting amount rounded to the next lower multiple of one dollar. 46160

(D) The total benefits to which an individual is entitled in 46161  
any benefit year, whether for partial or total unemployment, or 46162  
both, shall not exceed the lesser of the following two amounts: 46163  
(1) an amount equal to twenty-six times the individual's weekly 46164  
benefit amount determined in accordance with division (B) of this 46165  
section and this division, or (2) an amount computed by taking the 46166  
sum of twenty times the individual's weekly benefit amount for the 46167  
first twenty base period qualifying weeks plus one times the 46168  
weekly benefit amount for each additional qualifying week beyond 46169  
the first twenty qualifying weeks in the individual's base period. 46170

(E) Each eligible and qualified individual shall be assigned 46171  
a dependency class in accordance with the following schedule: 46172

Class	Description of Dependents	
A	No dependents, or has insufficient wages to qualify for more than the maximum weekly benefit amount as provided under dependency class A	46173 46174 46175 46176 46177
B	One or two dependents	46178
C	Three or more dependents	46179

As used in this division "dependent" means: 46180

(1) Any natural child, stepchild, or adopted child of the 46181  
individual claiming benefits for whom such individual at the 46182  
beginning of the individual's current benefit year is supplying 46183  
and for at least ninety consecutive days, or for the duration of 46184  
the parental relationship if it existed less than ninety days, 46185  
immediately preceding the beginning of such benefit year, has 46186  
supplied more than one-half of the cost of support and if such 46187

child on the beginning date of such benefit year was under 46188  
eighteen years of age, or if unable to work because of permanent 46189  
physical or mental disability; 46190

(2) The legally married wife or husband of the individual 46191  
claiming benefits for whom more than one-half the cost of support 46192  
has been supplied by such individual for at least ninety 46193  
consecutive days, or for the duration of the marital relationship 46194  
if it has existed for less than ninety days, immediately preceding 46195  
the beginning of such individual's current benefit year and such 46196  
wife or husband was living with such individual and had an average 46197  
weekly income, in such period, not in excess of twenty-five per 46198  
cent of the claimant's average weekly wage. 46199

(3) If both the husband and wife qualify for benefit rights 46200  
with overlapping benefit years, only one of them may qualify for a 46201  
dependency class other than A. 46202

**Sec. 4141.35.** (A) If the director of job and family services 46203  
finds that any fraudulent misrepresentation has been made by an 46204  
applicant for or a recipient of benefits with the object of 46205  
obtaining benefits to which the applicant or recipient was not 46206  
entitled, and in addition to any other penalty or forfeiture under 46207  
this chapter, then the director: 46208

(1) Shall within four years after the end of the benefit year 46209  
in which the fraudulent misrepresentation was made reject or 46210  
cancel such person's entire weekly claim for benefits that was 46211  
fraudulently claimed, or the person's entire benefit rights if the 46212  
misrepresentation was in connection with the filing of the 46213  
claimant's application for determination of benefit rights; 46214

(2) Shall by order declare that, for each application for 46215  
benefit rights and for each weekly claim canceled, such person 46216  
shall be ineligible for two otherwise valid weekly claims for 46217  
benefits, claimed within six years subsequent to the discovery of 46218

such misrepresentation; 46219

(3) By order shall require that the total amount of benefits 46220  
rejected or canceled under division (A)(1) of this section be 46221  
repaid to the director before such person may become eligible for 46222  
further benefits, and shall withhold such unpaid sums from future 46223  
benefit payments accruing and otherwise payable to such claimant. 46224  
Effective with orders issued on or after January 1, 1993, if such 46225  
benefits are not repaid within thirty days after the director's 46226  
order becomes final, interest on the amount remaining unpaid shall 46227  
be charged to the person at a rate and calculated in the same 46228  
manner as provided under section 4141.23 of the Revised Code. When 46229  
a person ordered to repay benefits has repaid all overpaid 46230  
benefits according to a plan approved by the director, the 46231  
director may cancel the amount of interest that accrued during the 46232  
period of the repayment plan. The director may take action in any 46233  
court of competent jurisdiction to collect benefits and interest 46234  
as provided in sections 4141.23 and 4141.27 of the Revised Code, 46235  
in regard to the collection of unpaid contributions, using the 46236  
final repayment order as the basis for such action. Except as 46237  
otherwise provided in this division, no administrative or legal 46238  
proceedings for the collection of such benefits or interest due, 46239  
or for the collection of a penalty under division (A)(4) of this 46240  
section, shall be initiated after the expiration of six years from 46241  
the date on which the director's order requiring repayment became 46242  
final and the amount of any benefits, penalty, or interest not 46243  
recovered at that time, and any liens thereon, shall be canceled 46244  
as uncollectible. The time limit for instituting proceedings shall 46245  
be extended by the period of any stay to the collection or by any 46246  
other time period to which the parties mutually agree. 46247

(4) Shall, for findings made on or after October 21, 2013, by 46248  
order assess a mandatory penalty on such a person in an amount 46249  
equal to twenty-five per cent of the total amount of benefits 46250

rejected or canceled under division (A)(1) of this section. The 46251  
first sixty per cent of each penalty collected under division 46252  
(A)(4) of this section shall be deposited into the unemployment 46253  
compensation fund created under section 4141.09 of the Revised 46254  
Code and shall be credited to the mutualized account, as provided 46255  
in division (B)(2)(g) of section 4141.25 of the Revised Code. The 46256  
remainder of each penalty collected shall be deposited into the 46257  
unemployment compensation special administrative fund created 46258  
under section 4141.11 of the Revised Code. 46259

(5) May take action to collect benefits fraudulently obtained 46260  
under the unemployment compensation law of any other state or the 46261  
United States or Canada. Such action may be initiated in the 46262  
courts of this state in the same manner as provided for unpaid 46263  
contributions in section 4141.41 of the Revised Code. 46264

(6) May take action to collect benefits that have been 46265  
fraudulently obtained from the director, interest pursuant to 46266  
division (A)(3) of this section, and court costs, through 46267  
attachment proceedings under Chapter 2715. of the Revised Code and 46268  
garnishment proceedings under Chapter 2716. of the Revised Code. 46269

(B) If the director finds that an applicant for benefits has 46270  
been credited with a waiting period or paid benefits to which the 46271  
applicant was not entitled for reasons other than fraudulent 46272  
misrepresentation, the director shall: 46273

(1)(a) Within six months after the determination under which 46274  
the claimant was credited with that waiting period or paid 46275  
benefits becomes final pursuant to section 4141.28 of the Revised 46276  
Code, or within three years after the end of the benefit year in 46277  
which such benefits were claimed, whichever is later, by order 46278  
cancel such waiting period and require that such benefits be 46279  
repaid to the director or be withheld from any benefits to which 46280  
such applicant is or may become entitled before any additional 46281  
benefits are paid, provided that the repayment or withholding 46282

shall not be required where the overpayment is the result of the 46283  
director's correcting a prior decision due to a typographical or 46284  
clerical error in the director's prior decision, or an error in an 46285  
employer's report under division (G) of section 4141.28 of the 46286  
Revised Code. 46287

(b) The limitation specified in division (B)(1)(a) of this 46288  
section shall not apply to cases involving the retroactive payment 46289  
of remuneration covering periods for which benefits were 46290  
previously paid to the claimant. However, in such cases, the 46291  
director's order requiring repayment shall not be issued unless 46292  
the director is notified of such retroactive payment within six 46293  
months from the date the retroactive payment was made to the 46294  
claimant. 46295

(2) The director may, by reciprocal agreement with the United 46296  
States secretary of labor or another state, recover overpayment 46297  
amounts from unemployment benefits otherwise payable to an 46298  
individual under Chapter 4141. of the Revised Code. Any 46299  
overpayments made to the individual that have not previously been 46300  
recovered under an unemployment benefit program of the United 46301  
States may be recovered in accordance with section 303(g) of the 46302  
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 46303  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 46304  
3301 to 3311. 46305

(3) If the amounts required to be repaid under division (B) 46306  
of this section are not recovered within three years from the date 46307  
the director's order requiring payment became final, initiate no 46308  
further action to collect such benefits and the amount of any 46309  
benefits not recovered at that time shall be canceled as 46310  
uncollectible, provided that the time limit for collection shall 46311  
be extended by the period of any stay to the collection or by any 46312  
other time period to which the parties mutually agree. 46313

(C) The appeal provisions of sections 4141.281 and 4141.282 46314

of the Revised Code shall apply to all orders and determinations 46315  
issued under this section, except that an individual's right of 46316  
appeal under division (B)(2) of this section shall be limited to 46317  
this state's authority to recover overpayment of benefits. 46318

(D) The director shall deposit any repayment collected under 46319  
this section that the director determines to be payment of 46320  
interest or court costs into the unemployment compensation special 46321  
administrative fund established pursuant to section 4141.11 of the 46322  
Revised Code. 46323

(E) If an individual makes a full repayment or a repayment 46324  
that is less than the full amount required by this section, the 46325  
director shall apply the repayment to the mutualized account under 46326  
division (B) of section 4141.25 of the Revised Code, except that 46327  
the director shall credit the repayment to the accounts of the 46328  
individual's base period employers that previously have not been 46329  
credited for the amount of improperly paid benefits charged 46330  
against their accounts based on the proportion of benefits charged 46331  
against the accounts as determined pursuant to division (D) of 46332  
section 4141.24 of the Revised Code. 46333

~~The director shall deposit any repayment collected under this 46334  
section that the director determines to be payment of interest or 46335  
court costs into the unemployment compensation special 46336  
administrative fund established pursuant to section 4141.11 of the 46337  
Revised Code.~~ 46338

This division does not apply to any of the following: 46339

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 46340

(2) Unclaimed fund recoveries under section 131.024 of the 46341  
Revised Code; 46342

(3) Lottery award offsets under section 3770.073 of the 46343  
Revised Code; 46344

(4) State tax refund offsets under section 5747.12 of the Revised Code;	46345 46346
<u>(5) Unemployment compensation debts collected by the attorney general under Chapter 131. of the Revised Code.</u>	46347 46348
<b>Sec. 4141.50.</b> (A) As used in this section and in sections 4141.51 to 4141.56 of the Revised Code:	46349 46350
(1) "Affected unit" means a department, shift, or other organizational unit of two or more employees that is designated by a participating employer in a shared work plan.	46351 46352 46353
(2) "Approved shared work plan" means an employer's shared work plan, submitted pursuant to section 4141.51 of the Revised Code, that satisfies all of the requirements for approval under that section and that the director of job and family services has approved in writing.	46354 46355 46356 46357 46358
(3) "Intermittent basis" means employment that is not continuous but may consist of periodic intervals of weekly work and intervals of no weekly work.	46359 46360 46361
(4) "Normal weekly hours of work" means the normal hours of work <u>in employment</u> each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including any overtime worked.	46362 46363 46364 46365
(5) "Participating employee" means an employee whose normal weekly hours of work are reduced by the reduction percentage under an approved shared work plan.	46366 46367 46368
(6) "Participating employer" means an employer who has an approved shared work plan in effect.	46369 46370
(7) "Reduction percentage" means the percentage by which each participating employee's normal weekly hours of work are reduced under an approved shared work plan.	46371 46372 46373

(8) "Seasonal basis" has the same meaning as "seasonal employment" as defined in division (A) of section 4141.33 of the Revised Code. 46374  
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(9) "Shared work compensation" means the pro rata share of unemployment compensation benefits payable to a participating employee under an approved shared work plan. "Shared work compensation" does not include unemployment compensation benefits otherwise payable to an eligible claimant who is totally or partially unemployed. 46377  
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(10) "Temporary basis" means employment where an employee is expected to remain in a position for only a limited period of time or is hired by a temporary agency to fill a gap in the employer's workforce. 46383  
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(B) There is hereby created the "SharedWork Ohio" program, under which an employer who participates in the program reduces the number of hours worked by the employees of the employer in lieu of layoffs. 46387  
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The director may adopt rules as the director determines necessary to implement any guidance issued by the United States secretary of labor with respect to the SharedWork Ohio program. 46391  
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46393

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of the Revised Code: 46394  
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(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces. 46396  
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(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale. 46398  
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46400

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, 46401  
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except for known sacramental purposes, at the rate of thirty cents 46404  
per wine gallon for wine containing not less than four per cent of 46405  
alcohol by volume and not more than fourteen per cent of alcohol 46406  
by volume, ninety-eight cents per wine gallon for wine containing 46407  
more than fourteen per cent but not more than twenty-one per cent 46408  
of alcohol by volume, one dollar and eight cents per wine gallon 46409  
for vermouth, and one dollar and forty-eight cents per wine gallon 46410  
for sparkling and carbonated wine and champagne, the tax to be 46411  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 46412  
person selling or distributing wine upon which no tax has been 46413  
paid. From the tax paid under this section on wine, vermouth, and 46414  
sparkling and carbonated wine and champagne, the treasurer of 46415  
state shall credit to the Ohio grape industries fund created under 46416  
section 924.54 of the Revised Code a sum equal to one cent per 46417  
gallon for each gallon upon which the tax is paid. 46418

(C) For the purpose of providing revenues for the support of 46419  
the state, there is hereby levied a tax on prepared and bottled 46420  
highballs, cocktails, cordials, and other mixed beverages at the 46421  
rate of one dollar and twenty cents per wine gallon to be paid by 46422  
holders of A-4 permits or by any other person selling or 46423  
distributing those products upon which no tax has been paid. Only 46424  
one sale of the same article shall be used in computing the amount 46425  
of tax due. The tax on mixed beverages to be paid by holders of 46426  
A-4 permits under this section shall not attach until the 46427  
ownership of the mixed beverage is transferred for valuable 46428  
consideration to a wholesaler or retailer, and no payment of the 46429  
tax shall be required prior to that time. 46430

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 46431  
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 46432  
and sparkling and carbonated wine and champagne, the treasurer of 46433  
state shall credit to the Ohio grape industries fund created under 46434  
section 924.54 of the Revised Code a sum equal to two cents per 46435

gallon upon which the tax is paid. The amount credited under this 46436  
division is in addition to the amount credited to the Ohio grape 46437  
industries fund under division (B) of this section. 46438

(E) For the purpose of providing revenues for the support of 46439  
the state, there is hereby levied a tax on cider at the rate of 46440  
twenty-four cents per wine gallon to be paid by the holders of 46441  
A-2, A-2f, and B-5 permits or by any other person selling or 46442  
distributing cider upon which no tax has been paid. Only one sale 46443  
of the same article shall be used in computing the amount of the 46444  
tax due. 46445

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 46446  
owner or operator of a hotel or motel that is required to be 46447  
licensed under section 3731.03 of the Revised Code, that contains 46448  
at least fifty rooms for registered transient guests or is owned 46449  
by a state institution of higher education as defined in section 46450  
3345.011 of the Revised Code or a private college or university, 46451  
and that qualifies under the other requirements of this section, 46452  
or to the owner or operator of a restaurant specified under this 46453  
section, to sell beer and any intoxicating liquor at retail, only 46454  
by the individual drink in glass and from the container, for 46455  
consumption on the premises where sold, and to registered guests 46456  
in their rooms, which may be sold by means of a controlled access 46457  
alcohol and beverage cabinet in accordance with division (B) of 46458  
section 4301.21 of the Revised Code; and to sell the same products 46459  
in the same manner and amounts not for consumption on the premises 46460  
as may be sold by holders of D-1 and D-2 permits. The premises of 46461  
the hotel or motel shall include a retail food establishment or a 46462  
food service operation licensed pursuant to Chapter 3717. of the 46463  
Revised Code that operates as a restaurant for purposes of this 46464  
chapter and that is affiliated with the hotel or motel and within 46465  
or contiguous to the hotel or motel, and that serves food within 46466  
the hotel or motel, but the principal business of the owner or 46467

operator of the hotel or motel shall be the accommodation of 46468  
transient guests. In addition to the privileges authorized in this 46469  
division, the holder of a D-5a permit may exercise the same 46470  
privileges as the holder of a D-5 permit. 46471

The owner or operator of a hotel, motel, or restaurant who 46472  
qualified for and held a D-5a permit on August 4, 1976, may, if 46473  
the owner or operator held another permit before holding a D-5a 46474  
permit, either retain a D-5a permit or apply for the permit 46475  
formerly held, and the division of liquor control shall issue the 46476  
permit for which the owner or operator applies and formerly held, 46477  
notwithstanding any quota. 46478

A D-5a permit shall not be transferred to another location. 46479  
No quota restriction shall be placed on the number of D-5a permits 46480  
that may be issued. 46481

The fee for this permit is two thousand three hundred 46482  
forty-four dollars. 46483

(B) Permit D-5b may be issued to the owner, operator, tenant, 46484  
lessee, or occupant of an enclosed shopping center to sell beer 46485  
and intoxicating liquor at retail, only by the individual drink in 46486  
glass and from the container, for consumption on the premises 46487  
where sold; and to sell the same products in the same manner and 46488  
amount not for consumption on the premises as may be sold by 46489  
holders of D-1 and D-2 permits. In addition to the privileges 46490  
authorized in this division, the holder of a D-5b permit may 46491  
exercise the same privileges as a holder of a D-5 permit. 46492

A D-5b permit shall not be transferred to another location. 46493

One D-5b permit may be issued at an enclosed shopping center 46494  
containing at least two hundred twenty-five thousand, but less 46495  
than four hundred thousand, square feet of floor area. 46496

Two D-5b permits may be issued at an enclosed shopping center 46497  
containing at least four hundred thousand square feet of floor 46498

area. No more than one D-5b permit may be issued at an enclosed shopping center for each additional two hundred thousand square feet of floor area or fraction of that floor area, up to a maximum of five D-5b permits for each enclosed shopping center. The number of D-5b permits that may be issued at an enclosed shopping center shall be determined by subtracting the number of D-3 and D-5 permits issued in the enclosed shopping center from the number of D-5b permits that otherwise may be issued at the enclosed shopping center under the formulas provided in this division. Except as provided in this section, no quota shall be placed on the number of D-5b permits that may be issued. Notwithstanding any quota provided in this section, the holder of any D-5b permit first issued in accordance with this section is entitled to its renewal in accordance with section 4303.271 of the Revised Code.

The holder of a D-5b permit issued before April 4, 1984, whose tenancy is terminated for a cause other than nonpayment of rent, may return the D-5b permit to the division of liquor control, and the division shall cancel that permit. Upon cancellation of that permit and upon the permit holder's payment of taxes, contributions, premiums, assessments, and other debts owing or accrued upon the date of cancellation to this state and its political subdivisions and a filing with the division of a certification of that payment, the division shall issue to that person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as that person requests. The division shall issue the D-5 permit, or the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, D-3, or D-5 permits currently issued in the municipal corporation or in the unincorporated area of the township where that person's proposed premises is located equals or exceeds the maximum number of such permits that can be issued in that municipal corporation or in the unincorporated area of that township under the population quota restrictions contained in section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not

be transferred to another location. If a D-5b permit is canceled 46532  
under the provisions of this paragraph, the number of D-5b permits 46533  
that may be issued at the enclosed shopping center for which the 46534  
D-5b permit was issued, under the formula provided in this 46535  
division, shall be reduced by one if the enclosed shopping center 46536  
was entitled to more than one D-5b permit under the formula. 46537

The fee for this permit is two thousand three hundred 46538  
forty-four dollars. 46539

(C) Permit D-5c may be issued to the owner or operator of a 46540  
retail food establishment or a food service operation licensed 46541  
pursuant to Chapter 3717. of the Revised Code that operates as a 46542  
restaurant for purposes of this chapter and that qualifies under 46543  
the other requirements of this section to sell beer and any 46544  
intoxicating liquor at retail, only by the individual drink in 46545  
glass and from the container, for consumption on the premises 46546  
where sold, and to sell the same products in the same manner and 46547  
amounts not for consumption on the premises as may be sold by 46548  
holders of D-1 and D-2 permits. In addition to the privileges 46549  
authorized in this division, the holder of a D-5c permit may 46550  
exercise the same privileges as the holder of a D-5 permit. 46551

To qualify for a D-5c permit, the owner or operator of a 46552  
retail food establishment or a food service operation licensed 46553  
pursuant to Chapter 3717. of the Revised Code that operates as a 46554  
restaurant for purposes of this chapter, shall have operated the 46555  
restaurant at the proposed premises for not less than twenty-four 46556  
consecutive months immediately preceding the filing of the 46557  
application for the permit, have applied for a D-5 permit no later 46558  
than December 31, 1988, and appear on the division's quota waiting 46559  
list for not less than six months immediately preceding the filing 46560  
of the application for the permit. In addition to these 46561  
requirements, the proposed D-5c permit premises shall be located 46562  
within a municipal corporation and further within an election 46563

precinct that, at the time of the application, has no more than 46564  
twenty-five per cent of its total land area zoned for residential 46565  
use. 46566

A D-5c permit shall not be transferred to another location. 46567  
No quota restriction shall be placed on the number of such permits 46568  
that may be issued. 46569

Any person who has held a D-5c permit for at least two years 46570  
may apply for a D-5 permit, and the division of liquor control 46571  
shall issue the D-5 permit notwithstanding the quota restrictions 46572  
contained in section 4303.29 of the Revised Code or in any rule of 46573  
the liquor control commission. 46574

The fee for this permit is one thousand five hundred 46575  
sixty-three dollars. 46576

(D) Permit D-5d may be issued to the owner or operator of a 46577  
retail food establishment or a food service operation licensed 46578  
pursuant to Chapter 3717. of the Revised Code that operates as a 46579  
restaurant for purposes of this chapter and that is located at an 46580  
airport operated by a board of county commissioners pursuant to 46581  
section 307.20 of the Revised Code, at an airport operated by a 46582  
port authority pursuant to Chapter 4582. of the Revised Code, or 46583  
at an airport operated by a regional airport authority pursuant to 46584  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 46585  
sell beer and any intoxicating liquor at retail, only by the 46586  
individual drink in glass and from the container, for consumption 46587  
on the premises where sold, and may sell the same products in the 46588  
same manner and amounts not for consumption on the premises where 46589  
sold as may be sold by the holders of D-1 and D-2 permits. In 46590  
addition to the privileges authorized in this division, the holder 46591  
of a D-5d permit may exercise the same privileges as the holder of 46592  
a D-5 permit. 46593

A D-5d permit shall not be transferred to another location. 46594

No quota restrictions shall be placed on the number of such 46595  
permits that may be issued. 46596

The fee for this permit is two thousand three hundred 46597  
forty-four dollars. 46598

(E) Permit D-5e may be issued to any nonprofit organization 46599  
that is exempt from federal income taxation under the "Internal 46600  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 46601  
amended, or that is a charitable organization under any chapter of 46602  
the Revised Code, and that owns or operates a riverboat that meets 46603  
all of the following: 46604

(1) Is permanently docked at one location; 46605

(2) Is designated as an historical riverboat by the Ohio 46606  
history connection; 46607

(3) Contains not less than fifteen hundred square feet of 46608  
floor area; 46609

(4) Has a seating capacity of fifty or more persons. 46610

The holder of a D-5e permit may sell beer and intoxicating 46611  
liquor at retail, only by the individual drink in glass and from 46612  
the container, for consumption on the premises where sold. 46613

A D-5e permit shall not be transferred to another location. 46614  
No quota restriction shall be placed on the number of such permits 46615  
that may be issued. The population quota restrictions contained in 46616  
section 4303.29 of the Revised Code or in any rule of the liquor 46617  
control commission shall not apply to this division, and the 46618  
division shall issue a D-5e permit to any applicant who meets the 46619  
requirements of this division. However, the division shall not 46620  
issue a D-5e permit if the permit premises or proposed permit 46621  
premises are located within an area in which the sale of 46622  
spirituous liquor by the glass is prohibited. 46623

The fee for this permit is one thousand two hundred nineteen 46624

dollars. 46625

(F) Permit D-5f may be issued to the owner or operator of a 46626  
retail food establishment or a food service operation licensed 46627  
under Chapter 3717. of the Revised Code that operates as a 46628  
restaurant for purposes of this chapter and that meets all of the 46629  
following: 46630

(1) It contains not less than twenty-five hundred square feet 46631  
of floor area. 46632

(2) It is located on or in, or immediately adjacent to, the 46633  
shoreline of, a navigable river. 46634

(3) It provides docking space for twenty-five boats. 46635

(4) It provides entertainment and recreation, provided that 46636  
not less than fifty per cent of the business on the permit 46637  
premises shall be preparing and serving meals for a consideration. 46638

In addition, each application for a D-5f permit shall be 46639  
accompanied by a certification from the local legislative 46640  
authority that the issuance of the D-5f permit is not inconsistent 46641  
with that political subdivision's comprehensive development plan 46642  
or other economic development goal as officially established by 46643  
the local legislative authority. 46644

The holder of a D-5f permit may sell beer and intoxicating 46645  
liquor at retail, only by the individual drink in glass and from 46646  
the container, for consumption on the premises where sold. 46647

A D-5f permit shall not be transferred to another location. 46648

The division of liquor control shall not issue a D-5f permit 46649  
if the permit premises or proposed permit premises are located 46650  
within an area in which the sale of spirituous liquor by the glass 46651  
is prohibited. 46652

A fee for this permit is two thousand three hundred 46653  
forty-four dollars. 46654

As used in this division, "navigable river" means a river 46655  
that is also a "navigable water" as defined in the "Federal Power 46656  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 46657

(G) Permit D-5g may be issued to a nonprofit corporation that 46658  
is either the owner or the operator of a national professional 46659  
sports museum. The holder of a D-5g permit may sell beer and any 46660  
intoxicating liquor at retail, only by the individual drink in 46661  
glass and from the container, for consumption on the premises 46662  
where sold. The holder of a D-5g permit shall sell no beer or 46663  
intoxicating liquor for consumption on the premises where sold 46664  
after two-thirty a.m. A D-5g permit shall not be transferred to 46665  
another location. No quota restrictions shall be placed on the 46666  
number of D-5g permits that may be issued. The fee for this permit 46667  
is one thousand eight hundred seventy-five dollars. 46668

(H)(1) Permit D-5h may be issued to any nonprofit 46669  
organization that is exempt from federal income taxation under the 46670  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 46671  
501(c)(3), as amended, that owns or operates any of the following: 46672

(a) A fine arts museum, provided that the nonprofit 46673  
organization has no less than one thousand five hundred bona fide 46674  
members possessing full membership privileges; 46675

(b) A community arts center. As used in division (H)(1)(b) of 46676  
this section, "community arts center" means a facility that 46677  
provides arts programming to the community in more than one arts 46678  
discipline, including, but not limited to, exhibits of works of 46679  
art and performances by both professional and amateur artists. 46680

(c) A community theater, provided that the nonprofit 46681  
organization is a member of the Ohio arts council and the American 46682  
community theatre association and has been in existence for not 46683  
less than ten years. As used in division (H)(1)(c) of this 46684  
section, "community theater" means a facility that contains at 46685

least one hundred fifty seats and has a primary function of 46686  
presenting live theatrical performances and providing recreational 46687  
opportunities to the community. 46688

(2) The holder of a D-5h permit may sell beer and any 46689  
intoxicating liquor at retail, only by the individual drink in 46690  
glass and from the container, for consumption on the premises 46691  
where sold. The holder of a D-5h permit shall sell no beer or 46692  
intoxicating liquor for consumption on the premises where sold 46693  
after one a.m. A D-5h permit shall not be transferred to another 46694  
location. No quota restrictions shall be placed on the number of 46695  
D-5h permits that may be issued. 46696

(3) The fee for a D-5h permit is one thousand eight hundred 46697  
seventy-five dollars. 46698

(I) Permit D-5i may be issued to the owner or operator of a 46699  
retail food establishment or a food service operation licensed 46700  
under Chapter 3717. of the Revised Code that operates as a 46701  
restaurant for purposes of this chapter and that meets all of the 46702  
following requirements: 46703

(1) It is located in a municipal corporation or a township 46704  
with a population of one hundred thousand or less. 46705

(2) It has inside seating capacity for at least one hundred 46706  
forty persons. 46707

(3) It has at least four thousand square feet of floor area. 46708

(4) It offers full-course meals, appetizers, and sandwiches. 46709

(5) Its receipts from beer and liquor sales, excluding wine 46710  
sales, do not exceed twenty-five per cent of its total gross 46711  
receipts. 46712

(6) It has at least one of the following characteristics: 46713

(a) The value of its real and personal property exceeds seven 46714  
hundred twenty-five thousand dollars. 46715

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.

A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I)(1) to (6) of this section. No quota restrictions shall be placed on the number of D-5i permits that may be issued. The fee for the D-5i permit is two thousand three hundred forty-four dollars.

(J) Permit D-5j may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5j permit may exercise the same privileges, and shall

observe the same hours of operation, as the holder of a D-5 permit. 46748  
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The D-5j permit shall be issued only within a community entertainment district that is designated under section 4301.80 of the Revised Code. The permit shall not be issued to a community entertainment district that is designated under divisions (B) and (C) of section 4301.80 of the Revised Code if the district does not meet one of the following qualifications: 46750  
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(1) It is located in a municipal corporation with a population of at least one hundred thousand. 46756  
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(2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies: 46758  
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(a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. 46761  
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(b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 46764  
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(3) It is located in a township with a population of at least forty thousand. 46767  
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(4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. 46769  
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(5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply: 46773  
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(a) The municipal corporation was incorporated as a village prior to calendar year 1880 and currently has a historic downtown 46776  
46777

business district. 46778

(b) The municipal corporation is located in the same county 46779  
as another municipal corporation with at least one community 46780  
entertainment district. 46781

(6) It is located in a municipal corporation with a 46782  
population of at least ten thousand, and not less than seventy 46783  
million dollars will be invested in development and construction 46784  
in the community entertainment district's area located in the 46785  
municipal corporation. 46786

(7) It is located in a municipal corporation with a 46787  
population of at least three thousand, and not less than one 46788  
hundred fifty million dollars will be invested in development and 46789  
construction in the community entertainment district's area 46790  
located in the municipal corporation. 46791

The location of a D-5j permit may be transferred only within 46792  
the geographic boundaries of the community entertainment district 46793  
in which it was issued and shall not be transferred outside the 46794  
geographic boundaries of that district. 46795

Not more than one D-5j permit shall be issued within each 46796  
community entertainment district for each five acres of land 46797  
located within the district. Not more than fifteen D-5j permits 46798  
may be issued within a single community entertainment district. 46799  
Except as otherwise provided in division (J)(4) of this section, 46800  
no quota restrictions shall be placed upon the number of D-5j 46801  
permits that may be issued. 46802

The fee for a D-5j permit is two thousand three hundred 46803  
forty-four dollars. 46804

(K)(1) Permit D-5k may be issued to any nonprofit 46805  
organization that is exempt from federal income taxation under the 46806  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 46807  
501(c)(3), as amended, that is the owner or operator of a 46808

botanical garden recognized by the American association of 46809  
botanical gardens and arboreta, and that has not less than 46810  
twenty-five hundred bona fide members. 46811

(2) The holder of a D-5k permit may sell beer and any 46812  
intoxicating liquor at retail, only by the individual drink in 46813  
glass and from the container, on the premises where sold. 46814

(3) The holder of a D-5k permit shall sell no beer or 46815  
intoxicating liquor for consumption on the premises where sold 46816  
after one a.m. 46817

(4) A D-5k permit shall not be transferred to another 46818  
location. 46819

(5) No quota restrictions shall be placed on the number of 46820  
D-5k permits that may be issued. 46821

(6) The fee for the D-5k permit is one thousand eight hundred 46822  
seventy-five dollars. 46823

(L)(1) Permit D-5l may be issued to the owner or the operator 46824  
of a retail food establishment or a food service operation 46825  
licensed under Chapter 3717. of the Revised Code to sell beer and 46826  
intoxicating liquor at retail, only by the individual drink in 46827  
glass and from the container, for consumption on the premises 46828  
where sold and to sell beer and intoxicating liquor in the same 46829  
manner and amounts not for consumption on the premises where sold 46830  
as may be sold by the holders of D-1 and D-2 permits. The holder 46831  
of a D-5l permit may exercise the same privileges, and shall 46832  
observe the same hours of operation, as the holder of a D-5 46833  
permit. 46834

(2) The D-5l permit shall be issued only to a premises to 46835  
which all of the following apply: 46836

(a) The premises has gross annual receipts from the sale of 46837  
food and meals that constitute not less than seventy-five per cent 46838

of its total gross annual receipts. 46839

(b) The premises is located within a revitalization district 46840  
that is designated under section 4301.81 of the Revised Code. 46841

(c) The premises is located in a municipal corporation or 46842  
township in which the number of D-5 permits issued equals or 46843  
exceeds the number of those permits that may be issued in that 46844  
municipal corporation or township under section 4303.29 of the 46845  
Revised Code. 46846

(d) The premises meets any of the following qualifications: 46847

(i) It is located in a county with a population of one 46848  
hundred twenty-five thousand or less according to the population 46849  
estimates certified by the development services agency for 46850  
calendar year 2006. 46851

(ii) It is located in the municipal corporation that has the 46852  
largest population in a county when the county has a population 46853  
between two hundred fifteen thousand and two hundred twenty-five 46854  
thousand according to the population estimates certified by the 46855  
development services agency for calendar year 2006. Division 46856  
(L)(2)(d)(ii) of this section applies only to a municipal 46857  
corporation that is wholly located in a county. 46858

(iii) It is located in the municipal corporation that has the 46859  
largest population in a county when the county has a population 46860  
between one hundred forty thousand and one hundred forty-one 46861  
thousand according to the population estimates certified by the 46862  
development services agency for calendar year 2006. Division 46863  
(L)(2)(d)(iii) of this section applies only to a municipal 46864  
corporation that is wholly located in a county. 46865

(iv) It is located in a township with a population density of 46866  
less than four hundred fifty people per square mile. For purposes 46867  
of division (L)(2)(d)(iv) of this section, the population of a 46868  
township is considered to be the population shown by the most 46869

recent regular federal decennial census. 46870

(v) It is located in a municipal corporation that is wholly 46871  
located within the geographic boundaries of a township, provided 46872  
that the municipal corporation and the unincorporated portion of 46873  
the township have a combined population density of less than four 46874  
hundred fifty people per square mile. For purposes of division 46875  
(L)(2)(d)(v) of this section, the population of a municipal 46876  
corporation and unincorporated portion of a township is the 46877  
population shown by the most recent federal decennial census. 46878

(vi) It is located in a county with a population of not less 46879  
than one hundred seventy-two thousand and not more than one 46880  
hundred ninety-five thousand. For purposes of division 46881  
(L)(2)(d)(vi) of this section, the population of a county is the 46882  
population shown by the most recent decennial census. 46883

(vii) It is located in a municipal corporation with a 46884  
population of less than ten thousand and the municipal corporation 46885  
is located in a county with a population of more than one million. 46886  
For purposes of division (L)(2)(d)(vii) of this section, the 46887  
population of a municipal corporation and a county is the 46888  
population shown by the most recent decennial census. 46889

(3) The location of a D-51 permit may be transferred only 46890  
within the geographic boundaries of the revitalization district in 46891  
which it was issued and shall not be transferred outside the 46892  
geographic boundaries of that district. 46893

(4) Not more than one D-51 permit shall be issued within each 46894  
revitalization district for each five acres of land located within 46895  
the district. Not more than fifteen D-51 permits may be issued 46896  
within a single revitalization district. Except as otherwise 46897  
provided in division (L)(4) of this section, no quota restrictions 46898  
shall be placed upon the number of D-51 permits that may be 46899  
issued. 46900

(5) No D-5l permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code. 46901  
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(6) The fee for a D-5l permit is two thousand three hundred forty-four dollars. 46903  
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(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges as the holder of a D-5 permit. 46905  
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A D-5m permit shall not be transferred to another location. 46918  
No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars. 46919  
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(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same privileges as the holder of a D-5 permit. A D-5n permit shall not be transferred to another 46922  
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location. Only one D-5n permit may be issued per casino facility 46933  
and not more than four D-5n permits shall be issued in this state. 46934  
The fee for a permit D-5n shall be twenty thousand dollars. The 46935  
holder of a D-5n permit may conduct casino gaming on the permit 46936  
premises notwithstanding any provision of the Revised Code or 46937  
Administrative Code. 46938

(O) Permit D-5o may be issued to the owner or operator of a 46939  
retail food establishment or a food service operation licensed 46940  
under Chapter 3717. of the Revised Code that operates as a 46941  
restaurant for purposes of this chapter and that is located within 46942  
a casino facility for which a D-5n permit has been issued. The 46943  
holder of a D-5o permit may sell beer and any intoxicating liquor 46944  
at retail, only by the individual drink in glass and from the 46945  
container, for consumption on the premises where sold, and may 46946  
sell the same products in the same manner and amounts not for 46947  
consumption on the premises where sold as may be sold by the 46948  
holders of D-1 and D-2 permits. In addition to the privileges 46949  
authorized by this division, the holder of a D-5o permit may 46950  
exercise the same privileges as the holder of a D-5 permit. A D-5o 46951  
permit shall not be transferred to another location. No quota 46952  
restrictions shall be placed on the number of such permits that 46953  
may be issued. The fee for this permit is two thousand three 46954  
hundred forty-four dollars. 46955

**Sec. 4313.02.** (A) The state may transfer to JobsOhio, and 46956  
JobsOhio may accept the transfer of, all or a portion of the 46957  
enterprise acquisition project for a transfer price payable by 46958  
JobsOhio to the state. Any such transfer shall be treated as an 46959  
absolute conveyance and true sale of the interest in the 46960  
enterprise acquisition project purported to be conveyed for all 46961  
purposes, and not as a pledge or other security interest. The 46962  
characterization of any such transfer as a true sale and absolute 46963  
conveyance shall not be negated or adversely affected by the 46964

acquisition or retention by the state of a residual or 46965  
reversionary interest in the enterprise acquisition project, the 46966  
participation of any state officer or employee as a member or 46967  
officer of, or contracting for staff support to, JobsOhio or any 46968  
subsidiary of JobsOhio, any regulatory responsibility of an 46969  
officer or employee of the state, including the authority to 46970  
collect amounts to be received in connection therewith, the 46971  
retention of the state of any legal title to or interest in any 46972  
portion of the enterprise acquisition project for the purpose of 46973  
regulatory activities, or any characterization of JobsOhio or 46974  
obligations of JobsOhio under accounting, taxation, or securities 46975  
regulations, or any other reason whatsoever. An absolute 46976  
conveyance and true sale or lease shall exist under this section 46977  
regardless of whether JobsOhio has any recourse against the state 46978  
or the treatment or characterization of the transfer as a 46979  
financing for any purpose. Upon and following the transfer, the 46980  
state shall not have any right, title, or interest in the 46981  
enterprise acquisition project so transferred other than any 46982  
residual interest that may be described in the transfer agreement 46983  
pursuant to the following paragraph and division (D) of this 46984  
section. Any determination of the fair market value of the 46985  
enterprise acquisition project reflected in the transfer agreement 46986  
shall be conclusive and binding on the state and JobsOhio. 46987

Any transfer of the enterprise acquisition project that is a 46988  
lease or grant of a franchise shall be for a term not to exceed 46989  
twenty-five years. Any transfer of the enterprise acquisition 46990  
project that is an assignment and sale, conveyance, or other 46991  
transfer shall contain a provision that the state shall have the 46992  
option to have conveyed or transferred back to it, at no cost, the 46993  
enterprise acquisition project, as it then exists, no later than 46994  
twenty-five years after the original transfer authorized in the 46995  
transfer agreement on such other terms as shall be provided in the 46996

transfer agreement. 46997

The exercise of the powers granted by this section will be 46998  
for the benefit of the people of the state. All or any portion of 46999  
the enterprise acquisition project transferred pursuant to the 47000  
transfer agreement that would be exempt from real property taxes 47001  
or assessments or real property taxes or assessments in the 47002  
absence of such transfer shall, as it may from time to time exist 47003  
thereafter, remain exempt from real property taxes or assessments 47004  
levied by the state and its subdivisions to the same extent as if 47005  
not transferred. The gross receipts and income of JobsOhio derived 47006  
from the enterprise acquisition project shall be exempt from 47007  
taxation levied by the state and its subdivisions, including, but 47008  
not limited to, the taxes levied pursuant to Chapters 718., 5739., 47009  
5741., 5747., and 5751. of the Revised Code. Any transfer from the 47010  
state to JobsOhio of the enterprise acquisition project, or item 47011  
included or to be included in the project, shall be exempt from 47012  
the taxes levied pursuant to Chapters 5739. and 5741. of the 47013  
Revised Code. 47014

(B) The proceeds of any transfer under division (A) of this 47015  
section may be expended as provided in the transfer agreement for 47016  
any one or more of the following purposes: 47017

(1) Funding, payment, or defeasance of outstanding bonds 47018  
issued pursuant to Chapters 151. and 166. of the Revised Code and 47019  
secured by pledged liquor profits as defined in section 151.40 of 47020  
the Revised Code; 47021

(2) Deposit into the general revenue fund; 47022

(3) Deposit into the clean Ohio revitalization fund created 47023  
pursuant to section 122.658 of the Revised Code, the innovation 47024  
Ohio loan fund created pursuant to section 166.16 of the Revised 47025  
Code, the research and development loan fund created pursuant to 47026  
section 166.20 of the Revised Code, and the logistics and 47027

distribution infrastructure fund created pursuant to section 47028  
166.26 of the Revised Code, ~~the advanced energy research and~~ 47029  
~~development fund created pursuant to section 3706.27 of the~~ 47030  
~~Revised Code, and the advanced energy research and development~~ 47031  
~~taxable fund created pursuant to section 3706.27 of the Revised~~ 47032  
~~Code;~~ 47033

(4) Conveyance to JobsOhio for the purposes for which it was 47034  
created. 47035

(C)(1) The state may covenant, pledge, and agree in the 47036  
transfer agreement, with and for the benefit of JobsOhio, that it 47037  
shall maintain statutory authority for the enterprise acquisition 47038  
project and the revenues of the enterprise acquisition project and 47039  
not otherwise materially impair any obligations supported by a 47040  
pledge of revenues of the enterprise acquisition project. The 47041  
transfer agreement may provide or authorize the manner for 47042  
determining material impairment of the security for any such 47043  
outstanding obligations, including by assessing and evaluating the 47044  
revenues of the enterprise acquisition project. 47045

(2) The director of budget and management, in consultation 47046  
with the director of commerce, may, without need for any other 47047  
approval, negotiate terms of any documents, including the transfer 47048  
agreement, necessary to effect the transfer and the acceptance of 47049  
the transfer of the enterprise acquisition project. The director 47050  
of budget and management and the director of commerce shall 47051  
execute the transfer agreement on behalf of the state. The 47052  
director of budget and management may also, without need for any 47053  
other approval, retain or contract for the services of commercial 47054  
appraisers, underwriters, investment bankers, and financial 47055  
advisers, as are necessary in the judgment of the director of 47056  
budget and management to effect the transfer agreement. Any 47057  
transfer agreement may contain terms and conditions established by 47058  
the state to carry out and effectuate the purposes of this 47059

section, including, without limitation, covenants binding the 47060  
state in favor of JobsOhio. Any such transfer agreement shall be 47061  
sufficient to effectuate the transfer without regard to any other 47062  
laws governing other property sales or financial transactions by 47063  
the state. The director of budget and management may create any 47064  
funds or accounts, within or without the state treasury, as are 47065  
needed for the transactions and activities authorized by this 47066  
section. 47067

(3) The transfer agreement may authorize JobsOhio, in the 47068  
ordinary course of doing business, to convey, lease, release, or 47069  
otherwise dispose of any regular inventory or tangible personal 47070  
property. Ownership of the interest in the enterprise acquisition 47071  
project that is transferred to JobsOhio under this section and the 47072  
transfer agreement shall be maintained in JobsOhio or a nonprofit 47073  
entity the sole member of which is JobsOhio until the enterprise 47074  
acquisition project is transferred back to the state pursuant to 47075  
the second paragraph of division (A) and division (D) of this 47076  
section. 47077

(D) The transfer agreement may authorize JobsOhio to fix, 47078  
alter, and collect rentals and other charges for the use and 47079  
occupancy of all or any portion of the enterprise acquisition 47080  
project and to lease any portion of the enterprise acquisition 47081  
project to the state, and shall include a contract with, or the 47082  
granting of an option to, the state to have the enterprise 47083  
acquisition project, as it then exists, transferred back to it 47084  
without charge in accordance with the terms of the transfer 47085  
agreement after retirement or redemption, or provision therefor, 47086  
of all obligations supported by a pledge of spirituous liquor 47087  
profits. 47088

(E) JobsOhio, the director of budget and management, and the 47089  
director of commerce shall, subject to approval by the controlling 47090  
board, enter into a contract, which may be part of the transfer 47091

agreement, for the continuing operation by the division of liquor control of spirituous liquor distribution and merchandising subject to standards for performance provided in that contract that may relate to or support division (C)(1) of this section. The contract shall establish other terms and conditions for the assignment of duties to, and the provision of advice, services, and other assistance by, the division of liquor control, including providing for the necessary staffing and payment by JobsOhio of appropriate compensation to the division for the performance of such duties and the provision of such advice, services, and other assistance. The division of liquor control shall manage and actively supervise the activities required or authorized under sections 4301.10 and 4301.17 of the Revised Code as those sections exist on September 29, 2011, including, but not limited to, controlling the traffic in intoxicating liquor in this state and fixing the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor are sold.

(F) The transfer agreement shall require JobsOhio to pay for the operations of the division of liquor control with regard to the spirituous liquor merchandising operations of the division. The payments from JobsOhio shall be deposited into the state treasury to the credit of the liquor operating services fund, which is hereby created in the state treasury. The fund shall be used to pay for the operations of the division specified in this division.

(G) The transaction and transfer provided for under this section shall comply with all applicable provisions of the Ohio Constitution.

**Sec. 4501.10.** (A) Except as provided in division (B) of this section, money received by the department of public safety from the sale of motor vehicles and related equipment pursuant to

section 125.13 of the Revised Code shall be transferred to the 47123  
public safety - highway purposes fund created in section 4501.06 47124  
of the Revised Code. The money shall be used only to purchase 47125  
replacement motor vehicles and related equipment. 47126

(B) Money received by the department of public safety 47127  
investigative unit established under section 5502.13 of the 47128  
Revised Code from the sale of motor vehicles and other equipment 47129  
pursuant to section 125.13 of the Revised Code shall be deposited 47130  
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 47131  
~~exchange~~ fund, ~~which is hereby~~ created in ~~the state treasury~~ 47132  
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 47133  
be used only to purchase replacement motor vehicles and other 47134  
equipment for that unit. 47135

**Sec. 4501.24.** There is hereby created in the state treasury 47136  
the scenic rivers protection fund. The fund shall consist of the 47137  
donations to the fund received by the department of natural 47138  
resources and the contributions not to exceed forty dollars that 47139  
are paid to the registrar of motor vehicles by applicants who 47140  
voluntarily choose to obtain scenic rivers license plates pursuant 47141  
to section 4503.56 of the Revised Code. 47142

The contributions deposited in the fund shall be used by the 47143  
department ~~of natural resources~~ to help finance wild, scenic, and 47144  
recreational river areas conservation, education, corridor 47145  
protection, restoration, and habitat enhancement and clean-up 47146  
projects along rivers in those areas. The chief of the division of 47147  
parks and watercraft in the department may expend money in the 47148  
fund for the acquisition of wild, scenic, and recreational river 47149  
areas, for the maintenance, protection, and administration of such 47150  
areas, and for construction of facilities within those areas. All 47151  
investment earnings of the fund shall be credited to the fund. 47152

As used in this section, "wild river areas," "scenic river 47153

areas," and "recreational river areas" have the same meanings as 47154  
in section 1546.01 of the Revised Code. 47155

**Sec. 4503.515.** (A) The owner or lessee of any passenger car, 47156  
noncommercial motor vehicle, recreational vehicle, or other 47157  
vehicle of a class approved by the registrar of motor vehicles may 47158  
apply to the registrar for the registration of the vehicle and 47159  
issuance of "Ohio geology" license plates. The application may be 47160  
combined with a request for a special reserved license plate under 47161  
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 47162  
the completed application and compliance by the applicant with 47163  
divisions (B) and (C) of this section, the registrar shall issue 47164  
to the applicant the appropriate vehicle registration and a set of 47165  
"Ohio geology" license plates and a validation sticker, or a 47166  
validation sticker alone when required by section 4503.191 of the 47167  
Revised Code. 47168

In addition to the letters and numbers ordinarily inscribed 47169  
on the license plates, "Ohio geology" license plates shall bear an 47170  
appropriate logo and words selected by the director of natural 47171  
resources and approved by the registrar. "Ohio geology" license 47172  
plates shall display county identification stickers that identify 47173  
the county of registration as required under section 4503.19 of 47174  
the Revised Code. 47175

(B) "Ohio geology" license plates and a validation sticker, 47176  
or validation sticker alone, shall be issued upon receipt of an 47177  
application for registration of a motor vehicle under this 47178  
section; payment of the regular license tax as prescribed under 47179  
section 4503.04 of the Revised Code, any applicable motor vehicle 47180  
license tax levied under Chapter 4504. of the Revised Code, any 47181  
applicable additional fee prescribed by section 4503.40 or 4503.42 47182  
of the Revised Code, an additional fee of ten dollars, and a 47183  
contribution as provided in division (C) of this section; and 47184

compliance with all other applicable laws relating to the 47185  
registration of motor vehicles. 47186

(C) For each application for registration and registration 47187  
renewal notice the registrar receives under this section, the 47188  
registrar shall collect a contribution of fifteen dollars. The 47189  
registrar shall transmit this contribution to the treasurer of 47190  
state for deposit into the state treasury to the credit of the 47191  
"Ohio geology" license plate geological mapping fund created by 47192  
section ~~1505.13~~ 1505.09 of the Revised Code. 47193

The registrar shall transmit the additional fee of ten 47194  
dollars, the purpose of which is to compensate the bureau of motor 47195  
vehicles for the additional services required in the issuing of 47196  
"Ohio geology" license plates, to the treasurer of state for 47197  
deposit into the state treasury to the credit of the public safety 47198  
- highway purposes fund created by section 4501.06 of the Revised 47199  
Code. 47200

**Sec. 4505.11.** This section shall also apply to all-purpose 47201  
vehicles and off-highway motorcycles as defined in section 4519.01 47202  
of the Revised Code. 47203

(A) Each owner of a motor vehicle and each person mentioned 47204  
as owner in the last certificate of title, when the motor vehicle 47205  
is dismantled, destroyed, or changed in such manner that it loses 47206  
its character as a motor vehicle, or changed in such manner that 47207  
it is not the motor vehicle described in the certificate of title, 47208  
shall surrender the certificate of title to that motor vehicle to 47209  
a clerk of a court of common pleas, and the clerk, with the 47210  
consent of any holders of any liens noted on the certificate of 47211  
title, then shall enter a cancellation upon the clerk's records 47212  
and shall notify the registrar of motor vehicles of the 47213  
cancellation. 47214

Upon the cancellation of a certificate of title in the manner 47215

prescribed by this section, any clerk and the registrar of motor vehicles may cancel and destroy all certificates and all memorandum certificates in that chain of title.

(B)(1) If an Ohio certificate of title or salvage certificate of title to a motor vehicle is assigned to a salvage dealer, the dealer is not required to obtain an Ohio certificate of title or a salvage certificate of title to the motor vehicle in the dealer's own name if the dealer dismantles or destroys the motor vehicle, indicates the number of the dealer's motor vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" across the face of the certificate of title or salvage certificate of title, and surrenders the certificate of title or salvage certificate of title to a clerk of a court of common pleas as provided in division (A) of this section. If the salvage dealer retains the motor vehicle for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C)(1) of this section.

(2) At the time any salvage motor vehicle is sold at auction or through a pool, the salvage motor vehicle auction or salvage motor vehicle pool shall give a copy of the salvage certificate of title or a copy of the certificate of title marked "FOR DESTRUCTION" to the purchaser.

(C)(1) When an insurance company declares it economically impractical to repair such a motor vehicle and has paid an agreed price for the purchase of the motor vehicle to any insured or claimant owner, the insurance company shall proceed as follows:

(a) If an insurance company receives the certificate of title and the motor vehicle, within thirty business days, the insurance company shall deliver the certificate of title to a clerk of a court of common pleas and shall make application for a salvage certificate of title. This certificate of title, any supporting power of attorney, or application for a salvage certificate of

title shall be exempt from the requirements of notarization and 47248  
verification as described in this chapter and in section 1337.25 47249  
of the Revised Code. 47250

(b) If an insurance company obtains possession of the motor 47251  
vehicle and a physical certificate of title was issued for the 47252  
vehicle but the insurance company is unable to obtain the properly 47253  
endorsed certificate of title for the motor vehicle within thirty 47254  
business days following the vehicle's owner or lienholder's 47255  
acceptance of the insurance company's payment for the vehicle, the 47256  
insurance company may apply to the clerk of a court of common 47257  
pleas for a salvage certificate of title without delivering the 47258  
certificate of title for the motor vehicle. The application shall 47259  
be accompanied by evidence that the insurance company has paid a 47260  
total loss claim on the vehicle, a copy of the written request for 47261  
the certificate of title from the insurance company or its 47262  
designee, and proof that the request was delivered by a nationally 47263  
recognized courier service to the last known address of the owner 47264  
of the vehicle and any known lienholder, to obtain the certificate 47265  
of title. 47266

(c) If an insurance company obtains possession of the motor 47267  
vehicle and a physical certificate of title was not issued for the 47268  
vehicle, the insurance company may apply to the clerk of a court 47269  
of common pleas for a salvage certificate of title without 47270  
delivering a certificate of title for the motor vehicle. The 47271  
application shall be accompanied by the electronic certificate of 47272  
title control number and a properly executed power of attorney, or 47273  
other appropriate document, from the owner of the motor vehicle 47274  
authorizing the insurance company to apply for a salvage 47275  
certificate of title. The application for a salvage certificate of 47276  
title, any supporting power of attorney, and any other appropriate 47277  
document shall be exempt from the requirements of notarization and 47278  
verification as described in this chapter and in section 1337.25 47279

of the Revised Code. 47280

(d) Upon receipt of a properly completed application for a 47281  
salvage certificate of title as described in division (C)(1)(a), 47282  
(b), or (c) or (C)(2) of this section, the clerk shall issue the 47283  
salvage certificate of title on a form, prescribed by the 47284  
registrar, that shall be easily distinguishable from the original 47285  
certificate of title and shall bear the same information as the 47286  
original certificate of title except that it may bear a different 47287  
number than that of the original certificate of title. The salvage 47288  
certificate of title shall include the following notice in bold 47289  
lettering: 47290

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 47291

Except as provided in division (C)(3) of this section, the 47292  
salvage certificate of title shall be assigned by the insurance 47293  
company to a salvage dealer or any other person for use as 47294  
evidence of ownership upon the sale or other disposition of the 47295  
motor vehicle, and the salvage certificate of title shall be 47296  
transferable to any other person. The clerk shall charge a fee of 47297  
four dollars for the cost of processing each salvage certificate 47298  
of title. 47299

(2) If an insurance company requests that a salvage motor 47300  
vehicle auction take possession of a motor vehicle that is the 47301  
subject of an insurance claim, and subsequently the insurance 47302  
company denies coverage with respect to the motor vehicle or does 47303  
not otherwise take ownership of the motor vehicle, the salvage 47304  
motor vehicle auction may proceed as follows. After the salvage 47305  
motor vehicle auction has possession of the motor vehicle for 47306  
forty-five days, it may apply to the clerk of a court of common 47307  
pleas for a salvage certificate of title without delivering the 47308  
certificate of title for the motor vehicle. The application shall 47309  
be accompanied by a copy of the written request that the vehicle 47310  
be removed from the facility on the salvage motor vehicle 47311

auction's letterhead, and proof that the request was delivered by 47312  
a nationally recognized courier service to the last known address 47313  
of the owner of the vehicle and any known lienholder, requesting 47314  
that the vehicle be removed from the facility of the salvage motor 47315  
vehicle auction. Upon receipt of a properly completed application, 47316  
the clerk shall follow the process as described in division 47317  
(C)(1)(d) of this section. The salvage certificate of title so 47318  
issued shall be free and clear of all liens. 47319

(3) If an insurance company considers a motor vehicle as 47320  
described in division (C)(1)(a), (b), or (c) of this section to be 47321  
impossible to restore for highway operation, the insurance company 47322  
may assign the certificate of title to the motor vehicle to a 47323  
salvage dealer or scrap metal processing facility and send the 47324  
assigned certificate of title to the clerk of the court of common 47325  
pleas of any county. The insurance company shall mark the face of 47326  
the certificate of title "FOR DESTRUCTION" and shall deliver a 47327  
photocopy of the certificate of title to the salvage dealer or 47328  
scrap metal processing facility for its records. 47329

(4) If an insurance company declares it economically 47330  
impractical to repair a motor vehicle, agrees to pay to the 47331  
insured or claimant owner an amount in settlement of a claim 47332  
against a policy of motor vehicle insurance covering the motor 47333  
vehicle, and agrees to permit the insured or claimant owner to 47334  
retain possession of the motor vehicle, the insurance company 47335  
shall not pay the insured or claimant owner any amount in 47336  
settlement of the insurance claim until the owner obtains a 47337  
salvage certificate of title to the vehicle and furnishes a copy 47338  
of the salvage certificate of title to the insurance company. 47339

(D) When a self-insured organization, rental or leasing 47340  
company, or secured creditor becomes the owner of a motor vehicle 47341  
that is burned, damaged, or dismantled and is determined to be 47342  
economically impractical to repair, the self-insured organization, 47343

rental or leasing company, or secured creditor shall do one of the 47344  
following: 47345

(1) Mark the face of the certificate of title to the motor 47346  
vehicle "FOR DESTRUCTION" and surrender the certificate of title 47347  
to a clerk of a court of common pleas for cancellation as 47348  
described in division (A) of this section. The self-insured 47349  
organization, rental or leasing company, or secured creditor then 47350  
shall deliver the motor vehicle, together with a photocopy of the 47351  
certificate of title, to a salvage dealer or scrap metal 47352  
processing facility and shall cause the motor vehicle to be 47353  
dismantled, flattened, crushed, or destroyed. 47354

(2) Obtain a salvage certificate of title to the motor 47355  
vehicle in the name of the self-insured organization, rental or 47356  
leasing company, or secured creditor, as provided in division 47357  
(C)(1) of this section, and then sell or otherwise dispose of the 47358  
motor vehicle. If the motor vehicle is sold, the self-insured 47359  
organization, rental or leasing company, or secured creditor shall 47360  
obtain a salvage certificate of title to the motor vehicle in the 47361  
name of the purchaser from a clerk of a court of common pleas. 47362

(E) If a motor vehicle titled with a salvage certificate of 47363  
title is restored for operation upon the highways, application 47364  
shall be made to a clerk of a court of common pleas for a 47365  
certificate of title. Upon inspection by the state highway patrol, 47366  
which shall include establishing proof of ownership and an 47367  
inspection of the motor number and vehicle identification number 47368  
of the motor vehicle and of documentation or receipts for the 47369  
materials used in restoration by the owner of the motor vehicle 47370  
being inspected, which documentation or receipts shall be 47371  
presented at the time of inspection, the clerk, upon surrender of 47372  
the salvage certificate of title, shall issue a certificate of 47373  
title for a fee prescribed by the registrar. The certificate of 47374  
title shall be in the same form as the original certificate of 47375

title and shall bear the words "REBUILT SALVAGE" in black boldface 47376  
letters on its face. Every subsequent certificate of title, 47377  
memorandum certificate of title, or duplicate certificate of title 47378  
issued for the motor vehicle also shall bear the words "REBUILT 47379  
SALVAGE" in black boldface letters on its face. The exact location 47380  
on the face of the certificate of title of the words "REBUILT 47381  
SALVAGE" shall be determined by the registrar, who shall develop 47382  
an automated procedure within the automated title processing 47383  
system to comply with this division. The clerk shall use 47384  
reasonable care in performing the duties imposed on the clerk by 47385  
this division in issuing a certificate of title pursuant to this 47386  
division, but the clerk is not liable for any of the clerk's 47387  
errors or omissions or those of the clerk's deputies, or the 47388  
automated title processing system in the performance of those 47389  
duties. A fee of fifty dollars shall be assessed by the state 47390  
highway patrol for each inspection made pursuant to this division 47391  
and shall be deposited into the public safety - highway purposes 47392  
fund established by section 4501.06 of the Revised Code. 47393

(F) No person shall operate upon the highways in this state a 47394  
motor vehicle, title to which is evidenced by a salvage 47395  
certificate of title, except to deliver the motor vehicle pursuant 47396  
to an appointment for an inspection under this section. 47397

(G) No motor vehicle the certificate of title to which has 47398  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 47399  
court of common pleas shall be used for anything except parts and 47400  
scrap metal. 47401

(H)(1) Except as otherwise provided in this division, an 47402  
owner of a manufactured or mobile home that will be taxed as real 47403  
property pursuant to division (B) of section 4503.06 of the 47404  
Revised Code shall surrender the certificate of title to the 47405  
auditor of the county containing the taxing district in which the 47406  
home is located. An owner whose home qualifies for real property 47407

taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 47408  
the Revised Code shall surrender the certificate within fifteen 47409  
days after the home meets the conditions specified in those 47410  
divisions. The auditor shall deliver the certificate of title to 47411  
the clerk of the court of common pleas who issued it. 47412

(2) If the certificate of title for a manufactured or mobile 47413  
home that is to be taxed as real property is held by a lienholder, 47414  
the lienholder shall surrender the certificate of title to the 47415  
auditor of the county containing the taxing district in which the 47416  
home is located, and the auditor shall deliver the certificate of 47417  
title to the clerk of the court of common pleas who issued it. The 47418  
lienholder shall surrender the certificate within thirty days 47419  
after both of the following have occurred: 47420

(a) The homeowner has provided written notice to the 47421  
lienholder requesting that the certificate of title be surrendered 47422  
to the auditor of the county containing the taxing district in 47423  
which the home is located. 47424

(b) The homeowner has either paid the lienholder the 47425  
remaining balance owed to the lienholder, or, with the 47426  
lienholder's consent, executed and delivered to the lienholder a 47427  
mortgage on the home and land on which the home is sited in the 47428  
amount of the remaining balance owed to the lienholder. 47429

(3) Upon the delivery of a certificate of title by the county 47430  
auditor to the clerk, the clerk shall inactivate it and maintain 47431  
it in the automated title processing system for a period of thirty 47432  
years. 47433

(4) Upon application by the owner of a manufactured or mobile 47434  
home that is taxed as real property pursuant to division (B) of 47435  
section 4503.06 of the Revised Code and that no longer satisfies 47436  
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 47437  
section, the clerk shall reactivate the record of the certificate 47438

of title that was inactivated under division (H)(3) of this 47439  
section and shall issue a new certificate of title, but only if 47440  
the application contains or has attached to it all of the 47441  
following: 47442

(a) An endorsement of the county treasurer that all real 47443  
property taxes charged against the home under Title LVII of the 47444  
Revised Code and division (B) of section 4503.06 of the Revised 47445  
Code for all preceding tax years have been paid; 47446

(b) An endorsement of the county auditor that the home will 47447  
be removed from the real property tax list; 47448

(c) Proof that there are no outstanding mortgages or other 47449  
liens on the home or, if there are such mortgages or other liens, 47450  
that the mortgagee or lienholder has consented to the reactivation 47451  
of the certificate of title. 47452

(I)(1) Whoever violates division (F) of this section shall be 47453  
fined not more than two thousand dollars, imprisoned not more than 47454  
one year, or both. 47455

(2) Whoever violates division (G) of this section shall be 47456  
fined not more than one thousand dollars, imprisoned not more than 47457  
six months, or both. 47458

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 47459  
of this section, the following shall apply: 47460

(1) No person shall drive a commercial motor vehicle on a 47461  
highway in this state unless the person holds, and has in the 47462  
person's possession, any of the following: 47463

(a) A valid commercial driver's license with proper 47464  
endorsements for the motor vehicle being driven, issued by the 47465  
registrar of motor vehicles or by another jurisdiction recognized 47466  
by this state; 47467

(b) A valid examiner's commercial driving permit issued under 47468

section 4506.13 of the Revised Code; 47469

(c) A valid restricted commercial driver's license and waiver 47470  
for farm-related service industries issued under section 4506.24 47471  
of the Revised Code; 47472

(d) A valid commercial driver's license temporary instruction 47473  
permit issued by the registrar, provided that the person is 47474  
accompanied by an authorized state driver's license examiner or 47475  
tester or a person who has been issued and has in the person's 47476  
immediate possession a current, valid commercial driver's license 47477  
and who meets the requirements of division (B) of section 4506.06 47478  
of the Revised Code. 47479

(2) No person's commercial driver's license temporary 47480  
instruction permit shall be upgraded, and no commercial driver's 47481  
license shall be upgraded, renewed, or issued to a person until 47482  
the person surrenders to the registrar of motor vehicles all valid 47483  
licenses and permits issued to the person by this state or by 47484  
another jurisdiction recognized by this state. If the license or 47485  
permit was issued by any other state or another jurisdiction 47486  
recognized by this state, the registrar shall report the surrender 47487  
of a license or permit to the issuing authority, together with 47488  
information that a license or permit is now issued in this state. 47489  
The registrar shall destroy any such license or permit that is not 47490  
returned to the issuing authority. 47491

(3) No person who has been a resident of this state for 47492  
thirty days or longer shall drive a commercial motor vehicle under 47493  
the authority of a commercial driver's license issued by another 47494  
jurisdiction. 47495

(B) Nothing in division (A) of this section applies to any 47496  
qualified person when engaged in the operation of any of the 47497  
following: 47498

(1) A farm truck; 47499

- (2) Fire equipment for a fire department, volunteer or 47500  
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 47501  
or the state fire marshal; 47502
- (3) A public safety vehicle used to provide transportation or 47503  
emergency medical service for ill or injured persons; 47504
- (4) A recreational vehicle; 47505
- (5) A commercial motor vehicle within the boundaries of an 47506  
eligible unit of local government, if the person is employed by 47507  
the eligible unit of local government and is operating the 47508  
commercial motor vehicle for the purpose of removing snow or ice 47509  
from a roadway by plowing, sanding, or salting, but only if either 47510  
the employee who holds a commercial driver's license issued under 47511  
this chapter and ordinarily operates a commercial motor vehicle 47512  
for these purposes is unable to operate the vehicle, or the 47513  
employing eligible unit of local government determines that a snow 47514  
or ice emergency exists that requires additional assistance; 47515
- (6) A vehicle operated for military purposes by any member or 47516  
uniformed employee of the armed forces of the United States or 47517  
their reserve components, including the Ohio national guard. This 47518  
exception does not apply to United States reserve technicians. 47519
- (7) A commercial motor vehicle that is operated for 47520  
nonbusiness purposes. "Operated for nonbusiness purposes" means 47521  
that the commercial motor vehicle is not used in commerce as 47522  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 47523  
regulated by the public utilities commission pursuant to Chapter 47524  
4905., 4921., or 4923. of the Revised Code. 47525
- (8) A motor vehicle that is designed primarily for the 47526  
transportation of goods and not persons, while that motor vehicle 47527  
is being used for the occasional transportation of personal 47528  
property by individuals not for compensation and not in the 47529  
furtherance of a commercial enterprise; 47530

(9) A police SWAT team vehicle; 47531

(10) A police vehicle used to transport prisoners. 47532

(C) Nothing contained in division (B)(5) of this section 47533  
shall be construed as preempting or superseding any law, rule, or 47534  
regulation of this state concerning the safe operation of 47535  
commercial motor vehicles. 47536

(D) Whoever violates this section is guilty of a misdemeanor 47537  
of the first degree. 47538

**Sec. 4509.70.** (A) After consultation with the insurance 47539  
companies authorized to issue automobile liability or physical 47540  
damage policies, or both, in this state, the superintendent of 47541  
insurance shall approve a reasonable plan, fair and equitable to 47542  
the insurers and to their policyholders, for the apportionment 47543  
among such companies of applicants for such policies and for 47544  
motor-vehicle liability policies who are in good faith entitled to 47545  
but are unable to procure such policies through ordinary methods. 47546  
When any such plan has been approved by the superintendent, all 47547  
such insurance companies shall subscribe and participate. Any 47548  
applicant for such policy, any person insured under such plan of 47549  
operation, and any insurance company affected, may appeal to the 47550  
superintendent of insurance from any ruling or decision of the 47551  
manager or committee designated in the plan to operate ~~such~~ the 47552  
assigned risk insurance plan. Any order or act of the 47553  
superintendent under this section is subject to review as provided 47554  
in sections 119.01 to 119.13, ~~inclusive~~, of the Revised Code, at 47555  
the instance of any party in interest. 47556

(B) The plan described in division (A) of this section may 47557  
permit the assigned risk insurance plan to directly issue and 47558  
process claims arising from such policies described in division 47559  
(A) of this section to applicants of private passenger automobile 47560  
insurance policies who are in good faith entitled to but are 47561

unable to procure such policies through ordinary methods. 47562

(C) Every form of a policy, endorsement, rider, manual of classifications, rules, and rates, every rating plan, and every modification of any of them proposed to be used by the assigned risk insurance plan shall be filed, or the plan may satisfy its obligation to make such filings, as described in section 3937.03 of the Revised Code. 47563  
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(D) Any private passenger automobile insurance policy issued by the assigned risk insurance plan under division (B) of this section: 47569  
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(1) Shall be recognized as if issued by an insurance company authorized to do business in this state; 47572  
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(2) Shall meet all requirements of proof of financial responsibility as described in division (K) of section 4509.01 of the Revised Code. 47574  
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(E) Proof of financial responsibility provided by the assigned risk insurance plan to a private passenger automobile insurance policyholder that meets the requirements described in division (G)(1)(a) or (b) of section 4509.101 of the Revised Code shall be recognized as if issued by an insurance company authorized to do business in this state to demonstrate proof of financial responsibility under section 4509.101 of the Revised Code. 47577  
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(F) The assigned risk insurance plan designated in division (A) of this section shall do both of the following: 47585  
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(1) Make annual audited financial reports available to the superintendent of insurance promptly upon the completion of such audit; 47587  
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(2) Upon reasonable notice, make available to the superintendent of insurance all books and records relating to the 47590  
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insurance transactions of the assigned risk insurance plan. 47592

Sec. 4516.01. As used in this chapter: 47593

(A) "Car sharing period" means the period of time that 47594  
commences with the car sharing delivery period or, if there is no 47595  
car sharing delivery period, with the car sharing start time, in 47596  
accordance with the peer-to-peer car sharing program agreement, 47597  
and ends with the car sharing termination time. 47598

(B) "Car sharing delivery period" means the period of time in 47599  
which a shared vehicle is being delivered to the location for the 47600  
shared vehicle driver to take possession of the shared vehicle, in 47601  
accordance with the peer-to-peer car sharing program agreement. 47602

(C) "Car sharing start time" means either the point in time 47603  
when the shared vehicle driver takes possession of the shared 47604  
vehicle or the point in time when the shared vehicle driver was 47605  
scheduled to take possession of the shared vehicle, whichever 47606  
occurs first. 47607

(D) "Car sharing termination time" means the point in time 47608  
when the earliest of the following events occurs: 47609

(1) The expiration time established in the peer-to-peer car 47610  
sharing program agreement for use of the shared vehicle, provided 47611  
that the shared vehicle is returned to the location designated in 47612  
the agreement by the expiration time; 47613

(2) The shared vehicle is returned to an alternate location, 47614  
if the shared vehicle owner and the shared vehicle driver agree on 47615  
the alternate location, as communicated through the peer-to-peer 47616  
car sharing program; 47617

(3) The shared vehicle owner or the owner's designee takes 47618  
possession of the shared vehicle. 47619

(E) "Motor vehicle" has the same meaning as in section 47620  
4509.01 of the Revised Code. 47621

(F) "Motor-vehicle liability policy" has the same meaning as in section 4509.01 of the Revised Code. 47622  
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(G) "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the motor vehicle's owner through a peer-to-peer car sharing program. 47624  
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(H) "Peer-to-peer car sharing program" or "program" means a person who operates a business platform that connects a shared vehicle owner to a shared vehicle driver to enable the sharing of vehicles for financial consideration. "Peer-to-peer car sharing program" does not include a motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code or a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code. 47627  
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(I) "Peer-to-peer car sharing program agreement" or "agreement" means an agreement established through the peer-to-peer car sharing program that serves as a contract between the peer-to-peer car sharing program, the shared vehicle owner, and the shared vehicle driver and describes the specific terms and conditions of the agreement, including the car sharing period and the location or locations for transfer of possession. 47634  
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(J) "Proof of financial responsibility" has the same meaning as in section 4509.01 of the Revised Code. 47641  
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(K) "Safety recall" means a recall issued pursuant to 49 U.S.C. 30118 pertaining to a defect related to motor vehicle safety or noncompliance with an applicable federal motor vehicle safety standard. 47643  
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(L) "Shared vehicle" means a personal motor vehicle that is registered as a passenger car under Chapter 4503. of the Revised Code or a substantially similar law in another state and that is enrolled in a peer-to-peer car sharing program. 47647  
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(M) "Shared vehicle driver" means a person authorized by a shared vehicle owner, in accordance with the terms and conditions 47651  
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of a peer-to-peer car sharing program agreement, to operate a 47653  
shared vehicle during a car sharing period. 47654

(N) "Shared vehicle owner" means a registered owner of a 47655  
shared vehicle or a person designated by the registered owner. 47656

**Sec. 4516.02.** (A) A peer-to-peer car sharing program shall 47657  
collect all of the following information before entering into a 47658  
peer-to-peer car sharing program agreement including, but not 47659  
limited to: 47660

(1) The name and address of the shared vehicle owner and the 47661  
shared vehicle driver; 47662

(2) The driver's license number and state of issuance of the 47663  
shared vehicle driver; 47664

(3) The name, address, driver's license number, and state of 47665  
issuance of any other person who will operate the shared vehicle 47666  
during the car sharing period; 47667

(4) Information regarding whether the shared vehicle owner 47668  
and the shared vehicle driver have motor-vehicle liability policy 47669  
or other proof of financial responsibility and information related 47670  
to that policy or proof and any policy limits; 47671

(5) Whether the shared vehicle owner knows of any safety 47672  
recalls regarding the shared vehicle; 47673

(6) Verification that the shared vehicle is registered in 47674  
accordance with the requirements established under Chapter 4503. 47675  
of the Revised Code or a substantially similar law in another 47676  
state. 47677

(B) A peer-to-peer car sharing program shall not allow a 47678  
peer-to-peer car sharing program agreement through its platform if 47679  
the program knows that the person who will operate the shared 47680  
vehicle is not a party to the agreement or knows that such a 47681  
person does not have a valid driver's license. 47682

(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered. 47683  
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(D) A peer-to-peer car sharing program shall collect, verify, and maintain records pertaining to the use of each shared vehicle enrolled in the program, including records pertaining to all of the following: 47687  
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(1) The dates, times, and duration of time that the shared vehicle is in use through the program; 47691  
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(2) The dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program; 47693  
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(3) Any fees or other financial consideration paid by the shared vehicle driver; 47695  
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(4) Any revenues or other financial consideration received by the shared vehicle owner; 47697  
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(5) Any other information or data that is necessary to establish the car sharing period, including the car sharing delivery period, the car sharing start time, and the car sharing termination time, for the shared vehicle. 47699  
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(E) The program shall provide the records required by division (D) of this section, upon request, to any shared vehicle owner, shared vehicle driver, the shared vehicle owner's insurer, the shared vehicle driver's insurer, or law enforcement for purposes of facilitating the investigation of a claim, incident, or accident. 47703  
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(F) The program shall retain records required by division (D) of this section regarding each car sharing period for not less than three years after the car sharing period. 47709  
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**Sec. 4516.03. A peer-to-peer car sharing program shall** 47712

disclose all of the following to the shared vehicle owner and the 47713  
shared vehicle driver in the peer-to-peer car sharing program 47714  
agreement: 47715

(A) Any right of the program to seek indemnification from the 47716  
shared vehicle owner or the shared vehicle driver for economic 47717  
loss sustained by the program resulting from a breach of the terms 47718  
and conditions of the agreement; 47719

(B) That any motor-vehicle liability policy or other proof of 47720  
financial responsibility issued to the shared vehicle owner for 47721  
the shared vehicle or issued to the shared vehicle driver does not 47722  
provide a defense against or indemnification for any claim 47723  
asserted by the program; 47724

(C) That the program's motor vehicle insurance coverage on 47725  
the shared vehicle owner, the shared vehicle driver, and the 47726  
shared vehicle is in effect only during the car sharing period and 47727  
that any use of the shared vehicle by the shared vehicle driver 47728  
after the car sharing termination time may not be covered by 47729  
either the program's insurance or any other motor-vehicle 47730  
liability policy or proof of financial responsibility; 47731

(D) The daily rate, fees, and any insurance or protection 47732  
package costs that are charged to the shared vehicle owner or the 47733  
shared vehicle driver; 47734

(E) That the shared vehicle owner's motor-vehicle liability 47735  
policy or other proof of financial responsibility may not provide 47736  
coverage for a shared vehicle during the car sharing period or for 47737  
any use outside of the policy's or proof's stated terms and 47738  
conditions; 47739

(F) Any conditions under which a shared vehicle driver must 47740  
maintain a separate motor-vehicle liability policy or other proof 47741  
of financial responsibility with certain applicable coverage 47742

limits in order to reserve and use a shared vehicle under the 47743  
agreement; 47744

(G) Emergency contact information for roadside assistance and 47745  
other customer service inquiries. 47746

**Sec. 4516.04.** A peer-to-peer car sharing program shall have 47747  
sole responsibility for any equipment, including a global 47748  
positioning system or other special equipment that is installed in 47749  
or on the shared vehicle to monitor or facilitate peer-to-peer car 47750  
sharing. The program shall agree to indemnify and hold harmless 47751  
the shared vehicle owner for any damage or theft of the system or 47752  
equipment during the car sharing period that is not caused by the 47753  
shared vehicle owner. The program may seek indemnity from the 47754  
shared vehicle driver for any loss or damage to the system or 47755  
equipment that occurs during the car sharing period that is caused 47756  
by the shared vehicle driver. 47757

**Sec. 4516.05.** (A) When a motor vehicle owner registers as a 47758  
shared vehicle owner with a peer-to-peer car sharing program and 47759  
before the shared vehicle owner makes the shared vehicle available 47760  
for peer-to-peer car sharing, the program shall do all of the 47761  
following: 47762

(1) Verify that the shared vehicle does not have any 47763  
outstanding safety recalls on the vehicle; 47764

(2) Provide notice to the shared vehicle owner of the owner's 47765  
responsibilities under division (B) of this section. 47766

(B)(1) If a shared vehicle owner receives actual notice of a 47767  
safety recall on the shared vehicle, the shared vehicle owner 47768  
shall not make the shared vehicle available through a peer-to-peer 47769  
car sharing program until the safety recall repair is made. 47770

(2) If the shared vehicle owner receives actual notice of a 47771  
safety recall on the shared vehicle after the shared vehicle is 47772

available through a peer-to-peer car sharing program but while the 47773  
shared vehicle is not currently possessed by a shared vehicle 47774  
driver, the shared vehicle owner shall remove the shared vehicle 47775  
from availability until the safety recall repair is made. 47776

(3) If the shared vehicle owner receives actual notice of a 47777  
safety recall on the shared vehicle while the vehicle is possessed 47778  
by a shared vehicle driver, the shared vehicle owner shall notify 47779  
the peer-to-peer car sharing program about the safety recall, so 47780  
that the car sharing period can be terminated to allow the shared 47781  
vehicle owner to address the safety recall repair. 47782

(C) The peer-to-peer car sharing program shall establish 47783  
commercially reasonable procedures to determine any safety recalls 47784  
that apply to a shared vehicle registered with the program after 47785  
the initial registration of the shared vehicle with the program. 47786

**Sec. 4516.06.** (A) Peer-to-peer car sharing and a peer-to-peer 47787  
car sharing program agreement are a consumer transaction for 47788  
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 47789  
peer-to-peer car sharing program and the shared vehicle owner are 47790  
the suppliers and the shared vehicle driver is the consumer for 47791  
purposes of those sections. 47792

(B) Any violation of sections 4516.02 to 4516.05 of the 47793  
Revised Code is deemed an unfair or deceptive act in violation of 47794  
section 1345.02 of the Revised Code. A person injured by a 47795  
violation of these sections has a cause of action and is entitled 47796  
to the same relief available to a consumer under section 1345.09 47797  
of the Revised Code, and all the powers and remedies available to 47798  
the attorney general to enforce sections 1345.01 to 1345.13 of the 47799  
Revised Code are available to the attorney general to enforce 47800  
sections 4516.02 to 4516.05 of the Revised Code. 47801

(C) A peer-to-peer car sharing program is not liable for a 47802  
violation under sections 1345.01 to 1345.13 of the Revised Code 47803

when the alleged violation is the result of false, misleading, or 47804  
inaccurate information provided to the program by a shared vehicle 47805  
owner or a shared vehicle driver and the program relied on that 47806  
information in good faith. 47807

**Sec. 4516.07.** (A) As used in this section, "public-use 47808  
airport" has the same meaning as in section 4563.30 of the Revised 47809  
Code. 47810

(B) The operator of a public-use airport may adopt reasonable 47811  
standards, regulations, procedures, and fees that are applicable 47812  
to peer-to-peer car sharing programs. The operator may enter into 47813  
such agreements, including concession agreements, with a 47814  
peer-to-peer car sharing program. A peer-to-peer car sharing 47815  
program, shared vehicle owner, and shared vehicle driver shall 47816  
comply with any applicable standards, regulations, procedures, 47817  
fees, and agreements adopted by a public-use airport, and shall 47818  
pay any applicable fees in a timely manner. 47819

**Sec. 4516.08.** It is not the intent of the general assembly 47820  
that any provision in Chapter 4516. of the Revised Code be 47821  
interpreted as either limiting or restricting an insurer's ability 47822  
to exclude insurance coverage from any insurance policy or an 47823  
insurer's ability to underwrite any insurance policy. 47824

**Sec. 4516.09.** (A) Except as provided in division (B) of this 47825  
section, a peer-to-peer car sharing program shall assume liability 47826  
of a shared vehicle owner for any death, bodily injury, or 47827  
property damage to a third party or an uninsured or underinsured 47828  
motorist that is proximately caused by the operation of the shared 47829  
vehicle during the car sharing period in an amount stated in the 47830  
peer-to-peer car sharing program agreement. The amount shall be 47831  
not less than that specified in division (A)(1) of section 4516.10 47832  
of the Revised Code. 47833

(B) The assumption of liability under division (A) of this section does not apply if either of the following occurs: 47834  
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(1) The shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the program regarding the shared vehicle owner's motor-vehicle liability policy, other proof of financial responsibility, or the type or condition of the shared vehicle before the car sharing period in which the loss occurs; 47836  
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(2) The shared vehicle owner and the shared vehicle driver conspire to have the shared vehicle driver fail to return the shared vehicle, in violation of the terms of the peer-to-peer car sharing agreement. 47842  
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**Sec. 4516.10.** (A)(1) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are each covered by a motor-vehicle liability policy or other proof of financial responsibility that recognizes their status as a shared vehicle owner or shared vehicle driver and provides coverage for the operation of the shared vehicle during the car sharing period. Each policy or proof shall be maintained in the following amounts: 47846  
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(a) At least twenty-five thousand dollars because of bodily injury to or death of one person in any one accident; 47854  
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(b) At least fifty thousand dollars because of bodily injury or death of two or more persons in any one accident; 47856  
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(c) At least twenty-five thousand dollars because of injury to property of others in any one accident. 47858  
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(2) The insurance required by division (A)(1) of this section may be satisfied by any of the following or a combination of any of the following: 47860  
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(a) A motor-vehicle liability policy or other proof of 47863

financial responsibility that is maintained by the shared vehicle owner; 47864  
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(b) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle driver; 47866  
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(c) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the peer-to-peer car sharing program. 47869  
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(3)(a) If the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage for peer-to-peer car sharing in the amounts required by division (A)(1) of this section, the insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim. 47872  
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(b) A motor-vehicle liability policy or other proof of financial responsibility maintained by a peer-to-peer car sharing program in accordance with this section shall not require the shared vehicle owner's or shared vehicle driver's insurer to first deny a claim before providing coverage. 47880  
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(B) A motor-vehicle liability policy that meets the requirements of this section satisfies the requirement for proof of financial responsibility for motor vehicles under Chapter 4509. of the Revised Code. 47885  
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(C)(1) The peer-to-peer car sharing program shall examine the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or a shared vehicle driver to determine whether that policy or proof provides or excludes coverage for peer-to-peer car sharing prior to entering into a peer-to-peer car sharing agreement with that 47889  
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shared vehicle owner or shared vehicle driver if either of the 47895  
following occur: 47896

(a) The shared vehicle owner or the shared vehicle driver 47897  
refuses insurance coverage provided by the program. 47898

(b) The shared vehicle owner or the shared vehicle driver 47899  
claims the policy or proof maintained by that shared vehicle owner 47900  
or shared vehicle driver provides coverage for peer-to-peer car 47901  
sharing. 47902

(2) The peer-to-peer car sharing program may require 47903  
increased limits of insurance beyond what is required by division 47904  
(A)(1) of this section as a condition of participation in the 47905  
agreement. 47906

**Sec. 4516.11.** (A) In addition to any liability assumed when a 47907  
peer-to-peer car sharing program is providing all of the required 47908  
coverage, the program shall assume liability for a claim when all 47909  
of the following apply: 47910

(1) The program is providing at least part of the required 47911  
insurance coverage; 47912

(2) A dispute exists as to who was operating the shared 47913  
vehicle at the time of the loss; 47914

(3) The program either does not have available or cannot 47915  
promptly produce the records required by section 4516.02 of the 47916  
Revised Code. 47917

(B) A peer-to-peer car sharing program may seek indemnity 47918  
from a shared vehicle owner if the shared vehicle owner is 47919  
determined to have been the operator of the shared vehicle at the 47920  
time of the loss. 47921

(C) In addition to any other insurance coverage required by 47922  
this chapter, a peer-to-peer car sharing program shall maintain 47923  
insurance in an amount of at least one million dollars that 47924

provides coverage for the program's liability for an act or 47925  
omission of the program that is the proximate cause of death, 47926  
bodily injury, or property damage to any person in any one 47927  
accident because of the operation of a shared vehicle through the 47928  
program. 47929

**Sec. 4516.12.** A peer-to-peer car sharing program and a shared 47930  
vehicle owner shall be exempt from vicarious liability in 47931  
accordance with 49 U.S.C. 30106 and under any state law or 47932  
municipal ordinance that imposes liability solely based on vehicle 47933  
ownership. 47934

**Sec. 4516.13.** Nothing in this chapter does any of the 47935  
following: 47936

(A) Limits the liability of the peer-to-peer car sharing 47937  
program for any act or omission of the program itself that results 47938  
in death, bodily injury, or property damage to any person as a 47939  
result of the use of a shared vehicle through the program. 47940

(B) Limits the ability of the program to, by contract, seek 47941  
indemnification from the shared vehicle owner or the shared 47942  
vehicle driver for economic loss sustained by the program 47943  
resulting from a breach of the terms and conditions of the 47944  
peer-to-peer car sharing agreement. 47945

(C) Creates, implies, or otherwise grants insurance coverage 47946  
not found in any motor-vehicle liability policy or other policy of 47947  
insurance. 47948

**Sec. 4549.65.** (A) As used in this section: 47949

(1) "Motor vehicle leasing dealer" has the meaning set forth 47950  
in division (M) of section 4517.01 of the Revised Code. 47951

(2) "Motor vehicle renting dealer" means any person engaged 47952  
in the business of regularly making available, offering to make 47953

available, or arranging for another person to use a motor vehicle 47954  
pursuant to a bailment, rental agreement, or other contractual 47955  
arrangement for a period of less than thirty days under which a 47956  
charge is made for its use at a periodic rate and the title to the 47957  
motor vehicle is in a person other than the user, but does not 47958  
mean a manufacturer or its affiliate renting to its employees or 47959  
to dealers. 47960

(B) A motor vehicle leasing dealer or a motor vehicle renting 47961  
dealer and its officers, employees, agents, and representatives 47962  
are not liable to a lessee or renter for damages or injuries 47963  
sustained as a result of the lessee's or renter's being stopped, 47964  
detained, arrested, or charged in connection with a theft offense 47965  
involving the leased or rented motor vehicle if such dealer, its 47966  
officers, employees, agents, or representatives act in good faith 47967  
upon a reasonable belief that the motor vehicle was or is being 47968  
converted or stolen or if both of the following apply: 47969

(1) The lessee or renter did not return the motor vehicle at 47970  
the time and place specified in the lease or rental contract; 47971

(2) The lessee or renter failed to return the motor vehicle 47972  
within twenty-four hours after the dealer, or an officer, 47973  
employee, agent, or representative of the dealer has served a 47974  
written notice upon the lessee or renter, requesting the return of 47975  
the motor vehicle, at the lessee's or renter's address set forth 47976  
in the lease or rental contract. Service may be by certified mail, 47977  
return receipt requested, or by personal or residence service. 47978

(C)(1) Any agreement, when the transaction is for purposes 47979  
that are primarily personal, family, or household, between a motor 47980  
vehicle leasing dealer and the lessee or a motor vehicle renting 47981  
dealer and renter is a consumer transaction for purposes of 47982  
sections 1345.01 to 1345.13 of the Revised Code. The dealer is the 47983  
supplier and the lessee or renter is the consumer for purposes of 47984  
those sections. 47985

(2) A dealer is not liable for a violation under sections 47986  
1345.01 to 1345.13 of the Revised Code when the alleged violation 47987  
is the result of false, misleading, or inaccurate information 47988  
provided to the dealer by the lessee or renter and the dealer 47989  
relied on that information in good faith. 47990

**Sec. 4701.16.** (A) After notice and hearing as provided in 47991  
Chapter 119. of the Revised Code, the accountancy board may 47992  
discipline as described in division (B) of this section a person 47993  
holding an Ohio permit, an Ohio registration, a firm registration, 47994  
a CPA certificate, or a PA registration or any other person whose 47995  
activities are regulated by the board for any one or any 47996  
combination of the following causes: 47997

(1) Fraud or deceit in obtaining a firm registration or in 47998  
obtaining a CPA certificate, a PA registration, an Ohio permit, or 47999  
an Ohio registration; 48000

(2) Dishonesty, fraud, or gross negligence in the practice of 48001  
public accounting; 48002

(3) Violation of any of the provisions of section 4701.14 of 48003  
the Revised Code; 48004

(4) Violation of a rule of professional conduct promulgated 48005  
by the board under the authority granted by this chapter; 48006

(5) Conviction of a felony under the laws of any state or of 48007  
the United States; 48008

(6) Conviction of any crime, an element of which is 48009  
dishonesty or fraud, under the laws of any state or of the United 48010  
States; 48011

(7) Cancellation, revocation, suspension, or refusal to renew 48012  
authority to practice as a certified public accountant, a public 48013  
accountant, or a public accounting firm by any other state, for 48014  
any cause other than failure to pay registration fees in that 48015

other state;	48016
(8) Suspension or revocation of the right to practice before any state or federal agency;	48017 48018
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	48019 48020 48021 48022
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	48023 48024 48025
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	48026 48027
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	48028 48029
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	48030 48031 48032
(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;	48033 48034 48035
(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;	48036 48037 48038
(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.	48039 48040 48041 48042 48043
(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education	48044 48045

programs prescribed by the board in addition to those required by 48046  
section 4701.11 of the Revised Code; 48047

(6) In the case of violations of division (A)(2) or (4) of 48048  
this section, require the holder of a CPA certificate, PA 48049  
registration, or firm registration to submit to a peer review by a 48050  
professional committee designated by the board, which committee 48051  
shall report to the board concerning that holder's compliance with 48052  
generally accepted accounting principles, generally accepted 48053  
auditing standards, or other generally accepted technical 48054  
standards; 48055

(7) Revoke or suspend the privileges to offer or render 48056  
attest services in this state or to use a CPA title or designation 48057  
in this state of an individual who holds a foreign certificate. 48058

(C) If the board levies a fine against or suspends the 48059  
certificate of a person or registration of a person or firm for a 48060  
violation of division (A)(2) or (4) of this section, it may waive 48061  
all or any portion of the fine or suspension if the holder of the 48062  
CPA certificate, PA registration, or firm registration complies 48063  
fully with division (B)(5) or (6) of this section. 48064

(D) A person engaged in the practice of public accounting 48065  
shall not be subject to discipline by the accountancy board solely 48066  
because the person provided professional accounting services to 48067  
the holder of a license under Chapter 3796. of the Revised Code. 48068

**Sec. 4705.10.** (A) All of the following apply to an 48069  
interest-bearing trust account established under authority of 48070  
section 4705.09 of the Revised Code: 48071

(1) All funds in the account shall be subject to withdrawal 48072  
upon request and without delay, or as soon as is permitted by 48073  
federal law; 48074

(2) The rate of interest payable on the account shall not be 48075

less than the rate paid by the depository institution to regular, 48076  
nonattorney depositors. Higher rates offered by the institution to 48077  
customers whose deposits exceed certain time or quantity 48078  
qualifications, such as those offered in the form of certificates 48079  
of deposit, may be obtained by a person or law firm establishing 48080  
the account if there is no impairment of the right to withdraw or 48081  
transfer principal immediately. 48082

(3) The depository institution shall be directed, by the 48083  
person or law firm establishing the account, to do all of the 48084  
following: 48085

(a) Remit interest or dividends, whichever is applicable, on 48086  
the average monthly balance in the account or as otherwise 48087  
computed in accordance with the institution's standard accounting 48088  
practice, less reasonable service charges, to the treasurer of 48089  
state at least quarterly for deposit in the legal aid fund 48090  
established under section 120.52 of the Revised Code; 48091

(b) Transmit to the treasurer of state, upon its request, to 48092  
the Ohio ~~Legal Assistance Foundation~~ access to justice foundation, 48093  
and the depositing attorney, law firm, or legal professional 48094  
association upon the attorney's, firm's, or association's request, 48095  
at the time of each remittance required by division (A)(3)(a) of 48096  
this section, a statement showing the name of the attorney for 48097  
whom or the law firm or legal professional association for which 48098  
the remittance is sent, the rate of interest applied, the 48099  
accounting period, the net amount remitted to the treasurer of 48100  
state for each account, the total remitted, the average account 48101  
balance for each month of the period for which the report is made, 48102  
and the amount deducted for service charges; 48103

(4) The depository institution shall notify the office of 48104  
disciplinary counsel or other entity designated by the supreme 48105  
court on each occasion when a properly payable instrument is 48106  
presented for payment from the account, and the account contains 48107

insufficient funds. The depository institution shall provide this 48108  
notice without regard to whether the instrument is honored by the 48109  
depository institution. The depository institution shall provide 48110  
the notice described in division (A)(4) of this section by 48111  
electronic or other means within five banking days of the date 48112  
that the instrument was honored or returned as dishonored. The 48113  
notice shall contain all of the following: 48114

(a) The name and address of the depository institution; 48115

(b) The name and address of the lawyer, law firm, or legal 48116  
professional association that maintains the account; 48117

(c) The account number and either the amount of the overdraft 48118  
and the date issued or the amount of the dishonored instrument and 48119  
the date returned. 48120

(B)(1) The statements and reports of individual depositor 48121  
information made under divisions (A)(3) and (4) of this section 48122  
are confidential and shall be used only for purposes of 48123  
administering the legal aid fund and for enforcement of the rules 48124  
of professional conduct adopted by the supreme court. 48125

(2) A depository institution may charge the lawyer, law firm, 48126  
or legal professional association that maintains the account with 48127  
fees associated with producing and mailing a notice required by 48128  
division (A)(4) of this section but shall not deduct such fees 48129  
from the interest earned on the account. 48130

**Sec. 4713.14.** No individual shall do any of the following: 48131

(A) Use fraud or deceit in making application for a license, 48132  
permit, or registration; 48133

(B) Aid or abet any individual or entity in any of the 48134  
following: 48135

(1) Violating this chapter or a rule adopted under it; 48136

(2) Obtaining a license, permit, or registration fraudulently;	48137 48138
(3) Falsely pretending to hold a current, valid license or permit.	48139 48140
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	48141 48142 48143
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	48144 48145
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	48146 48147
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	48148 48149
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	48150 48151 48152
(5) A current, valid registration under section 4713.69 of the Revised Code.	48153 48154
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	48155 48156 48157
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	48158 48159
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	48160 48161
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	48162 48163
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised	48164 48165

Code;	48166
(5) A current, valid registration under section 4713.69 of the Revised Code.	48167 48168
(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	48169 48170 48171 48172 48173
(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;	48174 48175
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	48176 48177
(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology:	48178 48179 48180 48181
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	48182 48183
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	48184 48185
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	48186 48187 48188 48189
(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;	48190 48191 48192 48193
(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;	48194 48195

(J) Provide cosmetic therapy or massage therapy at a salon 48196  
for pay, free, or otherwise without a current, valid ~~certificate~~ 48197  
license issued by the state medical board under section 4731.15 of 48198  
the Revised Code or provide any other professional service at a 48199  
salon for pay, free, or otherwise without a current, valid license 48200  
or certificate issued by the professional regulatory board of this 48201  
state that regulates the profession; 48202

(K) Teach a branch of cosmetology at a salon, unless the 48203  
individual receiving the instruction holds either of the following 48204  
authorizing the practice of that branch of cosmetology: 48205

(1) A current, valid license under section 4713.28, 4713.30, 48206  
or 4713.34 of the Revised Code; 48207

(2) A current, valid temporary pre-examination work permit 48208  
issued under section 4713.22 of the Revised Code. 48209

(L) Operate a school of cosmetology without a current, valid 48210  
license under section 4713.44 of the Revised Code; 48211

(M) At a salon or school of cosmetology, do any of the 48212  
following: 48213

(1) Use or possess a cosmetic product containing an 48214  
ingredient that the United States food and drug administration has 48215  
prohibited by regulation; 48216

(2) Use a cosmetic product in a manner inconsistent with a 48217  
restriction established by the United States food and drug 48218  
administration by regulation; 48219

(3) Use or possess a liquid nail monomer containing any trace 48220  
of methyl methacrylate (MMA). 48221

(N) While in charge of a salon or school of cosmetology, 48222  
permit any individual to sleep in, or use for residential 48223  
purposes, any room used wholly or in part as the salon or school 48224  
of cosmetology; 48225

(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	48226 48227 48228
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	48229 48230 48231
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section 4713.16 or 4713.17 of the Revised Code;	48232 48233 48234
(R) Use any of the services or arts that are part of cosmetology to treat or attempt to cure a physical or mental disease or ailment.	48235 48236 48237
<b>Sec. 4713.16.</b> (A) This chapter does not prohibit any of the following:	48238 48239
(1) Practicing a branch of cosmetology without a license or registration if the individual does so for free at the individual's home for a family member who resides in the same household as the individual;	48240 48241 48242 48243
(2) The retail sale, or trial demonstration by application to the skin for purposes of retail sale, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, or hairpieces without a practicing license or registration;	48244 48245 48246 48247
(3) The retailing, at a salon, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, or any other items that pose no risk of creating unsanitary conditions at the salon;	48248 48249 48250 48251
(4) The provision of glamour photography services at a licensed salon if either of the following is the case:	48252 48253
(a) A branch of cosmetology is not practiced as part of the services.	48254 48255

(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by an individual who holds either of the following authorizing the individual to practice that branch of cosmetology:

(i) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;

(ii) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.

(5) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled;

(6) Practicing a branch of cosmetology without a license or registration if the individual does so for free for the purpose of researching or developing a cosmetic as defined in section 3715.01 of the Revised Code.

(B) A student in a career-technical program learning a branch of cosmetology may continue developing skills in the respective branch of cosmetology after completing the required coursework or obtaining a license in the respective branch of cosmetology by working in the licensed career-technical school clinic if the student does not receive any compensation. This allowance terminates upon the graduation of the student from the career-technical school.

**Sec. 4713.17.** (A) The following persons are exempt from the provisions of this chapter, except, as applicable, section 4713.42 of the Revised Code:

(1) All individuals authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state;

(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when

engaged in the actual performance of their official duties, and 48286  
attendants attached to same; 48287

(3) Funeral directors, embalmers, and apprentices licensed or 48288  
registered under Chapter 4717. of the Revised Code; 48289

(4) Persons who are engaged in the retail sale, cleaning, or 48290  
beautification of wigs and hairpieces but who do not engage in any 48291  
other act constituting the practice of a branch of cosmetology; 48292

(5) Volunteers of hospitals, and homes as defined in section 48293  
3721.01 of the Revised Code, who render service to registered 48294  
patients and inpatients who reside in such hospitals or homes. 48295  
Such volunteers shall not use or work with any chemical products 48296  
such as permanent wave, hair dye, or chemical hair relaxer, which 48297  
without proper training would pose a health or safety problem to 48298  
the patient. 48299

(6) Nurse aides and other employees of hospitals and homes as 48300  
defined in section 3721.01 of the Revised Code, who practice a 48301  
branch of cosmetology on registered patients only as part of 48302  
general patient care services and who do not charge patients 48303  
directly on a fee for service basis; 48304

(7) Cosmetic therapists and massage therapists who hold 48305  
current, valid ~~certificates~~ licenses to practice cosmetic or 48306  
massage therapy issued by the state medical board under section 48307  
4731.15 of the Revised Code, to the extent their actions are 48308  
authorized by their ~~certificates to practice~~ licenses; 48309

(8) Inmates who provide services related to a branch of 48310  
cosmetology to other inmates, except when those services are 48311  
provided in a licensed school of cosmetology within a state 48312  
correctional institution for females. 48313

(B) The director of rehabilitation and correction shall 48314  
oversee the services described in division (A)(8) of this section 48315  
with respect to sanitation and adopt rules governing those types 48316

of services provided by inmates. 48317

**Sec. 4713.42.** An individual holding a current, valid 48318  
~~certificate~~ license issued under section 4731.15 of the Revised 48319  
Code to provide cosmetic therapy or massage therapy may provide 48320  
cosmetic therapy or massage therapy, as appropriate, in a salon. 48321  
An individual holding a current, valid license or certificate 48322  
issued by a professional regulatory board of this state may 48323  
practice the individual's profession in a salon if the 48324  
individual's profession is authorized by rules adopted under 48325  
section 4713.08 of the Revised Code to practice in a salon. 48326

An individual providing cosmetic therapy, massage therapy, or 48327  
other professional service in a salon pursuant to this section 48328  
shall satisfy the standards established by rules adopted under 48329  
section 4713.08 of the Revised Code. 48330

**Sec. 4715.22.** (A)(1) This section applies only when a 48331  
licensed dental hygienist is not practicing in accordance with 48332  
either of the following: 48333

(a) A permit issued pursuant to section 4715.363 of the 48334  
Revised Code authorizing practice under the oral health access 48335  
supervision of a dentist; 48336

(b) Section 4715.431 of the Revised Code. 48337

(2) As used in this section, "health care facility" means 48338  
either of the following: 48339

(a) A hospital registered under section 3701.07 of the 48340  
Revised Code; 48341

(b) A ~~"home"~~ home, as defined in section 3721.01 of the 48342  
Revised Code. 48343

(B) A licensed dental hygienist shall practice under the 48344  
supervision, order, control, and full responsibility of a dentist 48345

licensed under this chapter. A dental hygienist may practice in a 48346  
dental office, public or private school, health care facility, 48347  
dispensary, or public institution. Except as provided in divisions 48348  
(C) to (E) of this section, a dental hygienist may not provide 48349  
dental hygiene services to a patient when the supervising dentist 48350  
is not physically present at the location where the dental 48351  
hygienist is practicing. 48352

(C) A dental hygienist may provide, for not more than fifteen 48353  
consecutive business days, dental hygiene services to a patient 48354  
when the supervising dentist is not physically present at the 48355  
location where the services are provided if all of the following 48356  
requirements are met: 48357

(1) The dental hygienist has at least one year and a minimum 48358  
of one thousand five hundred hours of experience in the practice 48359  
of dental hygiene. 48360

(2) The dental hygienist has successfully completed a course 48361  
approved by the state dental board in the identification and 48362  
prevention of potential medical emergencies. 48363

(3) The dental hygienist does not perform, while the 48364  
supervising dentist is absent from the location, procedures while 48365  
the patient is anesthetized, definitive root planing, definitive 48366  
subgingival curettage, or other procedures identified in rules the 48367  
state dental board adopts. 48368

(4) The supervising dentist has evaluated the dental 48369  
hygienist's skills. 48370

(5) The supervising dentist examined the patient not more 48371  
than one year prior to the date the dental hygienist provides the 48372  
dental hygiene services to the patient. 48373

(6) The dental hygienist complies with written protocols or 48374  
written standing orders that the supervising dentist establishes, 48375  
including those established for emergencies. 48376

(7) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date the dental hygienist provides dental hygiene services to the patient and, except when the dental hygiene services are provided in a health care facility, the supervising dentist determines that the patient is in a medically stable condition.

(8) If the dental hygiene services are provided in a health care facility, a doctor of medicine and surgery or osteopathic medicine and surgery ~~who holds a current certificate issued~~ licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code is present in the health care facility when the services are provided.

(9) In advance of the appointment for dental hygiene services, the patient is notified that the supervising dentist will be absent from the location and that the dental hygienist cannot diagnose the patient's dental health care status.

(10) The dental hygienist is employed by, or under contract with, one of the following:

(a) The supervising dentist;

(b) A dentist licensed under this chapter who is one of the following:

(i) The employer of the supervising dentist;

(ii) A shareholder in a professional association formed under Chapter 1785. of the Revised Code of which the supervising dentist is a shareholder;

(iii) A member or manager of a limited liability company formed under Chapter 1705. of the Revised Code of which the supervising dentist is a member or manager;

(iv) A shareholder in a corporation formed under division (B) of section 1701.03 of the Revised Code of which the supervising

dentist is a shareholder; 48407

(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee. 48408  
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(c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers. 48412  
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(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met: 48415  
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(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board. 48421  
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(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated. 48428  
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(3)(a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan. 48431  
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(b) The requirement in division (D)(3)(a) of this section does not apply when the only services to be provided by the dental hygienist are the placement of pit and fissure sealants and the 48435  
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application of fluoride varnish. 48438

(E) A dental hygienist may do any of the following when the 48439  
supervising dentist is not physically present at the location 48440  
where the services are provided, regardless of whether the dentist 48441  
has examined the patient, if the dental hygienist is employed by, 48442  
or under contract with, the supervising dentist or another person 48443  
or government entity specified in division (C)(10)(b) or (c) of 48444  
this section: 48445

(1) Apply fluoride varnish; 48446

(2) Apply desensitizing agents, excluding silver diamine 48447  
fluoride; 48448

(3) Apply disclosing solutions; 48449

(4) Apply pit and fissure sealants; 48450

(5) Recement temporary crowns or recement crowns with 48451  
temporary cement; 48452

(6) Conduct caries susceptibility testing; 48453

(7) Provide instruction on oral hygiene home care, including 48454  
the use of toothbrushes and dental floss; 48455

(8) Discuss general nonmedical nutrition information for the 48456  
purpose of maintaining good oral health. 48457

As used in division (E)(8) of this section, "general 48458  
nonmedical nutrition information" means information on the 48459  
following: principles of good nutrition and food preparation, food 48460  
to be included in the normal daily diet, the essential nutrients 48461  
needed by the body, recommended amounts of the essential 48462  
nutrients, the actions of nutrients on the body, the effects of 48463  
deficiencies or excesses of nutrients, or food and supplements 48464  
that are good sources of essential nutrients. 48465

(F) No person shall do either of the following: 48466

(1) Practice dental hygiene in a manner that is separate or 48467  
otherwise independent from the dental practice of a supervising 48468  
dentist; 48469

(2) Establish or maintain an office or practice that is 48470  
primarily devoted to the provision of dental hygiene services. 48471

(G) The state dental board shall adopt rules under division 48472  
(C) of section 4715.03 of the Revised Code identifying procedures 48473  
a dental hygienist may not perform when practicing in the absence 48474  
of the supervising dentist pursuant to division (C) or (D) of this 48475  
section. 48476

**Sec. 4715.52.** (A) Except as provided in division (B) of this 48477  
section, no person shall practice or hold that person out as a 48478  
dental x-ray machine operator without a valid certificate issued 48479  
under section 4715.53 of the Revised Code. 48480

(B) Division (A) of this section does not apply to any of the 48481  
following: 48482

(1) Dentists or dental hygienists licensed under this 48483  
chapter; 48484

(2) As specified in 42 C.F.R. 75, radiologic personnel 48485  
employed by the federal government or serving in a branch of the 48486  
armed forces of the United States; 48487

(3) Students engaging in any of the activities performed by 48488  
dental x-ray machine operators as an integral part of a program of 48489  
study leading to receipt of a license or certificate issued under 48490  
this chapter, or a license issued under Chapter 4731., 4734., or 48491  
~~Chapter 4773.~~ of the Revised Code, ~~or a certificate issued under~~ 48492  
~~Chapter 4731.~~ of the Revised Code. 48493

**Sec. 4717.03.** (A) Members of the board of embalmers and 48494  
funeral directors shall annually in July, or within thirty days 48495

after the senate's confirmation of the new members appointed in 48496  
that year, meet and organize by selecting from among its members a 48497  
president, vice-president, and secretary-treasurer. The board may 48498  
hold other meetings as it determines necessary. A quorum of the 48499  
board consists of four members, of whom at least three shall be 48500  
members who are funeral directors. The concurrence of at least 48501  
four members is necessary for the board to take any action. The 48502  
president and secretary-treasurer shall sign all licenses issued 48503  
under this chapter and affix the board's seal to each license. 48504

(B) The board may appoint an individual who is not a member 48505  
of the board to serve as executive director of the board. The 48506  
executive director serves at the pleasure of the board and shall 48507  
do all of the following: 48508

(1) Serve as the board's chief administrative officer; 48509

(2) Act as custodian of the board's records; 48510

(3) Execute all of the board's orders; 48511

(4) Employ staff who are not members of the board and who 48512  
serve at the pleasure of the executive director to provide any 48513  
assistance that the board considers necessary. 48514

(C) In executing the board's orders as required by division 48515  
(B)(3) of this section, the executive director may enter the 48516  
premises, establishment, office, or place of business of any 48517  
embalmer, funeral director, or crematory operator in this state. 48518  
The executive director may serve and execute any process issued by 48519  
any court under this chapter. 48520

(D) The executive director may employ necessary inspectors, 48521  
who shall be licensed embalmers and funeral directors. An 48522  
inspector employed by the executive director may enter the 48523  
premises, establishment, office, or place of business of any 48524  
embalmer, funeral director, or crematory operator, embalming 48525

facility, funeral home, or crematory facility in this state, for 48526  
the purposes of inspecting the facility and premises; the license, 48527  
permit, and ~~registration~~ certification of embalmers, funeral 48528  
directors, and crematory operators operating in the facility; and 48529  
the license of the funeral home, embalming facility, or crematory 48530  
facility and perform any other duties delegated to the inspector 48531  
by the board or assigned to the inspector by the executive 48532  
director. The executive director may enter the facility or 48533  
premises of a funeral home, embalming facility, or crematory for 48534  
the purpose of an inspection if accompanied by an inspector or, if 48535  
an inspector is not available, when a situation presents a danger 48536  
of immediate and serious harm to the public. 48537

(E) The president of the board shall designate three of the 48538  
board's members to serve on the crematory review board, which is 48539  
hereby created, for such time as the president finds appropriate 48540  
to carry out the provisions of this chapter. Those members of the 48541  
crematory review board designated by the president to serve and 48542  
three members designated by the cemetery dispute resolution 48543  
commission shall designate, by a majority vote, one person who 48544  
holds a crematory operator permit, who is experienced in the 48545  
operation of a crematory facility, and who is not affiliated with 48546  
a cemetery or a funeral home to serve on the crematory review 48547  
board for such time as the crematory review board finds 48548  
appropriate. Members serving on the crematory review board shall 48549  
not receive any additional compensation for serving on the board, 48550  
but may be reimbursed for their actual and necessary expenses 48551  
incurred in the performance of official duties as members of the 48552  
board. Members of the crematory review board shall designate one 48553  
from among its members to serve as a chairperson for such time as 48554  
the board finds appropriate. Costs associated with conducting an 48555  
adjudicatory hearing in accordance with division (F) of this 48556  
section shall be paid from funds available to the board of 48557  
embalmers and funeral directors. 48558

(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (I) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a crematory operator permit or a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory operator, crematory facility, or cremation.

Nothing in division (F) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (F) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of

its proceedings, to the board of embalmers and funeral directors. 48590  
The board of embalmers and funeral directors shall serve a copy of 48591  
the written report of the crematory review board's findings and 48592  
advisory recommendations on the party to the adjudication or the 48593  
party's attorney, by certified mail, within five days after 48594  
receiving the report and advisory recommendations. A party may 48595  
file objections to the written report with the board of embalmers 48596  
and funeral directors within ten days after receiving the report. 48597  
No written report is final or appealable until it is issued as a 48598  
final order by the board of embalmers and funeral directors and 48599  
entered on the record of the proceedings. The board of embalmers 48600  
and funeral directors shall consider objections filed by the party 48601  
prior to issuing a final order. After reviewing the findings and 48602  
advisory recommendations of the crematory review board, the 48603  
written transcript of the crematory review board's proceedings, 48604  
and any objections filed by a party, the board of embalmers and 48605  
funeral directors shall issue a final order in the matter. Any 48606  
party may appeal the final order issued by the board of embalmers 48607  
and funeral directors in a matter described in divisions (F)(1) to 48608  
(4) of this section in accordance with section 119.12 of the 48609  
Revised Code, except that the appeal may be made to the court of 48610  
common pleas in the county in which is located the crematory 48611  
facility to which the final order pertains, or in the county in 48612  
which the party resides. 48613

(G) On its own initiative or on receiving a written complaint 48614  
from any person whose identity is made known to the board of 48615  
embalmers and funeral directors, the board shall investigate the 48616  
acts or practices of any person holding or claiming to hold a 48617  
license, permit, or ~~registration~~ certification under this chapter 48618  
that, if proven to have occurred, would violate this chapter or 48619  
any rules adopted under it. The board may compel witnesses by 48620  
subpoena to appear and testify in relation to investigations 48621  
conducted under this chapter and may require by subpoena duces 48622

tecum the production of any book, paper, or document pertaining to 48623  
an investigation. If a person does not comply with a subpoena or 48624  
subpoena duces tecum, the board may apply to the court of common 48625  
pleas of any county in this state for an order compelling the 48626  
person to comply with the subpoena or subpoena duces tecum, or for 48627  
failure to do so, to be held in contempt of court. 48628

(H) If, as a result of its investigation conducted under 48629  
division (G) of this section, the board of embalmers and funeral 48630  
directors has reasonable cause to believe that the person 48631  
investigated is violating any provision of this chapter or any 48632  
rules adopted under this chapter governing or in connection with 48633  
embalming, funeral directing, cremation, funeral homes, embalming 48634  
facilities, or cremation facilities, or the operation of funeral 48635  
homes, embalming facilities, or crematory facilities, it may, 48636  
after providing the opportunity for an adjudicatory hearing, issue 48637  
an order directing the person to cease the acts or practices that 48638  
constitute the violation. The board shall conduct the adjudicatory 48639  
hearing in accordance with Chapter 119. of the Revised Code except 48640  
that, notwithstanding the provisions of that chapter, the 48641  
following shall apply: 48642

(1) The board shall send the notice informing the person of 48643  
the person's right to a hearing by certified mail. 48644

(2) The person is entitled to a hearing only if the person 48645  
requests a hearing and if the board receives the request within 48646  
thirty days after the mailing of the notice described in division 48647  
(H)(1) of this section. 48648

(3) A stenographic record shall be taken, in the manner 48649  
prescribed in section 119.09 of the Revised Code, at every 48650  
adjudicatory hearing held under this section, regardless of 48651  
whether the record may be the basis of an appeal to a court. 48652

(I) If, as a result of its investigation conducted under 48653

division (G) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation, the board shall send written notice of the alleged violation to the crematory review board. If, after the conclusion of the adjudicatory hearing in the matter conducted under division (F) of this section, the board of embalmers and funeral directors finds that a person is in violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation, the board may issue a final order under that division directing the person to cease the acts or practices that constitute the violation.

(J) The board of embalmers and funeral directors may bring a civil action to enjoin any violation or threatened violation of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; divisions (A) to (C) of section 4717.28, or division (D) or (E) of section 4717.31 of the Revised Code. The action shall be brought in the county where the violation occurred or the threatened violation is expected to occur. At the request of the board, the attorney general shall represent the board in any matter arising under this chapter.

(K) The board of embalmers and funeral directors and the crematory review board may issue subpoenas for any person holding a license or permit under this chapter or persons holding themselves out as such, or for any other person whose testimony, in the opinion of either board, is necessary. The subpoena shall

require the person to appear before the appropriate board or any 48686  
designated member of either board, upon any hearing conducted 48687  
under this chapter. The penalty for disobedience to the command of 48688  
such a subpoena is the same as for refusal to answer such a 48689  
process issued under authority of the court of common pleas. 48690

(L) Except as provided in section 4717.41 of the Revised 48691  
Code, all moneys received by the board of embalmers and funeral 48692  
directors from any source shall be deposited in the state treasury 48693  
to the credit of the occupational licensing and regulatory fund 48694  
created in section 4743.05 of the Revised Code. 48695

(M) The board of embalmers and funeral directors shall submit 48696  
a written report to the governor on or before the first Monday of 48697  
July of each year. This report shall contain a detailed statement 48698  
of the nature and amount of the board's receipts and the amount 48699  
and manner of its expenditures. 48700

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 48701  
embalmer shall apply to the board of embalmers and funeral 48702  
directors on a form provided by the board. The applicant shall 48703  
include with the application an initial license fee as set forth 48704  
in section 4717.07 of the Revised Code and evidence, verified by 48705  
oath and satisfactory to the board, that the applicant meets all 48706  
of the following requirements: 48707

(1) The applicant is at least eighteen years of age and of 48708  
good moral character. 48709

(2) If the applicant has pleaded guilty to, has been found by 48710  
a judge or jury to be guilty of, or has had a judicial finding of 48711  
eligibility for treatment in lieu of conviction entered against 48712  
the applicant in this state for aggravated murder, murder, 48713  
voluntary manslaughter, felonious assault, kidnapping, rape, 48714  
sexual battery, gross sexual imposition, aggravated arson, 48715  
aggravated robbery, or aggravated burglary, or has pleaded guilty 48716

to, has been found by a judge or jury to be guilty of, or has had 48717  
a judicial finding of eligibility for treatment in lieu of 48718  
conviction entered against the applicant in another jurisdiction 48719  
for a substantially equivalent offense, at least five years has 48720  
elapsed since the applicant was released from incarceration, a 48721  
community control sanction, a post-release control sanction, 48722  
parole, or treatment in connection with the offense. 48723

(3) The applicant holds at least a bachelor's degree from a 48724  
college or university authorized to confer degrees by the 48725  
department of higher education or the comparable legal agency of 48726  
another state in which the college or university is located and 48727  
submits an official transcript from that college or university 48728  
with the application. 48729

(4) The applicant has satisfactorily completed at least 48730  
twelve months of instruction in a prescribed course in mortuary 48731  
science as approved by the board and has presented to the board a 48732  
certificate showing successful completion of the course. The 48733  
course of mortuary science college training may be completed 48734  
either before or after the completion of the educational standard 48735  
set forth in division (A)(3) of this section. 48736

(5) The applicant has ~~registered with~~ been certified by the 48737  
board prior to beginning an embalmer apprenticeship. 48738

(6) The applicant has satisfactorily completed at least one 48739  
year of apprenticeship under an embalmer licensed in this state 48740  
and has participated in embalming at least twenty-five dead human 48741  
bodies. 48742

(7) The applicant, upon meeting the educational standards 48743  
provided for in divisions (A)(3) and (4) of this section and 48744  
completing the apprenticeship required in division (A)(6) of this 48745  
section, has completed the examination for an embalmer's license 48746  
required by the board. 48747

(B) Upon receiving satisfactory evidence verified by oath 48748  
that the applicant meets all the requirements of division (A) of 48749  
this section, the board shall issue the applicant an embalmer's 48750  
license. 48751

(C) Any person who desires to be licensed as a funeral 48752  
director shall apply to the board on a form prescribed by the 48753  
board. The application shall include an initial license fee as set 48754  
forth in section 4717.07 of the Revised Code and evidence, 48755  
verified by oath and satisfactory to the board, that the applicant 48756  
meets all of the following requirements: 48757

(1) Except as otherwise provided in division (D) of this 48758  
section, the applicant has satisfactorily met all the requirements 48759  
for an embalmer's license as described in divisions (A)(1) to (4) 48760  
of this section. 48761

(2) The applicant has ~~registered with~~ been certified by the 48762  
board prior to beginning a funeral director apprenticeship. 48763

(3) The applicant, following mortuary science college 48764  
training described in division (A)(4) of this section, has 48765  
satisfactorily completed a one-year apprenticeship under a 48766  
licensed funeral director in this state and has participated in 48767  
directing at least twenty-five funerals. 48768

(4) The applicant has satisfactorily completed the 48769  
examination for a funeral director's license as required by the 48770  
board. 48771

(D) In lieu of mortuary science college training required for 48772  
a funeral director's license under division (C)(1) of this 48773  
section, the applicant may substitute a satisfactorily completed 48774  
two-year apprenticeship under a licensed funeral director in this 48775  
state assisting that person in directing at least fifty funerals. 48776

(E) Upon receiving satisfactory evidence that the applicant 48777  
meets all the requirements of division (C) of this section, the 48778

board shall issue to the applicant a funeral director's license. 48779

(F) A funeral director or embalmer may request the funeral 48780  
director's or embalmer's license be placed on inactive status by 48781  
submitting to the board a form prescribed by the board and such 48782  
other information as the board may request. A funeral director or 48783  
embalmer may not place the funeral director's or embalmer's 48784  
license on inactive status unless the funeral director or embalmer 48785  
is in good standing with the board and is in compliance with 48786  
applicable continuing education requirements. A funeral director 48787  
or embalmer who is granted inactive status is prohibited from 48788  
participating in any activity for which a funeral director's or 48789  
embalmer's license is required in this state. A funeral director 48790  
or embalmer who has been granted inactive status is exempt from 48791  
the continuing education requirements under section 4717.09 of the 48792  
Revised Code during the period of the inactive status. 48793

(G) A funeral director or embalmer who has been granted 48794  
inactive status may not return to active status for at least two 48795  
years following the date that the inactive status was granted. 48796  
Following a period of at least two years of inactive status, the 48797  
funeral director or embalmer may apply to return to active status 48798  
upon completion of all of the following conditions: 48799

(1) The funeral director or embalmer files with the board a 48800  
form prescribed by the board seeking active status and provides 48801  
any other information as the board may request; 48802

(2) The funeral director or embalmer takes and passes the 48803  
Ohio laws examination for each license being activated; 48804

(3) The funeral director or embalmer pays a reactivation fee 48805  
to the board in the amount of one hundred forty dollars for each 48806  
license being reactivated. 48807

(H) As used in this section: 48808

(1) "Community control sanction" has the same meaning as in 48809

section 2929.01 of the Revised Code. 48810

(2) "Post-release control sanction" has the same meaning as 48811  
in section 2967.01 of the Revised Code. 48812

**Sec. 4717.07.** (A) The board of embalmers and funeral 48813  
directors shall charge and collect the following fees: 48814

(1) For applying for an initial or biennial renewal of an 48815  
embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 48816  
dollars; 48817

(2) ~~For applying for an embalmer or funeral director~~ 48818  
~~registration, twenty five dollars;~~ 48819

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director 48820  
certificate of apprenticeship, ~~ten~~ thirty-five dollars; 48821

~~(4)~~(3) For the application to take the examination for a 48822  
license to practice as an embalmer or funeral director, or to 48823  
retake a section of the examination, thirty-five dollars; 48824

~~(5)~~(4) For applying for an initial license to operate a 48825  
funeral home, ~~three~~ four hundred ~~fifty~~ dollars and biennial 48826  
renewal of a license to operate a funeral home, ~~three~~ four hundred 48827  
~~fifty~~ dollars; 48828

~~(6)~~(5) For the reinstatement of a lapsed embalmer's or 48829  
funeral director's license, the renewal fee prescribed in division 48830  
(A)(1) of this section plus fifty dollars for each month or 48831  
portion of a month the license is lapsed, but not more than one 48832  
thousand dollars; 48833

~~(7)~~(6) For the reinstatement of a lapsed license to operate a 48834  
funeral home, the renewal fee prescribed in division (A)~~(5)~~(4) of 48835  
this section plus fifty dollars for each month or portion of a 48836  
month the license is lapsed until reinstatement, but not more than 48837  
one thousand dollars; 48838

<del>(8)</del> (7) For applying for a license to operate an embalming facility, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars and biennial renewal of a license to operate an embalming facility, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars;	48839 48840 48841 48842
<del>(9)</del> (8) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) <del>(8)</del> (7) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	48843 48844 48845 48846 48847
<del>(10)</del> (9) For applying for a license to operate a crematory facility, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars and biennial renewal of a license to operate a crematory facility, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars;	48848 48849 48850 48851
<del>(11)</del> (10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) <del>(10)</del> (9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;	48852 48853 48854 48855 48856
<del>(12)</del> (11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred <u>fifty</u> dollars;	48857 48858
<del>(13)</del> (12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A) <del>(12)</del> (11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;	48859 48860 48861 48862
<del>(14)</del> (13) For the issuance of a duplicate of a license issued under this chapter, ten dollars;	48863 48864
<del>(15)</del> (14) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars.	48865 48866 48867
(B) In addition to the fees set forth in division (A) of this	48868

section, an applicant shall pay the examination fee assessed by 48869  
any examining agency the board uses for any section of an 48870  
examination required under this chapter. 48871

(C) Subject to the approval of the controlling board, the 48872  
board of embalmers and funeral directors may establish fees in 48873  
excess of the amounts set forth in this section, provided that 48874  
these fees do not exceed the amounts set forth in this section by 48875  
more than fifty per cent. 48876

**Sec. 4717.41.** (A) There is hereby created the preneed 48877  
recovery fund, which shall be in the custody of the treasurer of 48878  
state but shall not be part of the state treasury. All fees 48879  
collected under division (A)~~(15)~~(14) of section 4717.07 of the 48880  
Revised Code shall be deposited into the fund. The fund shall be 48881  
used to reimburse purchasers of preneed funeral contracts who have 48882  
suffered financial loss as a result of the malfeasance, 48883  
misfeasance, default, failure, or insolvency in connection with 48884  
the sale of a preneed funeral contract by any licensee under this 48885  
chapter, regardless of whether the sale of such contract occurred 48886  
before or after the establishment of the fund. The fund, and all 48887  
investment earnings thereon, shall only be used for the purposes 48888  
set forth in this section and shall not be used for any other 48889  
purposes. The fund shall be administered by the board of embalmers 48890  
and funeral directors. 48891

(B) All fees collected under division (A)~~(15)~~(14) of section 48892  
4717.07 of the Revised Code shall be deposited into the fund. 48893  
Deposits to and disbursements from the fund account shall be 48894  
subject to rules established by the board. 48895

(C) If at the end of any fiscal year for this state, the 48896  
balance in the fund exceeds two million dollars, the fee required 48897  
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 48898  
the upcoming fiscal year shall be reduced by fifty per cent. If 48899

the balance in the fund at the end of a fiscal year exceeds three 48900  
million dollars, the payment of the fee required by division 48901  
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 48902  
suspended for the upcoming fiscal year. 48903

(D) The board shall adopt rules governing management of the 48904  
fund, the presentation and processing of applications for 48905  
reimbursement, subrogation, or assignment of the rights of any 48906  
reimbursed applicant. 48907

(E) The board may expend moneys in the fund for the following 48908  
purposes: 48909

(1) To make reimbursements on approved applications; 48910

(2) To purchase insurance to cover losses as considered 48911  
appropriate by the board and not inconsistent with the purposes of 48912  
the fund; 48913

(3) To invest such portions of the fund as are not currently 48914  
needed to reimburse losses and maintain adequate reserves, as are 48915  
permitted to be made by fiduciaries under the laws of this state; 48916

(4) To pay the expenses of the board for administering the 48917  
fund, including employment of local counsel to prosecute 48918  
subrogation claims. 48919

(F) Reimbursements from the fund shall be made only to the 48920  
extent to which those losses are not bonded or otherwise covered, 48921  
protected, or reimbursed and only after the applicant has complied 48922  
with all applicable rules of the board. 48923

(G) The board shall investigate all applications made and may 48924  
reject or allow such claims in whole or in part to the extent that 48925  
moneys are available in the fund. The board shall have complete 48926  
discretion to determine the order and manner of payment of 48927  
approved applications. All payments shall be a matter of privilege 48928  
and not of right, and no person shall have any right in the fund 48929

as a third-party beneficiary or otherwise. No attorney may be 48930  
compensated by the board for prosecuting an application for 48931  
reimbursement. 48932

(H) If reimbursement is made to an applicant under this 48933  
section, the board shall be subrogated in the reimbursement amount 48934  
and may bring any action it considers advisable against any 48935  
person. The board may enforce any claims it may have for 48936  
restitution or otherwise and may employ and compensate 48937  
consultants, agents, legal counsel, accountants, and other persons 48938  
it considers appropriate. 48939

**Sec. 4723.06.** (A) The board of nursing shall: 48940

(1) Administer and enforce the provisions of this chapter, 48941  
including the taking of disciplinary action for violations of 48942  
section 4723.28 of the Revised Code, any other provisions of this 48943  
chapter, or rules adopted under this chapter; 48944

(2) Develop criteria that an applicant must meet to be 48945  
eligible to sit for the examination for licensure to practice as a 48946  
registered nurse or as a licensed practical nurse; 48947

(3) Issue and renew nursing licenses, dialysis technician 48948  
certificates, and community health worker certificates, as 48949  
provided in this chapter; 48950

(4) Define the minimum educational standards for the schools 48951  
and programs of registered nursing and practical nursing in this 48952  
state; 48953

(5) Survey, inspect, and grant full approval to prelicensure 48954  
nursing education programs in this state that meet the standards 48955  
established by rules adopted under section 4723.07 of the Revised 48956  
Code. Prelicensure nursing education programs include, but are not 48957  
limited to, diploma, associate degree, baccalaureate degree, 48958  
master's degree, and doctor of nursing programs leading to initial 48959

licensure to practice nursing as a registered nurse and practical 48960  
nurse programs leading to initial licensure to practice nursing as 48961  
a licensed practical nurse. 48962

(6) Grant conditional approval, by a vote of a quorum of the 48963  
board, to a new prelicensure nursing education program or a 48964  
program that is being reestablished after having ceased to 48965  
operate, if the program meets and maintains the minimum standards 48966  
of the board established by rules adopted under section 4723.07 of 48967  
the Revised Code. If the board does not grant conditional 48968  
approval, it shall hold an adjudication under Chapter 119. of the 48969  
Revised Code to consider conditional approval of the program. If 48970  
the board grants conditional approval, at the first meeting 48971  
following completion of the survey process required by division 48972  
(A)(5) of this section, the board shall determine whether to grant 48973  
full approval to the program. If the board does not grant full 48974  
approval or if it appears that the program has failed to meet and 48975  
maintain standards established by rules adopted under section 48976  
4723.07 of the Revised Code, the board shall hold an adjudication 48977  
under Chapter 119. of the Revised Code to consider the program. 48978  
Based on results of the adjudication, the board may continue or 48979  
withdraw conditional approval, or grant full approval. 48980

(7) Place on provisional approval, for a period of time 48981  
specified by the board, a prelicensure nursing education program 48982  
that has ceased to meet and maintain the minimum standards of the 48983  
board established by rules adopted under section 4723.07 of the 48984  
Revised Code. Prior to or at the end of the period, the board 48985  
shall reconsider whether the program meets the standards and shall 48986  
grant full approval if it does. If it does not, the board may 48987  
withdraw approval, pursuant to an adjudication under Chapter 119. 48988  
of the Revised Code. 48989

(8) Approve continuing education programs and courses under 48990  
standards established in rules adopted under sections 4723.07, 48991

4723.69, 4723.79, and 4723.88 of the Revised Code;	48992
(9) Establish a substance <del>abuse</del> <u>use</u> disorder monitoring program in accordance with section 4723.35 of the Revised Code;	48993 48994
(10) Establish the practice intervention and improvement program in accordance with section 4723.282 of the Revised Code;	48995 48996
(11) Grant approval to the course of study in advanced pharmacology and related topics described in section 4723.482 of the Revised Code;	48997 48998 48999
(12) Make an annual edition of the exclusionary formulary established in rules adopted under section 4723.50 of the Revised Code available to the public by electronic means and, as soon as possible after any revision of the formulary becomes effective, make the revision available to the public by electronic means;	49000 49001 49002 49003 49004
(13) Approve under section 4723.46 of the Revised Code national certifying organizations for examination and licensure of advanced practice registered nurses, which may include separate organizations for each nursing specialty;	49005 49006 49007 49008
(14) Provide guidance and make recommendations to the general assembly, the governor, state agencies, and the federal government with respect to the regulation of the practice of nursing and the enforcement of this chapter;	49009 49010 49011 49012
(15) Make an annual report to the governor, which shall be open for public inspection;	49013 49014
(16) Maintain and have open for public inspection the following records:	49015 49016
(a) A record of all its meetings and proceedings;	49017
(b) A record of all applicants for, and holders of, licenses and certificates issued by the board under this chapter or in accordance with rules adopted under this chapter. The record shall be maintained in a format determined by the board.	49018 49019 49020 49021

(c) A list of education and training programs approved by the board. 49022  
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(17) Deny conditional approval to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate if the program or a person acting on behalf of the program submits or causes to be submitted to the board false, misleading, or deceptive statements, information, or documentation in the process of applying for approval of the program. If the board proposes to deny approval of the program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 49024  
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(B) The board may fulfill the requirement of division (A)(8) of this section by authorizing persons who meet the standards established in rules adopted under section 4723.07 of the Revised Code to approve continuing education programs and courses. Persons so authorized shall approve continuing education programs and courses in accordance with standards established in rules adopted under section 4723.07 of the Revised Code. 49033  
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Persons seeking authorization to approve continuing education programs and courses shall apply to the board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing education programs and courses shall expire and may be renewed according to the schedule established in rules adopted under section 4723.07 of the Revised Code. 49040  
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In addition to approving continuing education programs under division (A)(8) of this section, the board may sponsor continuing education activities that are directly related to the statutes and rules the board enforces. 49047  
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(C)(1) The board may deny conditional approval to a new prelicensure nursing education program or program that is being 49051  
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reestablished after having ceased to operate if the program is 49053  
controlled by a person who controls or has controlled a program 49054  
that had its approval withdrawn, revoked, suspended, or restricted 49055  
by the board or a board of another jurisdiction that is a member 49056  
of the national council of state boards of nursing. If the board 49057  
proposes to deny approval, it shall do so pursuant to an 49058  
adjudication conducted under Chapter 119. of the Revised Code. 49059

(2) As used in this division, "control" means any of the 49060  
following: 49061

(a) Holding fifty per cent or more of the outstanding voting 49062  
securities or membership interest of a prelicensure nursing 49063  
education program; 49064

(b) In the case of an unincorporated prelicensure nursing 49065  
education program, having the right to fifty per cent or more of 49066  
the program's profits or in the event of a dissolution, fifty per 49067  
cent or more of the program's assets; 49068

(c) In the case of a prelicensure nursing education program 49069  
that is a for-profit or not-for-profit corporation, having the 49070  
contractual authority presently to designate fifty per cent or 49071  
more of its directors; 49072

(d) In the case of a prelicensure nursing education program 49073  
that is a trust, having the contractual authority presently to 49074  
designate fifty per cent or more of its trustees; 49075

(e) Having the authority to direct the management, policies, 49076  
or investments of a prelicensure nursing education program. 49077

(D)(1) When an action taken by the board under division 49078  
(A)(6), (7), or (17) or (C)(1) of this section is required to be 49079  
taken pursuant to an adjudication conducted under Chapter 119. of 49080  
the Revised Code, the board may, in lieu of an adjudication 49081  
hearing, enter into a consent agreement to resolve the matter. A 49082  
consent agreement, when ratified by a vote of a quorum of the 49083

board, constitutes the findings and order of the board with 49084  
respect to the matter addressed in the agreement. If the board 49085  
refuses to ratify a consent agreement, the admissions and findings 49086  
contained in the agreement are of no effect. 49087

(2) In any instance in which the board is required under 49088  
Chapter 119. of the Revised Code to give notice to a person 49089  
seeking approval of a prelicensure nursing education program of an 49090  
opportunity for a hearing and the person does not make a timely 49091  
request for a hearing in accordance with section 119.07 of the 49092  
Revised Code, the board is not required to hold a hearing, but may 49093  
adopt, by a vote of a quorum, a final order that contains the 49094  
board's findings. 49095

(3) When the board denies or withdraws approval of a 49096  
prelicensure nursing education program, the board may specify that 49097  
its action is permanent. A program subject to a permanent action 49098  
taken by the board is forever ineligible for approval and the 49099  
board shall not accept an application for the program's 49100  
reinstatement or approval. 49101

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 49102  
exceed the following limits: 49103

(1) For application for licensure by examination or 49104  
endorsement to practice nursing as a registered nurse or as a 49105  
licensed practical nurse, seventy-five dollars; 49106

(2) For application for licensure to practice nursing as an 49107  
advanced practice registered nurse, one hundred fifty dollars; 49108

(3) For application for a dialysis technician intern 49109  
certificate, the amount specified in rules adopted under section 49110  
4723.79 of the Revised Code; 49111

(4) For application for a dialysis technician certificate, 49112  
the amount specified in rules adopted under section 4723.79 of the 49113

Revised Code;	49114
(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	49115 49116 49117 49118 49119
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	49120 49121 49122 49123
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	49124 49125
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	49126 49127
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	49128 49129 49130
(10) For processing a late application for renewal of a nursing license, <del>certificate of authority</del> , or dialysis technician certificate, fifty dollars;	49131 49132 49133
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	49134 49135 49136
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	49137 49138 49139
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	49140 49141 49142
(14) For application for approval to operate a dialysis	49143

training program, the amount specified in rules adopted under 49144  
section 4723.79 of the Revised Code; 49145

(15) For reinstatement of a lapsed license or certificate 49146  
issued under this chapter, one hundred dollars except as provided 49147  
in section 5903.10 of the Revised Code; 49148

(16) For processing a check returned to the board by a 49149  
financial institution, twenty-five dollars; 49150

(17) The amounts specified in rules adopted under section 49151  
4723.88 of the Revised Code pertaining to the issuance of 49152  
certificates to community health workers, including fees for 49153  
application for a certificate, renewal of a certificate, 49154  
processing a late application for renewal of a certificate, 49155  
reinstatement of a lapsed certificate, application for approval of 49156  
a community health worker training program for community health 49157  
workers, and renewal of the approval of a training program for 49158  
community health workers. 49159

(B) Each quarter, for purposes of transferring funds under 49160  
section 4743.05 of the Revised Code to the nurse education 49161  
assistance fund created in section 3333.28 of the Revised Code, 49162  
the board of nursing shall certify to the director of budget and 49163  
management the number of licenses renewed under this chapter 49164  
during the preceding quarter and the amount equal to that number 49165  
times five dollars. 49166

(C) The board may charge a participant in a board-sponsored 49167  
continuing education activity an amount not exceeding fifteen 49168  
dollars for each activity. 49169

(D) The board may contract for services pertaining to the 49170  
process of providing written verification of a license or 49171  
certificate when the verification is performed for purposes other 49172  
than providing verification to another jurisdiction. The contract 49173  
may include provisions pertaining to the collection of the fee 49174

charged for providing the written verification. As part of these 49175  
provisions, the board may permit the contractor to retain a 49176  
portion of the fees as compensation, before any amounts are 49177  
deposited into the state treasury. 49178

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 49179  
quorum, may impose one or more of the following sanctions if it 49180  
finds that a person committed fraud in passing an examination 49181  
required to obtain a license or dialysis technician certificate 49182  
issued by the board or to have committed fraud, misrepresentation, 49183  
or deception in applying for or securing any nursing license or 49184  
dialysis technician certificate issued by the board: deny, revoke, 49185  
suspend, or place restrictions on any nursing license or dialysis 49186  
technician certificate issued by the board; reprimand or otherwise 49187  
discipline a holder of a nursing license or dialysis technician 49188  
certificate; or impose a fine of not more than five hundred 49189  
dollars per violation. 49190

(B) The board of nursing, by a vote of a quorum, may impose 49191  
one or more of the following sanctions: deny, revoke, suspend, or 49192  
place restrictions on any nursing license or dialysis technician 49193  
certificate issued by the board; reprimand or otherwise discipline 49194  
a holder of a nursing license or dialysis technician certificate; 49195  
or impose a fine of not more than five hundred dollars per 49196  
violation. The sanctions may be imposed for any of the following: 49197

(1) Denial, revocation, suspension, or restriction of 49198  
authority to engage in a licensed profession or practice a health 49199  
care occupation, including nursing or practice as a dialysis 49200  
technician, for any reason other than a failure to renew, in Ohio 49201  
or another state or jurisdiction; 49202

(2) Engaging in the practice of nursing or engaging in 49203  
practice as a dialysis technician, having failed to renew a 49204  
nursing license or dialysis technician certificate issued under 49205

this chapter, or while a nursing license or dialysis technician certificate is under suspension; 49206  
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(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 49208  
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(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude; 49213  
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(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law; 49219  
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(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio; 49227  
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(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of 49233  
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conviction for, an act in the course of practice in another	49237
jurisdiction that would constitute a misdemeanor in Ohio;	49238
(8) Self-administering or otherwise taking into the body any	49239
dangerous drug, as defined in section 4729.01 of the Revised Code,	49240
in any way that is not in accordance with a legal, valid	49241
prescription issued for that individual, or self-administering or	49242
otherwise taking into the body any drug that is a schedule I	49243
controlled substance;	49244
(9) Habitual or excessive use of controlled substances, other	49245
habit-forming drugs, or alcohol or other chemical substances to an	49246
extent that impairs the individual's ability to provide safe	49247
nursing care or safe dialysis care;	49248
(10) Impairment of the ability to practice according to	49249
acceptable and prevailing standards of safe nursing care or safe	49250
dialysis care because of the use of drugs, alcohol, or other	49251
chemical substances;	49252
(11) Impairment of the ability to practice according to	49253
acceptable and prevailing standards of safe nursing care or safe	49254
dialysis care because of a physical or mental disability;	49255
(12) Assaulting or causing harm to a patient or depriving a	49256
patient of the means to summon assistance;	49257
(13) Misappropriation or attempted misappropriation of money	49258
or anything of value in the course of practice;	49259
(14) Adjudication by a probate court of being mentally ill or	49260
mentally incompetent. The board may reinstate the person's nursing	49261
license or dialysis technician certificate upon adjudication by a	49262
probate court of the person's restoration to competency or upon	49263
submission to the board of other proof of competency.	49264
(15) The suspension or termination of employment by the	49265
United States department of defense or department of veterans	49266

affairs for any act that violates or would violate this chapter;	49267
(16) Violation of this chapter or any rules adopted under it;	49268
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	49269 49270
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	49271 49272 49273
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	49274 49275
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	49276 49277 49278
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	49279 49280 49281
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	49282 49283 49284
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	49285 49286 49287
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	49288 49289 49290
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	49291 49292 49293 49294 49295 49296

(b) Advertising that the nurse will waive the payment of all 49297  
or any part of a deductible or copayment that a patient, pursuant 49298  
to a health insurance or health care policy, contract, or plan 49299  
that covers such nursing services, would otherwise be required to 49300  
pay. 49301

(25) Failure to comply with the terms and conditions of 49302  
participation in the substance use disorder monitoring program 49303  
established under section 4723.35 of the Revised Code; 49304

(26) Failure to comply with the terms and conditions required 49305  
under the practice intervention and improvement program 49306  
established under section 4723.282 of the Revised Code; 49307

(27) In the case of an advanced practice registered nurse: 49308

(a) Engaging in activities that exceed those permitted for 49309  
the nurse's nursing specialty under section 4723.43 of the Revised 49310  
Code; 49311

(b) Failure to meet the quality assurance standards 49312  
established under section 4723.07 of the Revised Code. 49313

(28) In the case of an advanced practice registered nurse 49314  
other than a certified registered nurse anesthetist, failure to 49315  
maintain a standard care arrangement in accordance with section 49316  
4723.431 of the Revised Code or to practice in accordance with the 49317  
standard care arrangement; 49318

(29) In the case of an advanced practice registered nurse who 49319  
is designated as a clinical nurse specialist, certified 49320  
nurse-midwife, or certified nurse practitioner, failure to 49321  
prescribe drugs and therapeutic devices in accordance with section 49322  
4723.481 of the Revised Code; 49323

(30) Prescribing any drug or device to perform or induce an 49324  
abortion, or otherwise performing or inducing an abortion; 49325

(31) Failure to establish and maintain professional 49326

boundaries with a patient, as specified in rules adopted under 49327  
section 4723.07 of the Revised Code; 49328

(32) Regardless of whether the contact or verbal behavior is 49329  
consensual, engaging with a patient other than the spouse of the 49330  
registered nurse, licensed practical nurse, or dialysis technician 49331  
in any of the following: 49332

(a) Sexual contact, as defined in section 2907.01 of the 49333  
Revised Code; 49334

(b) Verbal behavior that is sexually demeaning to the patient 49335  
or may be reasonably interpreted by the patient as sexually 49336  
demeaning. 49337

(33) Assisting suicide, as defined in section 3795.01 of the 49338  
Revised Code; 49339

(34) Failure to comply with the requirements in section 49340  
3719.061 of the Revised Code before issuing for a minor a 49341  
prescription for an opioid analgesic, as defined in section 49342  
3719.01 of the Revised Code; 49343

(35) Failure to comply with section 4723.487 of the Revised 49344  
Code, unless the state board of pharmacy no longer maintains a 49345  
drug database pursuant to section 4729.75 of the Revised Code; 49346

(36) The revocation, suspension, restriction, reduction, or 49347  
termination of clinical privileges by the United States department 49348  
of defense or department of veterans affairs or the termination or 49349  
suspension of a certificate of registration to prescribe drugs by 49350  
the drug enforcement administration of the United States 49351  
department of justice. 49352

(C) Disciplinary actions taken by the board under divisions 49353  
(A) and (B) of this section shall be taken pursuant to an 49354  
adjudication conducted under Chapter 119. of the Revised Code, 49355  
except that in lieu of a hearing, the board may enter into a 49356

consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in

the adjudication, the board may take action as though the 49389  
registered nurse, licensed practical nurse, or dialysis technician 49390  
had been convicted of the act. 49391

If the board takes action on the basis of a conviction, plea, 49392  
or a judicial finding as described in divisions (B)(3) to (7) of 49393  
this section that is overturned on appeal, the registered nurse, 49394  
licensed practical nurse, or dialysis technician may, on 49395  
exhaustion of the appeal process, petition the board for 49396  
reconsideration of its action. On receipt of the petition and 49397  
supporting court documents, the board shall temporarily rescind 49398  
its action. If the board determines that the decision on appeal 49399  
was a decision on the merits, it shall permanently rescind its 49400  
action. If the board determines that the decision on appeal was 49401  
not a decision on the merits, it shall conduct an adjudication to 49402  
determine whether the registered nurse, licensed practical nurse, 49403  
or dialysis technician committed the act on which the original 49404  
conviction, plea, or judicial finding was based. If the board 49405  
determines on the basis of the adjudication that the registered 49406  
nurse, licensed practical nurse, or dialysis technician committed 49407  
such act, or if the registered nurse, licensed practical nurse, or 49408  
dialysis technician does not request an adjudication, the board 49409  
shall reinstate its action; otherwise, the board shall permanently 49410  
rescind its action. 49411

Notwithstanding the provision of division (C)(2) of section 49412  
2953.32 of the Revised Code specifying that if records pertaining 49413  
to a criminal case are sealed under that section the proceedings 49414  
in the case shall be deemed not to have occurred, sealing of the 49415  
following records on which the board has based an action under 49416  
this section shall have no effect on the board's action or any 49417  
sanction imposed by the board under this section: records of any 49418  
conviction, guilty plea, judicial finding of guilt resulting from 49419  
a plea of no contest, or a judicial finding of eligibility for a 49420

pretrial diversion program or intervention in lieu of conviction. 49421

The board shall not be required to seal, destroy, redact, or 49422  
otherwise modify its records to reflect the court's sealing of 49423  
conviction records. 49424

(F) The board may investigate an individual's criminal 49425  
background in performing its duties under this section. As part of 49426  
such investigation, the board may order the individual to submit, 49427  
at the individual's expense, a request to the bureau of criminal 49428  
identification and investigation for a criminal records check and 49429  
check of federal bureau of investigation records in accordance 49430  
with the procedure described in section 4723.091 of the Revised 49431  
Code. 49432

(G) During the course of an investigation conducted under 49433  
this section, the board may compel any registered nurse, licensed 49434  
practical nurse, or dialysis technician or applicant under this 49435  
chapter to submit to a mental or physical examination, or both, as 49436  
required by the board and at the expense of the individual, if the 49437  
board finds reason to believe that the individual under 49438  
investigation may have a physical or mental impairment that may 49439  
affect the individual's ability to provide safe nursing care. 49440  
Failure of any individual to submit to a mental or physical 49441  
examination when directed constitutes an admission of the 49442  
allegations, unless the failure is due to circumstances beyond the 49443  
individual's control, and a default and final order may be entered 49444  
without the taking of testimony or presentation of evidence. 49445

If the board finds that an individual is impaired, the board 49446  
shall require the individual to submit to care, counseling, or 49447  
treatment approved or designated by the board, as a condition for 49448  
initial, continued, reinstated, or renewed authority to practice. 49449  
The individual shall be afforded an opportunity to demonstrate to 49450  
the board that the individual can begin or resume the individual's 49451  
occupation in compliance with acceptable and prevailing standards 49452

of care under the provisions of the individual's authority to 49453  
practice. 49454

For purposes of this division, any registered nurse, licensed 49455  
practical nurse, or dialysis technician or applicant under this 49456  
chapter shall be deemed to have given consent to submit to a 49457  
mental or physical examination when directed to do so in writing 49458  
by the board, and to have waived all objections to the 49459  
admissibility of testimony or examination reports that constitute 49460  
a privileged communication. 49461

(H) The board shall investigate evidence that appears to show 49462  
that any person has violated any provision of this chapter or any 49463  
rule of the board. Any person may report to the board any 49464  
information the person may have that appears to show a violation 49465  
of any provision of this chapter or rule of the board. In the 49466  
absence of bad faith, any person who reports such information or 49467  
who testifies before the board in any adjudication conducted under 49468  
Chapter 119. of the Revised Code shall not be liable for civil 49469  
damages as a result of the report or testimony. 49470

(I) All of the following apply under this chapter with 49471  
respect to the confidentiality of information: 49472

(1) Information received by the board pursuant to a complaint 49473  
or an investigation is confidential and not subject to discovery 49474  
in any civil action, except that the board may disclose 49475  
information to law enforcement officers and government entities 49476  
for purposes of an investigation of either a licensed health care 49477  
professional, including a registered nurse, licensed practical 49478  
nurse, or dialysis technician, or a person who may have engaged in 49479  
the unauthorized practice of nursing or dialysis care. No law 49480  
enforcement officer or government entity with knowledge of any 49481  
information disclosed by the board pursuant to this division shall 49482  
divulge the information to any other person or government entity 49483  
except for the purpose of a government investigation, a 49484

prosecution, or an adjudication by a court or government entity. 49485

(2) If an investigation requires a review of patient records, 49486  
the investigation and proceeding shall be conducted in such a 49487  
manner as to protect patient confidentiality. 49488

(3) All adjudications and investigations of the board shall 49489  
be considered civil actions for the purposes of section 2305.252 49490  
of the Revised Code. 49491

(4) Any board activity that involves continued monitoring of 49492  
an individual as part of or following any disciplinary action 49493  
taken under this section shall be conducted in a manner that 49494  
maintains the individual's confidentiality. Information received 49495  
or maintained by the board with respect to the board's monitoring 49496  
activities is not subject to discovery in any civil action and is 49497  
confidential, except that the board may disclose information to 49498  
law enforcement officers and government entities for purposes of 49499  
an investigation of a licensee or certificate holder. 49500

(J) Any action taken by the board under this section 49501  
resulting in a suspension from practice shall be accompanied by a 49502  
written statement of the conditions under which the person may be 49503  
reinstated to practice. 49504

(K) When the board refuses to grant a license or certificate 49505  
to an applicant, revokes a license or certificate, or refuses to 49506  
reinstate a license or certificate, the board may specify that its 49507  
action is permanent. An individual subject to permanent action 49508  
taken by the board is forever ineligible to hold a license or 49509  
certificate of the type that was refused or revoked and the board 49510  
shall not accept from the individual an application for 49511  
reinstatement of the license or certificate or for a new license 49512  
or certificate. 49513

(L) No unilateral surrender of a nursing license, ~~certificate~~ 49514  
~~of authority~~, or dialysis technician certificate issued under this 49515

chapter shall be effective unless accepted by majority vote of the 49516  
board. No application for a nursing license, ~~certificate of~~ 49517  
~~authority~~, or dialysis technician certificate issued under this 49518  
chapter may be withdrawn without a majority vote of the board. The 49519  
board's jurisdiction to take disciplinary action under this 49520  
section is not removed or limited when an individual has a license 49521  
or certificate classified as inactive or fails to renew a license 49522  
or certificate. 49523

(M) Sanctions shall not be imposed under division (B)(24) of 49524  
this section against any licensee who waives deductibles and 49525  
copayments as follows: 49526

(1) In compliance with the health benefit plan that expressly 49527  
allows such a practice. Waiver of the deductibles or copayments 49528  
shall be made only with the full knowledge and consent of the plan 49529  
purchaser, payer, and third-party administrator. Documentation of 49530  
the consent shall be made available to the board upon request. 49531

(2) For professional services rendered to any other person 49532  
licensed pursuant to this chapter to the extent allowed by this 49533  
chapter and the rules of the board. 49534

**Sec. 4723.44.** (A) No person shall knowingly do any of the 49535  
following unless the person holds a current, valid license issued 49536  
by the board of nursing under this chapter to practice nursing as 49537  
an advanced practice registered nurse in the specialty indicated 49538  
by the designation: 49539

(1) Engage in the practice of nursing as an advanced practice 49540  
registered nurse for a fee, salary, or other consideration, or as 49541  
a volunteer; 49542

(2) Represent the person as being an advanced practice 49543  
registered nurse, including representing the person as being a 49544  
certified registered nurse anesthetist, clinical nurse specialist, 49545

certified nurse-midwife, or certified nurse practitioner; 49546

(3) Use any title or initials implying that the person is an 49547  
advanced practice registered nurse, including using any title or 49548  
initials implying the person is a certified registered nurse 49549  
anesthetist, clinical nurse specialist, certified nurse-midwife, 49550  
or certified nurse practitioner. 49551

(B) No advanced practice registered nurse shall knowingly do 49552  
any of the following: 49553

(1) Engage, for a fee, salary, or other consideration, or as 49554  
a volunteer, in the practice of a nursing specialty other than the 49555  
specialty designated on the nurse's current, valid license issued 49556  
by the board under this chapter to practice nursing as an advanced 49557  
practice registered nurse; 49558

(2) Represent the person as being authorized to practice any 49559  
nursing specialty other than the specialty designated on the 49560  
current, valid license to practice nursing as an advanced practice 49561  
registered nurse; 49562

(3) Use the title "certified registered nurse anesthetist" or 49563  
the initials "N.A." or "C.R.N.A.," the title "clinical nurse 49564  
specialist" or the initials "C.N.S.," the title "certified 49565  
nurse-midwife" or the initials "C.N.M.," the title "certified 49566  
nurse practitioner" or the initials "C.N.P.," the title "advanced 49567  
practice registered nurse" or the initials "A.P.R.N.," or any 49568  
other title or initials implying that the nurse is authorized to 49569  
practice any nursing specialty other than the specialty designated 49570  
on the nurse's current, valid license to practice nursing as an 49571  
advanced practice registered nurse; 49572

(4) Except as provided in division (A)(2)(c) of section 49573  
4723.431 of the Revised Code, enter into a standard care 49574  
arrangement with a physician or podiatrist who is practicing in a 49575  
specialty that is not the same as or similar to the nurse's 49576

nursing specialty; 49577

(5) Prescribe drugs or therapeutic devices in a manner that 49578  
does not comply with section 4723.481 of the Revised Code; 49579

(6) Prescribe any drug or device to perform or induce an 49580  
abortion, or otherwise perform or induce an abortion. 49581

(C) No advanced practice registered nurse who is designated 49582  
as a certified registered nurse anesthetist shall knowingly use 49583  
the title "anesthesiologist" or "nurse anesthesiologist" or any 49584  
other title implying that the nurse is authorized to practice the 49585  
medical specialty of anesthesiology. 49586

(D) No person shall knowingly employ a person to engage in 49587  
the practice of nursing as an advanced practice registered nurse 49588  
unless the person so employed holds a current, valid license and 49589  
designation issued by the board under this chapter to practice as 49590  
an advanced practice registered nurse in the specialty indicated 49591  
by the designation. 49592

~~(D)~~(E) A document certified by the executive director of the 49593  
board, under the official seal of the board, to the effect that it 49594  
appears from the records of the board that no license to practice 49595  
nursing as an advanced practice registered nurse has been issued 49596  
to the person specified in the document, or that a license to 49597  
practice nursing as an advanced practice registered nurse, if 49598  
issued, has been revoked or suspended, shall be received as 49599  
prima-facie evidence of the record of the board in any court or 49600  
before any officer of the state. 49601

**Sec. 4723.94.** (A) As used in this section: 49602

(1) "Facility fee" means any fee charged or billed for 49603  
telemedicine services provided in a facility that is intended to 49604  
compensate the facility for its operational expenses and is 49605  
separate and distinct from a professional fee. 49606

(2) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 49607  
49608

(3) "Telemedicine services" has the same meaning as in section 3902.30 of the Revised Code. 49609  
49610

(B) An advanced practice registered nurse providing telemedicine services shall not charge a facility fee, an origination fee, or any fee associated with the cost of the equipment used to provide telemedicine services to a health plan issuer covering telemedicine services under section 3902.30 of the Revised Code. 49611  
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Sec. 4729.48. When filling a prescription, if a pharmacist, pharmacy intern, or terminal distributor of dangerous drugs has information indicating that the cost-sharing amount required by the patient's health benefit plan exceeds the amount that may otherwise be charged for the same drug, both of the following apply: 49617  
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(A) The pharmacist, pharmacy intern, or terminal distributor shall provide this information to the patient. 49623  
49624

(B) The patient shall not be charged the higher amount. 49625

Sec. 4729.514. (A) As used in this section, "service entity" means a public or private entity that ~~provides~~ may provide services to individuals who there is reason to believe may be at risk of experiencing an opioid-related overdose. "Service entity" includes a church or other place of worship, college or university, school, local health department, community addiction services provider, court, probation department, halfway house, prison, jail, community residential center, homeless shelter, or similar entity. 49626  
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(B) A service entity may procure naloxone for use in emergency situations. 49635  
49636

(C) A service entity or an employee, volunteer, or contractor 49637  
of a service entity is not liable for or subject to any of the 49638  
following for injury, death, or loss to person or property that 49639  
allegedly arises from an act or omission associated with 49640  
procuring, maintaining, accessing, or using naloxone under this 49641  
section, unless the act or omission constitutes willful or wanton 49642  
misconduct: damages in any civil action, prosecution in any 49643  
criminal proceeding, or professional disciplinary action. 49644

This section does not eliminate, limit, or reduce any other 49645  
immunity or defense that a service entity or an employee, 49646  
volunteer, or contractor of a service entity may be entitled to 49647  
under Chapter 2305. or any other provision of the Revised Code or 49648  
under the common law of this state. 49649

**Sec. 4729.571.** (A) The state board of pharmacy may suspend 49650  
without a hearing the license of a terminal distributor of 49651  
dangerous drugs if the board determines that there is clear and 49652  
convincing evidence of a danger of immediate and serious harm to 49653  
others due to either of the following: 49654

(1) The method used by the terminal distributor to possess or 49655  
distribute dangerous drugs; 49656

(2) The method of prescribing dangerous drugs used by a 49657  
licensed health professional authorized to prescribe drugs who 49658  
holds a terminal distributor license or practices in the employ of 49659  
or under contract with a terminal distributor. 49660

(B) The board shall follow the procedure for suspension 49661  
without a prior hearing in section 119.07 of the Revised Code. The 49662  
suspension shall remain in effect, unless removed by the board, 49663  
until the board's final adjudication order becomes effective, 49664  
except that if the board does not issue its final adjudication 49665  
order within one hundred twenty days after the suspension, the 49666  
suspension shall be void on the one hundred twenty-first day after 49667

the suspension. 49668

If the terminal distributor holds a license with a pain 49669  
management clinic classification issued under section 4729.552 of 49670  
the Revised Code or a license with an office-based opioid 49671  
treatment classification issued under section 4729.553 of the 49672  
Revised Code and the person holding the license also holds a 49673  
~~certificate~~ license issued under Chapter 4731. of the Revised Code 49674  
to practice medicine and surgery or osteopathic medicine and 49675  
surgery, prior to suspending the license without a hearing, the 49676  
board shall consult with the secretary of the state medical board 49677  
or, if the secretary is unavailable, another physician member of 49678  
the board. 49679

**Sec. 4729.65.** (A) Except as provided in division (B) of this 49680  
section, all receipts of the state board of pharmacy, from any 49681  
source, shall be deposited into the state treasury to the credit 49682  
of the occupational licensing and regulatory fund. All vouchers of 49683  
the board shall be approved by the president or executive director 49684  
of the board, or both, as authorized by the board. All initial 49685  
issuance fees and renewal fees required by sections 4729.01 to 49686  
4729.54 of the Revised Code shall be payable by the applicant at 49687  
the time of making application. 49688

(B)(1) There is hereby created in the state treasury the 49689  
board of pharmacy drug law enforcement fund. All moneys that are 49690  
derived from any fines, mandatory fines, or forfeited bail to 49691  
which the board may be entitled under Chapter 2925., division (C) 49692  
of section 2923.42, or division (B) of section 2925.42 of the 49693  
Revised Code and all moneys that are derived from forfeitures of 49694  
property to which the board may be entitled pursuant to Chapter 49695  
2925. or 2981. of the Revised Code, any other provision of the 49696  
Revised Code, or federal law shall be deposited into the fund. 49697  
Subject to division (B)(2) of this section, division (B) of 49698

section 2923.44, and divisions (B), (C), and (D) of section 49699  
2981.13 of the Revised Code, the moneys in the fund shall be used 49700  
solely to subsidize the drug law enforcement efforts of the board. 49701

(2) There is hereby created in the state treasury the board 49702  
of pharmacy federal equitable sharing justice fund and the board 49703  
of pharmacy federal equitable sharing treasury fund. 49704

Notwithstanding any contrary provision in the Revised Code, moneys 49705  
that are derived from forfeitures of property pursuant to federal 49706  
law ~~and that are~~ shall be deposited into the board of pharmacy 49707  
~~drug law enforcement~~ federal equitable sharing justice fund or 49708  
board of pharmacy federal equitable sharing treasury fund in 49709  
~~accordance with division (B)(1) of this section~~ as determined by 49710  
the source of the money, shall be used and accounted for in 49711  
accordance with the applicable federal law, and the board 49712  
otherwise shall comply with that law in connection with the 49713  
moneys. All investment earnings of the board of pharmacy federal 49714  
equitable sharing justice fund shall be credited to that fund. All 49715  
investment earnings of the board of pharmacy federal equitable 49716  
sharing treasury fund shall be credited to that fund. 49717

(C) All fines and forfeited bonds assessed and collected 49718  
under prosecution or prosecution commenced in the enforcement of 49719  
this chapter shall be paid to the executive director of the board 49720  
within thirty days and by the executive director paid into the 49721  
state treasury to the credit of the occupational licensing and 49722  
regulatory fund. 49723

(D)(1) Except as provided in divisions (D)(2) and (3) of this 49724  
section, the board, subject to the approval of the controlling 49725  
board, may establish fees in excess of the amounts provided by 49726  
this chapter, provided that such fees do not exceed the amounts 49727  
permitted by this chapter by more than fifty per cent. 49728

(2) Division (D)(1) of this section does not apply to fees 49729  
required by this chapter to be established at amounts adequate to 49730

cover designated expenses. 49731

(3) Fees established under division (D)(1) of this section or 49732  
described in division (D)(2) of this section are subject to the 49733  
limitation on fee increases specified in division (A) of section 49734  
4729.83 of the Revised Code. 49735

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 49736  
and maintains a drug database pursuant to section 4729.75 of the 49737  
Revised Code, the board is authorized or required to provide 49738  
information from the database only as follows: 49739

(1) On receipt of a request from a designated representative 49740  
of a government entity responsible for the licensure, regulation, 49741  
or discipline of health care professionals with authority to 49742  
prescribe, administer, or dispense drugs, the board may provide to 49743  
the representative information from the database relating to the 49744  
professional who is the subject of an active investigation being 49745  
conducted by the government entity or relating to a professional 49746  
who is acting as an expert witness for the government entity in 49747  
such an investigation. 49748

(2) On receipt of a request from a federal officer, or a 49749  
state or local officer of this or any other state, whose duties 49750  
include enforcing laws relating to drugs, the board shall provide 49751  
to the officer information from the database relating to the 49752  
person who is the subject of an active investigation of a drug 49753  
abuse offense, as defined in section 2925.01 of the Revised Code, 49754  
being conducted by the officer's employing government entity. 49755

(3) Pursuant to a subpoena issued by a grand jury, the board 49756  
shall provide to the grand jury information from the database 49757  
relating to the person who is the subject of an investigation 49758  
being conducted by the grand jury. 49759

(4) Pursuant to a subpoena, search warrant, or court order in 49760

connection with the investigation or prosecution of a possible or 49761  
alleged criminal offense, the board shall provide information from 49762  
the database as necessary to comply with the subpoena, search 49763  
warrant, or court order. 49764

(5) On receipt of a request from a prescriber or the 49765  
prescriber's delegate approved by the board, the board shall 49766  
provide to the prescriber a report of information from the 49767  
database relating to a patient who is either a current patient of 49768  
the prescriber or a potential patient of the prescriber based on a 49769  
referral of the patient to the prescriber, if all of the following 49770  
conditions are met: 49771

(a) The prescriber certifies in a form specified by the board 49772  
that it is for the purpose of providing medical treatment to the 49773  
patient who is the subject of the request; 49774

(b) The prescriber has not been denied access to the database 49775  
by the board. 49776

(6) On receipt of a request from a pharmacist or the 49777  
pharmacist's delegate approved by the board, the board shall 49778  
provide to the pharmacist information from the database relating 49779  
to a current patient of the pharmacist, if the pharmacist 49780  
certifies in a form specified by the board that it is for the 49781  
purpose of the pharmacist's practice of pharmacy involving the 49782  
patient who is the subject of the request and the pharmacist has 49783  
not been denied access to the database by the board. 49784

(7) On receipt of a request from an individual seeking the 49785  
individual's own database information in accordance with the 49786  
procedure established in rules adopted under section 4729.84 of 49787  
the Revised Code, the board may provide to the individual the 49788  
individual's own prescription history. 49789

(8) On receipt of a request from ~~a medical director or a~~ 49790  
~~pharmacy director~~ of a managed care organization that has entered 49791

into a contract with the department of medicaid under section 49792  
5167.10 of the Revised Code and a data security agreement with the 49793  
board required by section 5167.14 of the Revised Code, the board 49794  
shall provide to the ~~medical director or the pharmacy director~~ 49795  
organization information from the database relating to a medicaid 49796  
recipient enrolled in the ~~managed care organization~~ organization's 49797  
medicaid MCO plan, as defined in section 5167.01 of the Revised 49798  
Code, including information in the database related to 49799  
prescriptions for the recipient that were not covered or 49800  
reimbursed under a program administered by the department of 49801  
medicaid. 49802

(9) On receipt of a request from the medicaid director, the 49803  
board shall provide to the director information from the database 49804  
relating to a recipient of a program administered by the 49805  
department of medicaid, including information in the database 49806  
related to prescriptions for the recipient that were not covered 49807  
or paid by a program administered by the department. 49808

(10) On receipt of a request from a medical director of a 49809  
managed care organization that has entered into a contract with 49810  
the administrator of workers' compensation under division (B)(4) 49811  
of section 4121.44 of the Revised Code and a data security 49812  
agreement with the board required by section 4121.447 of the 49813  
Revised Code, the board shall provide to the medical director 49814  
information from the database relating to a claimant under Chapter 49815  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 49816  
managed care organization, including information in the database 49817  
related to prescriptions for the claimant that were not covered or 49818  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 49819  
Revised Code, if the administrator of workers' compensation 49820  
confirms, upon request from the board, that the claimant is 49821  
assigned to the managed care organization. 49822

(11) On receipt of a request from the administrator of 49823

workers' compensation, the board shall provide to the 49824  
administrator information from the database relating to a claimant 49825  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 49826  
including information in the database related to prescriptions for 49827  
the claimant that were not covered or reimbursed under Chapter 49828  
4121., 4123., 4127., or 4131. of the Revised Code. 49829

(12) On receipt of a request from a prescriber or the 49830  
prescriber's delegate approved by the board, the board shall 49831  
provide to the prescriber information from the database relating 49832  
to a patient's mother, if the prescriber certifies in a form 49833  
specified by the board that it is for the purpose of providing 49834  
medical treatment to a newborn or infant patient diagnosed as 49835  
opioid dependent and the prescriber has not been denied access to 49836  
the database by the board. 49837

(13) On receipt of a request from the director of health, the 49838  
board shall provide to the director information from the database 49839  
relating to the duties of the director or the department of health 49840  
in implementing the Ohio violent death reporting system 49841  
established under section 3701.93 of the Revised Code. 49842

(14) On receipt of a request from a requestor described in 49843  
division (A)(1), (2), (5), or (6) of this section who is from or 49844  
participating with another state's prescription monitoring 49845  
program, the board may provide to the requestor information from 49846  
the database, but only if there is a written agreement under which 49847  
the information is to be used and disseminated according to the 49848  
laws of this state. 49849

(15) On receipt of a request from a delegate of a retail 49850  
dispensary licensed under Chapter 3796. of the Revised Code who is 49851  
approved by the board to serve as the dispensary's delegate, the 49852  
board shall provide to the delegate a report of information from 49853  
the database pertaining only to a patient's use of medical 49854  
marijuana, if both of the following conditions are met: 49855

(a) The delegate certifies in a form specified by the board 49856  
that it is for the purpose of dispensing medical marijuana for use 49857  
in accordance with Chapter 3796. of the Revised Code. 49858

(b) The retail dispensary or delegate has not been denied 49859  
access to the database by the board. 49860

(16) On receipt of a request from a judge of a program 49861  
certified by the Ohio supreme court as a specialized docket 49862  
program for drugs, the board shall provide to the judge, or an 49863  
employee of the program who is designated by the judge to receive 49864  
the information, information from the database that relates 49865  
specifically to a current or prospective program participant. 49866

(17) On receipt of a request from a coroner, deputy coroner, 49867  
or coroner's delegate approved by the board, the board shall 49868  
provide to the requestor information from the database relating to 49869  
a deceased person about whom the coroner is conducting or has 49870  
conducted an autopsy or investigation. 49871

(18) On receipt of a request from a prescriber, the board may 49872  
provide to the prescriber a summary of the prescriber's 49873  
prescribing record if such a record is created by the board. 49874  
Information in the summary is subject to the confidentiality 49875  
requirements of this chapter. 49876

(19)(a) On receipt of a request from a pharmacy's responsible 49877  
person, the board may provide to the responsible person a summary 49878  
of the pharmacy's dispensing record if such a record is created by 49879  
the board. Information in the summary is subject to the 49880  
confidentiality requirements of this chapter. 49881

(b) As used in division (A)(19)(a) of this section, 49882  
"responsible person" has the same meaning as in rules adopted by 49883  
the board under section 4729.26 of the Revised Code. 49884

(20) The board may provide information from the database 49885  
without request to a prescriber or pharmacist who is authorized to 49886

use the database pursuant to this chapter. 49887

(21)(a) On receipt of a request from a prescriber or 49888  
pharmacist, or the prescriber's or pharmacist's delegate, who is a 49889  
designated representative of a peer review committee, the board 49890  
shall provide to the committee information from the database 49891  
relating to a prescriber who is subject to the committee's 49892  
evaluation, supervision, or discipline if the information is to be 49893  
used for one of those purposes. The board shall provide only 49894  
information that it determines, in accordance with rules adopted 49895  
under section 4729.84 of the Revised Code, is appropriate to be 49896  
provided to the committee. 49897

(b) As used in division (A)(21)(a) of this section, "peer 49898  
review committee" has the same meaning as in section 2305.25 of 49899  
the Revised Code, except that it includes only a peer review 49900  
committee of a hospital or a peer review committee of a nonprofit 49901  
health care corporation that is a member of the hospital or of 49902  
which the hospital is a member. 49903

(22) On receipt of a request from a requestor described in 49904  
division (A)(5) or (6) of this section who is from or 49905  
participating with a prescription monitoring program that is 49906  
operated by a federal agency and approved by the board, the board 49907  
may provide to the requestor information from the database, but 49908  
only if there is a written agreement under which the information 49909  
is to be used and disseminated according to the laws of this 49910  
state. 49911

(23) Any personal health information submitted to the board 49912  
pursuant to section 4729.772 of the Revised Code may be provided 49913  
by the board only as authorized by the submitter of the 49914  
information and in accordance with rules adopted under section 49915  
4729.84 of the Revised Code. 49916

(B) The state board of pharmacy shall maintain a record of 49917

each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.801. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply to each request for information from the database as described in division (A)(8) of section 4729.80 of the Revised Code:

(A) A managed care organization may submit a request to the board for information about all medicaid recipients enrolled in the organization's medicaid MCO plan, as defined in section 5167.01 of the Revised Code.

(B) The board shall collaborate with the office of innovateOhio established under section 107.71 of the Revised Code to provide the information described in division (A) of this section to the organization by direct data transfer or in a single electronic file or format.

**Sec. 4729.86.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(22)~~(23), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) 50010  
or (22) of section 4729.80 of the Revised Code and the board 50011  
determines that the person's actions in another state would have 50012  
constituted a violation of division (A)(1), (2), or (3) of this 50013  
section; 50014

(c) The person fails to comply with division (B) of this 50015  
section, regardless of the jurisdiction in which the failure to 50016  
comply occurred; 50017

(d) The person creates, by clear and convincing evidence, a 50018  
threat to the security of information contained in the database. 50019

(2) If the board determines that allegations regarding a 50020  
person's actions warrant restricting the person from obtaining 50021  
further information from the drug database without a prior 50022  
hearing, the board may summarily impose the restriction. A 50023  
telephone conference call may be used for reviewing the 50024  
allegations and taking a vote on the summary restriction. The 50025  
summary restriction shall remain in effect, unless removed by the 50026  
board, until the board's final adjudication order becomes 50027  
effective. 50028

(3) The board shall determine the extent to which the person 50029  
is restricted from obtaining further information from the 50030  
database. 50031

**Sec. 4730.02.** (A) No person shall hold that person out as 50032  
being able to function as a physician assistant, or use any words 50033  
or letters indicating or implying that the person is a physician 50034  
assistant, without a current, valid license to practice as a 50035  
physician assistant issued pursuant to this chapter. 50036

(B) No person shall practice as a physician assistant without 50037  
the supervision, control, and direction of a physician. 50038

(C) No person shall practice as a physician assistant without 50039

having entered into a supervision agreement with a supervising 50040  
physician under section 4730.19 of the Revised Code. 50041

(D) No person acting as the supervising physician of a 50042  
physician assistant shall authorize the physician assistant to 50043  
perform services if either of the following is the case: 50044

(1) The services are not within the physician's normal course 50045  
of practice and expertise; 50046

(2) The services are inconsistent with the supervision 50047  
agreement under which the physician assistant is being supervised, 50048  
including, if applicable, the policies of the health care facility 50049  
in which the physician and physician assistant are practicing. 50050

(E) No person practicing as a physician assistant shall 50051  
prescribe any drug or device to perform or induce an abortion, or 50052  
otherwise perform or induce an abortion. 50053

(F) No person shall advertise to provide services as a 50054  
physician assistant, except for the purpose of seeking employment. 50055

(G) No person practicing as a physician assistant shall fail 50056  
to wear at all times when on duty a placard, plate, or other 50057  
device identifying that person as a "physician assistant." 50058

(H) Division (A) of this section does not apply to a person 50059  
who meets ~~both~~ all of the following conditions: 50060

(1) The person holds in good standing a valid license or 50061  
other form of authority to practice as a physician assistant 50062  
issued by another state. 50063

(2) The person is practicing as a volunteer without 50064  
remuneration during a charitable event that lasts not more than 50065  
seven days. 50066

(3) The medical care provided by the person will be 50067  
supervised by the medical director of the charitable event or by 50068  
another physician. 50069

When a person meets the conditions of this division, the 50070  
person shall be deemed to hold, during the course of the 50071  
charitable event, a license to practice as a physician assistant 50072  
from the state medical board and shall be subject to the 50073  
provisions of this chapter authorizing the board to take 50074  
disciplinary action against a license holder. Not less than seven 50075  
calendar days before the first day of the charitable event, the 50076  
person or the event's organizer shall notify the board of the 50077  
person's intent to practice as a physician assistant at the event. 50078  
During the course of the charitable event, the person's scope of 50079  
practice is limited to the procedures that a physician assistant 50080  
licensed under this chapter is authorized to perform unless the 50081  
person's scope of practice in the other state is more restrictive 50082  
than in this state. If the latter is the case, the person's scope 50083  
of practice is limited to the procedures that a physician 50084  
assistant in the other state may perform. 50085

**Sec. 4730.10.** (A) An individual seeking a license to practice 50086  
as a physician assistant shall file with the state medical board a 50087  
written application on a form prescribed and supplied by the 50088  
board. The application shall include all of the following: 50089

(1) The applicant's name, residential address, business 50090  
address, if any, and social security number; 50091

(2) Satisfactory proof that the applicant meets the age and 50092  
moral character requirements specified in divisions (A)(1) and (2) 50093  
of section 4730.11 of the Revised Code; 50094

(3) Satisfactory proof that the applicant meets either the 50095  
educational requirements specified in division (B)(1) or (2) of 50096  
section 4730.11 of the Revised Code or the educational or other 50097  
applicable requirements specified in division (C)(1), (2), or (3) 50098  
of that section; 50099

(4) Any other information the board requires. 50100

(B) At the time of making application for a license to practice, the applicant shall pay the board a fee of ~~five~~ four hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code.

**Sec. 4730.12.** (A) The state medical board shall review each application ~~received under section 4730.10 of the Revised Code~~ for a license to practice as a physician assistant received under section 4730.10 of the Revised Code. Not later than sixty days after receiving a complete application, the board shall determine whether the applicant meets the requirements to receive the license, as specified in section 4730.11 of the Revised Code. ~~An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements to receive a license to practice as a physician assistant.~~

(B) If the board determines that an applicant meets the requirements to receive the license, the secretary of the board shall register the applicant as a physician assistant and issue to the applicant a license to practice as a physician assistant.

**Sec. 4730.121.** (A) The state medical board shall issue an expedited license to practice as a physician assistant by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to

the board that the applicant meets all of the following 50131  
requirements: 50132

(1) The applicant holds a valid license or certificate to 50133  
practice as a physician assistant issued by any other state or 50134  
jurisdiction. 50135

(2) The license or certificate is current, and the applicant 50136  
is in good standing in the state or jurisdiction of licensure or 50137  
certification. 50138

(3) One of the circumstances described in division (B)(3) of 50139  
section 4743.041 of the Revised Code applies to the applicant. 50140

(4) The applicant moved or will move to this state from the 50141  
state or jurisdiction in which the individual holds a current 50142  
license or certificate. 50143

(5) The individual meets the requirements to receive a 50144  
license as specified in sections 4730.101 and 4730.11 of the 50145  
Revised Code. 50146

(D) The board shall waive all fees associated with the 50147  
application for and issuance of an expedited license by 50148  
endorsement under this section. 50149

(E) The secretary and supervising member of the board shall 50150  
review all applications received under this section. If the 50151  
secretary and supervising member determine that an applicant meets 50152  
the requirements for an expedited license by endorsement, the 50153  
board shall issue the license to the applicant. 50154

**Sec. 4730.14.** (A) A license to practice as a physician 50155  
assistant shall be valid for a two-year period unless revoked or 50156  
suspended, shall expire biennially on the date that is two years 50157  
after the date of issuance, and may be renewed for additional 50158  
two-year periods in accordance with this section. A person seeking 50159  
to renew a license ~~to practice as a physician assistant shall, on~~ 50160

~~or before the thirty first day of January of each even numbered~~ 50161  
~~year, apply to the state medical board for renewal of the license~~ 50162  
~~prior to the license's expiration date.~~ The ~~state medical~~ board 50163  
shall provide renewal notices to license holders at least one 50164  
month prior to the expiration date. 50165

Applications shall be submitted to the board in a manner 50166  
prescribed by the board. Each application shall be accompanied by 50167  
a biennial renewal fee of two hundred dollars. The board shall 50168  
deposit the fees in accordance with section 4731.24 of the Revised 50169  
Code. 50170

The applicant shall report any criminal offense that 50171  
constitutes grounds for refusing to issue a license to practice 50172  
under section 4730.25 of the Revised Code to which the applicant 50173  
has pleaded guilty, of which the applicant has been found guilty, 50174  
or for which the applicant has been found eligible for 50175  
intervention in lieu of conviction, since last signing an 50176  
application for a license to practice as a physician assistant. 50177

(B) To be eligible for renewal of a license, an applicant is 50178  
subject to all of the following: 50179

(1) The applicant must certify to the board that the 50180  
applicant has maintained certification by the national commission 50181  
on certification of physician assistants or a successor 50182  
organization that is recognized by the board by meeting the 50183  
standards to hold current certification from the commission or its 50184  
successor, including ~~completion of continuing medical education~~ 50185  
~~requirements and~~ passing periodic recertification examinations; 50186

(2) Except as provided in ~~division (F) of this section and~~ 50187  
section 5903.12 of the Revised Code, the applicant must certify to 50188  
the board that the applicant ~~has completed during the current~~ 50189  
~~licensure period not less than one hundred hours of~~ is in 50190  
compliance with the continuing medical education ~~acceptable to the~~ 50191

~~board requirements necessary to hold current certification from  
the commission or its successor.~~ 50192  
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(3) The applicant must comply with the renewal eligibility 50194  
requirements established under section 4730.49 of the Revised Code 50195  
that pertain to the applicant. 50196

~~(C) The board shall adopt rules in accordance with Chapter 50197  
119. of the Revised Code specifying the types of continuing 50198  
medical education that must be completed to fulfill the board's 50199  
requirements under division (B)(2) of this section. Except when 50200  
additional continuing medical education is required, as specified 50201  
in section 4730.49 of the Revised Code, the board shall not adopt 50202  
rules that require a physician assistant to complete in any 50203  
licensure period more than one hundred hours of continuing medical 50204  
education acceptable to the board. In fulfilling the board's 50205  
requirements, a physician assistant may use continuing medical 50206  
education courses or programs completed to maintain certification 50207  
by the national commission on certification of physician 50208  
assistants or a successor organization that is recognized by the 50209  
board if the standards for acceptable courses and programs of the 50210  
commission or its successor are at least equivalent to the 50211  
standards established by the board.~~ 50212

~~(D)~~ If an applicant submits a complete renewal application 50213  
and qualifies for renewal pursuant to division (B) of this 50214  
section, the board shall issue to the applicant a renewed license 50215  
to practice as a physician assistant. 50216

~~(E)~~(D) The board may require a random sample of physician 50217  
assistants to submit materials documenting certification both of 50218  
the following: 50219

(1) Certification by the national commission on certification 50220  
of physician assistants or a successor organization that is 50221  
recognized by the board ~~and completion of;~~ 50222

~~(2) Completion of the required number of hours of continuing medical education required to hold current certification from the commission or its successor.~~ 50223  
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~~(F) The board shall provide for pro rata reductions by month of the number of hours of continuing education that must be completed for individuals who are in their first licensure period, who have been disabled due to illness or accident, or who have been absent from the country. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement this division.~~ 50226  
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~~(G)(1) Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code.~~ 50233  
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~~(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.~~ 50236  
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~~(2)(F) If a license has been suspended pursuant to division (G)(1)(E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty.~~ 50241  
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~~If a license has been suspended pursuant to division (G)(1)(E) of this section for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a license suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code.~~ 50247  
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The board shall not restore to an applicant a license to practice 50254  
as a physician assistant unless the board, in its discretion, 50255  
decides that the results of the criminal records check do not make 50256  
the applicant ineligible for a license issued pursuant to section 50257  
4730.12 of the Revised Code. 50258

The penalty for reinstatement shall be fifty dollars and the 50259  
penalty for restoration shall be one hundred dollars. The board 50260  
shall deposit penalties in accordance with section 4731.24 of the 50261  
Revised Code. 50262

~~(H) If an individual certifies that the individual has 50263  
completed the number of hours and type of continuing medical 50264  
education required for renewal or reinstatement of a license to 50265  
practice as a physician assistant, and the board finds through a 50266  
random sample conducted under division (E) of this section or 50267  
through any other means that the individual did not complete the 50268  
requisite continuing medical education, the board may impose a 50269  
civil penalty of not more than five thousand dollars. 50270~~

~~A civil penalty imposed under this division may be in 50271  
addition to or in lieu of any other action the board may take 50272  
under section 4730.25 of the Revised Code. The board shall deposit 50273  
civil penalties in accordance with section 4731.24 of the Revised 50274  
Code. The board shall not conduct an adjudication under Chapter 50275  
119. of the Revised Code if the board imposes only a civil penalty 50276~~

(G)(1) If, through a random sample conducted under division 50277  
(D) of this section or any other means, the board finds that an 50278  
individual who certified completion of the continuing medical 50279  
education required to renew, reinstate, or restore a license to 50280  
practice did not complete the requisite continuing medical 50281  
education, the board may do either of the following: 50282

(a) Take disciplinary action against the individual under 50283  
section 4730.25 of the Revised Code, impose a civil penalty, or 50284

both; 50285

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 50286  
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(2) The board's finding in any disciplinary action taken under division (G)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 50288  
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(3) A civil penalty imposed under division (G)(1)(a) of this section or paid under division (G)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 50292  
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**Sec. 4730.19.** (A) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. A supervision agreement may apply to one or more physician assistants, but, except as provided in division (B)(2)(e) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice under that physician's supervision. 50297  
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The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant. 50307  
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(B) A supervision agreement shall include either or both of the following: 50311  
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(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the 50313  
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physician assistant to practice in accordance with the policies of the health care facility. 50315  
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(2) If a physician assistant will practice outside a health care facility, the agreement shall include terms that specify all of the following: 50317  
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(a) The responsibilities to be fulfilled by the physician in supervising the physician assistant; 50320  
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(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision; 50322  
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(c) Any limitations on the responsibilities to be fulfilled by the physician assistant; 50325  
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(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician; 50327  
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(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity. 50329  
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(C) A supervision agreement may be amended to modify the responsibilities of one or more physician assistants or to include one or more additional physician assistants. 50333  
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(D) ~~A~~ The supervising physician who entered into a supervision agreement shall be kept retain a copy of the agreement in the records maintained by the supervising physician. Each physician assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the physician assistant. 50336  
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(E)(1) ~~The~~ If the board may impose a civil penalty of not more than five thousand dollars if it finds, through a review conducted under this section or through any other means, any of 50342  
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the following, the board may take disciplinary action against the individual under section 4730.25 or 4731.22 of the Revised Code, impose a civil penalty, or both:

(a) That a physician assistant has practiced in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section;

(b) That a physician has supervised a physician assistant in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section;

(c) That a physician or physician assistant failed to comply with division (A) or (B) of this section.

(2) If the board finds, through a review conducted under this section or through any other means, that a physician or physician assistant failed to comply with division (D) of this section, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4730.25 or 4731.22 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to update the records to comply with division (D) of this section and pay a civil penalty.

(3) The board's finding in any disciplinary action taken under division ~~(A)(1)(E)~~ of this section shall be made pursuant to an adjudication conducted under Chapter 119. of the Revised Code.

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(4) A civil penalty imposed under that division may be in addition to or in lieu of any other action the board may take under section 4730.25 or 4731.22 of the Revised Code (E)(1) or (2)(a) of this section or paid under division (E)(2)(b) of this section shall be in an amount specified by the board of not more

than five thousand dollars and shall be deposited in accordance 50375  
with section 4731.24 of the Revised Code. 50376

**Sec. 4730.25.** (A) The state medical board, by an affirmative 50377  
vote of not fewer than six members, may revoke or may refuse to 50378  
grant a license to practice as a physician assistant to a person 50379  
found by the board to have committed fraud, misrepresentation, or 50380  
deception in applying for or securing the license. 50381

(B) The board, by an affirmative vote of not fewer than six 50382  
members, shall, to the extent permitted by law, limit, revoke, or 50383  
suspend an individual's license to practice as a physician 50384  
assistant or prescriber number, refuse to issue a license to an 50385  
applicant, refuse to renew a ~~certificate~~ license, refuse to 50386  
reinstate a license, or reprimand or place on probation the holder 50387  
of a license for any of the following reasons: 50388

(1) Failure to practice in accordance with the supervising 50389  
physician's supervision agreement with the physician assistant, 50390  
including, if applicable, the policies of the health care facility 50391  
in which the supervising physician and physician assistant are 50392  
practicing; 50393

(2) Failure to comply with the requirements of this chapter, 50394  
Chapter 4731. of the Revised Code, or any rules adopted by the 50395  
board; 50396

(3) Violating or attempting to violate, directly or 50397  
indirectly, or assisting in or abetting the violation of, or 50398  
conspiring to violate, any provision of this chapter, Chapter 50399  
4731. of the Revised Code, or the rules adopted by the board; 50400

(4) Inability to practice according to acceptable and 50401  
prevailing standards of care by reason of mental illness or 50402  
physical illness, including physical deterioration that adversely 50403  
affects cognitive, motor, or perceptive skills; 50404

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 50405  
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(6) Administering drugs for purposes other than those authorized under this chapter; 50409  
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(7) Willfully betraying a professional confidence; 50411

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 50412  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 50419  
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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 50427  
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(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 50431  
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(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of 50434  
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conviction for, a felony;	50436
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	50437 50438 50439
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	50440 50441 50442
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	50443 50444 50445
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	50446 50447 50448
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	50449 50450 50451
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	50452 50453 50454 50455 50456
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	50457 50458 50459 50460 50461 50462 50463 50464
(19) A departure from, or failure to conform to, minimal	50465

standards of care of similar physician assistants under the same	50466
or similar circumstances, regardless of whether actual injury to a	50467
patient is established;	50468
(20) Violation of the conditions placed by the board on a	50469
license to practice as a physician assistant;	50470
(21) Failure to use universal blood and body fluid	50471
precautions established by rules adopted under section 4731.051 of	50472
the Revised Code;	50473
(22) Failure to cooperate in an investigation conducted by	50474
the board under section 4730.26 of the Revised Code, including	50475
failure to comply with a subpoena or order issued by the board or	50476
failure to answer truthfully a question presented by the board at	50477
a deposition or in written interrogatories, except that failure to	50478
cooperate with an investigation shall not constitute grounds for	50479
discipline under this section if a court of competent jurisdiction	50480
has issued an order that either quashes a subpoena or permits the	50481
individual to withhold the testimony or evidence in issue;	50482
(23) Assisting suicide, as defined in section 3795.01 of the	50483
Revised Code;	50484
(24) Prescribing any drug or device to perform or induce an	50485
abortion, or otherwise performing or inducing an abortion;	50486
(25) Failure to comply with section 4730.53 of the Revised	50487
Code, unless the board no longer maintains a drug database	50488
pursuant to section 4729.75 of the Revised Code;	50489
(26) Failure to comply with the requirements in section	50490
3719.061 of the Revised Code before issuing for a minor a	50491
prescription for an opioid analgesic, as defined in section	50492
3719.01 of the Revised Code;	50493
(27) Having certification by the national commission on	50494
certification of physician assistants or a successor organization	50495

expire, lapse, or be suspended or revoked; 50496

(28) The revocation, suspension, restriction, reduction, or 50497  
termination of clinical privileges by the United States department 50498  
of defense or department of veterans affairs or the termination or 50499  
suspension of a certificate of registration to prescribe drugs by 50500  
the drug enforcement administration of the United States 50501  
department of justice. 50502

(C) Disciplinary actions taken by the board under divisions 50503  
(A) and (B) of this section shall be taken pursuant to an 50504  
adjudication under Chapter 119. of the Revised Code, except that 50505  
in lieu of an adjudication, the board may enter into a consent 50506  
agreement with a physician assistant or applicant to resolve an 50507  
allegation of a violation of this chapter or any rule adopted 50508  
under it. A consent agreement, when ratified by an affirmative 50509  
vote of not fewer than six members of the board, shall constitute 50510  
the findings and order of the board with respect to the matter 50511  
addressed in the agreement. If the board refuses to ratify a 50512  
consent agreement, the admissions and findings contained in the 50513  
consent agreement shall be of no force or effect. 50514

(D) For purposes of divisions (B)(12), (15), and (16) of this 50515  
section, the commission of the act may be established by a finding 50516  
by the board, pursuant to an adjudication under Chapter 119. of 50517  
the Revised Code, that the applicant or license holder committed 50518  
the act in question. The board shall have no jurisdiction under 50519  
these divisions in cases where the trial court renders a final 50520  
judgment in the license holder's favor and that judgment is based 50521  
upon an adjudication on the merits. The board shall have 50522  
jurisdiction under these divisions in cases where the trial court 50523  
issues an order of dismissal upon technical or procedural grounds. 50524

(E) The sealing of conviction records by any court shall have 50525  
no effect upon a prior board order entered under the provisions of 50526  
this section or upon the board's jurisdiction to take action under 50527

the provisions of this section if, based upon a plea of guilty, a 50528  
judicial finding of guilt, or a judicial finding of eligibility 50529  
for intervention in lieu of conviction, the board issued a notice 50530  
of opportunity for a hearing prior to the court's order to seal 50531  
the records. The board shall not be required to seal, destroy, 50532  
redact, or otherwise modify its records to reflect the court's 50533  
sealing of conviction records. 50534

(F) For purposes of this division, any individual who holds a 50535  
license issued under this chapter, or applies for a license issued 50536  
under this chapter, shall be deemed to have given consent to 50537  
submit to a mental or physical examination when directed to do so 50538  
in writing by the board and to have waived all objections to the 50539  
admissibility of testimony or examination reports that constitute 50540  
a privileged communication. 50541

(1) In enforcing division (B)(4) of this section, the board, 50542  
upon a showing of a possible violation, may compel any individual 50543  
who holds a license issued under this chapter or who has applied 50544  
for a license pursuant to this chapter to submit to a mental 50545  
examination, physical examination, including an HIV test, or both 50546  
a mental and physical examination. The expense of the examination 50547  
is the responsibility of the individual compelled to be examined. 50548  
Failure to submit to a mental or physical examination or consent 50549  
to an HIV test ordered by the board constitutes an admission of 50550  
the allegations against the individual unless the failure is due 50551  
to circumstances beyond the individual's control, and a default 50552  
and final order may be entered without the taking of testimony or 50553  
presentation of evidence. If the board finds a physician assistant 50554  
unable to practice because of the reasons set forth in division 50555  
(B)(4) of this section, the board shall require the physician 50556  
assistant to submit to care, counseling, or treatment by 50557  
physicians approved or designated by the board, as a condition for 50558  
an initial, continued, reinstated, or renewed license. An 50559

individual affected under this division shall be afforded an 50560  
opportunity to demonstrate to the board the ability to resume 50561  
practicing in compliance with acceptable and prevailing standards 50562  
of care. 50563

(2) For purposes of division (B)(5) of this section, if the 50564  
board has reason to believe that any individual who holds a 50565  
license issued under this chapter or any applicant for a license 50566  
suffers such impairment, the board may compel the individual to 50567  
submit to a mental or physical examination, or both. The expense 50568  
of the examination is the responsibility of the individual 50569  
compelled to be examined. Any mental or physical examination 50570  
required under this division shall be undertaken by a treatment 50571  
provider or physician qualified to conduct such examination and 50572  
chosen by the board. 50573

Failure to submit to a mental or physical examination ordered 50574  
by the board constitutes an admission of the allegations against 50575  
the individual unless the failure is due to circumstances beyond 50576  
the individual's control, and a default and final order may be 50577  
entered without the taking of testimony or presentation of 50578  
evidence. If the board determines that the individual's ability to 50579  
practice is impaired, the board shall suspend the individual's 50580  
license or deny the individual's application and shall require the 50581  
individual, as a condition for initial, continued, reinstated, or 50582  
renewed licensure, to submit to treatment. 50583

Before being eligible to apply for reinstatement of a license 50584  
suspended under this division, the physician assistant shall 50585  
demonstrate to the board the ability to resume practice or 50586  
prescribing in compliance with acceptable and prevailing standards 50587  
of care. The demonstration shall include the following: 50588

(a) Certification from a treatment provider approved under 50589  
section 4731.25 of the Revised Code that the individual has 50590  
successfully completed any required inpatient treatment; 50591

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 50592  
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 50594  
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 50600  
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When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety. 50603  
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(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board. 50612  
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The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license 50620  
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without a prior hearing. A telephone conference call may be 50623  
utilized for reviewing the allegations and taking the vote on the 50624  
summary suspension. 50625

The board shall issue a written order of suspension by 50626  
certified mail or in person in accordance with section 119.07 of 50627  
the Revised Code. The order shall not be subject to suspension by 50628  
the court during pendency of any appeal filed under section 119.12 50629  
of the Revised Code. If the physician assistant requests an 50630  
adjudicatory hearing by the board, the date set for the hearing 50631  
shall be within fifteen days, but not earlier than seven days, 50632  
after the physician assistant requests the hearing, unless 50633  
otherwise agreed to by both the board and the license holder. 50634

A summary suspension imposed under this division shall remain 50635  
in effect, unless reversed on appeal, until a final adjudicative 50636  
order issued by the board pursuant to this section and Chapter 50637  
119. of the Revised Code becomes effective. The board shall issue 50638  
its final adjudicative order within sixty days after completion of 50639  
its hearing. Failure to issue the order within sixty days shall 50640  
result in dissolution of the summary suspension order, but shall 50641  
not invalidate any subsequent, final adjudicative order. 50642

(H) If the board takes action under division (B)(11), (13), 50643  
or (14) of this section, and the judicial finding of guilt, guilty 50644  
plea, or judicial finding of eligibility for intervention in lieu 50645  
of conviction is overturned on appeal, upon exhaustion of the 50646  
criminal appeal, a petition for reconsideration of the order may 50647  
be filed with the board along with appropriate court documents. 50648  
Upon receipt of a petition and supporting court documents, the 50649  
board shall reinstate the individual's license. The board may then 50650  
hold an adjudication under Chapter 119. of the Revised Code to 50651  
determine whether the individual committed the act in question. 50652  
Notice of opportunity for hearing shall be given in accordance 50653  
with Chapter 119. of the Revised Code. If the board finds, 50654

pursuant to an adjudication held under this division, that the 50655  
individual committed the act, or if no hearing is requested, it 50656  
may order any of the sanctions identified under division (B) of 50657  
this section. 50658

(I) The license to practice issued to a physician assistant 50659  
and the physician assistant's practice in this state are 50660  
automatically suspended as of the date the physician assistant 50661  
pleads guilty to, is found by a judge or jury to be guilty of, or 50662  
is subject to a judicial finding of eligibility for intervention 50663  
in lieu of conviction in this state or treatment or intervention 50664  
in lieu of conviction in another state for any of the following 50665  
criminal offenses in this state or a substantially equivalent 50666  
criminal offense in another jurisdiction: aggravated murder, 50667  
murder, voluntary manslaughter, felonious assault, kidnapping, 50668  
rape, sexual battery, gross sexual imposition, aggravated arson, 50669  
aggravated robbery, or aggravated burglary. Continued practice 50670  
after the suspension shall be considered practicing without a 50671  
license. 50672

The board shall notify the individual subject to the 50673  
suspension by certified mail or in person in accordance with 50674  
section 119.07 of the Revised Code. If an individual whose license 50675  
is suspended under this division fails to make a timely request 50676  
for an adjudication under Chapter 119. of the Revised Code, the 50677  
board shall enter a final order permanently revoking the 50678  
individual's license to practice. 50679

(J) In any instance in which the board is required by Chapter 50680  
119. of the Revised Code to give notice of opportunity for hearing 50681  
and the individual subject to the notice does not timely request a 50682  
hearing in accordance with section 119.07 of the Revised Code, the 50683  
board is not required to hold a hearing, but may adopt, by an 50684  
affirmative vote of not fewer than six of its members, a final 50685  
order that contains the board's findings. In that final order, the 50686

board may order any of the sanctions identified under division (A) 50687  
or (B) of this section. 50688

(K) Any action taken by the board under division (B) of this 50689  
section resulting in a suspension shall be accompanied by a 50690  
written statement of the conditions under which the physician 50691  
assistant's license may be reinstated. The board shall adopt rules 50692  
in accordance with Chapter 119. of the Revised Code governing 50693  
conditions to be imposed for reinstatement. Reinstatement of a 50694  
license suspended pursuant to division (B) of this section 50695  
requires an affirmative vote of not fewer than six members of the 50696  
board. 50697

(L) When the board refuses to grant or issue to an applicant 50698  
a license to practice as a physician assistant, revokes an 50699  
individual's license, refuses to renew an individual's license, or 50700  
refuses to reinstate an individual's license, the board may 50701  
specify that its action is permanent. An individual subject to a 50702  
permanent action taken by the board is forever thereafter 50703  
ineligible to hold the license and the board shall not accept an 50704  
application for reinstatement of the license or for issuance of a 50705  
new license. 50706

(M) Notwithstanding any other provision of the Revised Code, 50707  
all of the following apply: 50708

(1) The surrender of a license issued under this chapter is 50709  
not effective unless or until accepted by the board. Reinstatement 50710  
of a license surrendered to the board requires an affirmative vote 50711  
of not fewer than six members of the board. 50712

(2) An application made under this chapter for a license may 50713  
not be withdrawn without approval of the board. 50714

(3) Failure by an individual to renew a license in accordance 50715  
with section 4730.14 of the Revised Code shall not remove or limit 50716  
the board's jurisdiction to take disciplinary action under this 50717

section against the individual. 50718

~~Sec. 4730.28. (A) An individual whose license to practice as a physician assistant issued under this chapter has been suspended or is in an inactive state for any cause for more than two years may apply to the state medical board to have the license restored.~~ 50719  
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~~(B)(1) The board shall not restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. The board shall determine the applicant's present fitness to resume practice. The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity.~~ 50723  
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~~(2) When restoring a license, the board may impose terms and conditions, including the following:~~ 50729  
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~~(a) Requiring the applicant to obtain additional training and pass an examination upon completion of the training;~~ 50731  
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~~(b) Restricting or limiting the extent, scope, or type of practice as a physician assistant that the individual may resume~~ 50733  
50734  
This section applies to both of the following: 50735

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 50736  
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(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been practicing as a physician assistant as either of the following: 50739  
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(a) An active practitioner; 50742

(b) A student in a program as described in division (B) or (C) of section 4730.11 of the Revised Code. 50743  
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(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant 50745  
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subject to this section, the state medical board may impose terms 50747  
and conditions including any one or more of the following: 50748

(1) Requiring the applicant to pass an oral or written 50749  
examination, or both, to determine the applicant's present fitness 50750  
to resume practice; 50751

(2) Requiring the applicant to obtain additional training and 50752  
to pass an examination upon completion of such training; 50753

(3) Requiring an assessment of the applicant's physical 50754  
skills for purposes of determining whether the applicant's 50755  
coordination, fine motor skills, and dexterity are sufficient for 50756  
performing evaluations and procedures in a manner that meets the 50757  
minimal standards of care; 50758

(4) Requiring an assessment of the applicant's skills in 50759  
recognizing and understanding diseases and conditions; 50760

(5) Requiring the applicant to undergo a comprehensive 50761  
physical examination, which may include an assessment of physical 50762  
abilities, evaluation of sensory capabilities, or screening for 50763  
the presence of neurological disorders; 50764

(6) Restricting or limiting the extent, scope, or type of 50765  
practice of the applicant. 50766

The board shall consider the moral background and the 50767  
activities of the applicant during the period of suspension or 50768  
inactivity. The board shall not issue or restore a license under 50769  
this section unless the applicant complies with sections 4776.01 50770  
to 4776.04 of the Revised Code. 50771

**Sec. 4730.43.** (A) A physician assistant who holds a valid 50772  
prescriber number issued by the state medical board and has been 50773  
granted physician-delegated prescriptive authority may personally 50774  
furnish to a patient samples of drugs and therapeutic devices that 50775  
are included in the physician assistant's physician-delegated 50776

prescriptive authority, subject to all of the following: 50777

(1) The amount of the sample furnished shall not exceed a 50778  
seventy-two-hour supply, except when the minimum available 50779  
quantity of the sample is packaged in an amount that is greater 50780  
than a seventy-two-hour supply, in which case the physician 50781  
assistant may furnish the sample in the package amount. 50782

(2) No charge may be imposed for the sample or for furnishing 50783  
it. 50784

(3) Samples of controlled substances may not be personally 50785  
furnished. 50786

(B) A physician assistant who holds a valid prescriber number 50787  
issued by the state medical board and has been granted 50788  
physician-delegated prescriptive authority may personally furnish 50789  
to a patient a complete or partial supply of the drugs and 50790  
therapeutic devices that are included in the physician assistant's 50791  
physician-delegated prescriptive authority, subject to all of the 50792  
following: 50793

(1) The physician assistant shall personally furnish only 50794  
antibiotics, antifungals, scabicides, contraceptives, prenatal 50795  
vitamins, antihypertensives, drugs and devices used in the 50796  
treatment of diabetes, drugs and devices used in the treatment of 50797  
asthma, and drugs used in the treatment of dyslipidemia. 50798

(2) The physician assistant shall not furnish the drugs and 50799  
devices in locations other than a health department operated by 50800  
the board of health of a city or general health district or the 50801  
authority having the duties of a board of health under section 50802  
3709.05 of the Revised Code, a federally funded comprehensive 50803  
primary care clinic, or a nonprofit health care clinic or program. 50804

(3) The physician assistant shall comply with all standards 50805  
and procedures for personally furnishing supplies of drugs and 50806

devices, as established in rules adopted under section 4730.39 of 50807  
the Revised Code. 50808

**Sec. 4730.49.** (A) To be eligible for renewal of a license to 50809  
practice as a physician assistant, an applicant who has been 50810  
granted physician-delegated prescriptive authority is subject to 50811  
both of the following: 50812

(1) The applicant shall complete every two years at least 50813  
twelve hours of continuing education in pharmacology obtained 50814  
through a program or course approved by the state medical board or 50815  
a person the board has authorized to approve continuing 50816  
pharmacology education programs and courses. Except as provided ~~in~~ 50817  
~~division (B) of this section and~~ in section 5903.12 of the Revised 50818  
Code, the continuing education shall be completed not later than 50819  
the ~~thirty first day of January of each even numbered year~~ date on 50820  
which the applicant's license expires. 50821

(2)(a) Except as provided in division (A)(2)(b) of this 50822  
section, in the case of an applicant who prescribes opioid 50823  
analgesics or benzodiazepines, as defined in section 3719.01 of 50824  
the Revised Code, the applicant shall certify to the board whether 50825  
the applicant has been granted access to the drug database 50826  
established and maintained by the state board of pharmacy pursuant 50827  
to section 4729.75 of the Revised Code. 50828

(b) The requirement described in division (A)(2)(a) of this 50829  
section does not apply if any of the following is the case: 50830

(i) The state board of pharmacy notifies the state medical 50831  
board pursuant to section 4729.861 of the Revised Code that the 50832  
applicant has been restricted from obtaining further information 50833  
from the drug database. 50834

(ii) The state board of pharmacy no longer maintains the drug 50835  
database. 50836

(iii) The applicant does not practice as a physician 50837  
assistant in this state. 50838

(c) If an applicant certifies to the state medical board that 50839  
the applicant has been granted access to the drug database and the 50840  
board finds through an audit or other means that the applicant has 50841  
not been granted access, the board may take action under section 50842  
4730.25 of the Revised Code. 50843

(B) The state medical board shall provide for pro rata 50844  
reductions by month of the number of hours of continuing education 50845  
in pharmacology that is required to be completed for physician 50846  
assistants ~~who are in their first licensure period after~~ 50847  
~~completing the period of supervision required under section~~ 50848  
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 50849  
or accident, or ~~who~~ have been absent from the country. The board 50850  
shall adopt rules, in accordance with Chapter 119. of the Revised 50851  
Code, as necessary to implement this division. 50852

(C) The continuing education required by this section is in 50853  
addition to the continuing education required under section 50854  
4730.14 of the Revised Code. 50855

(D) If the board chooses to authorize persons to approve 50856  
continuing pharmacology education programs and courses, it shall 50857  
establish standards for granting that authority and grant the 50858  
authority in accordance with the standards. 50859

**Sec. 4731.04.** As used in this chapter: 50860

(A) "Cosmetic therapy" means the permanent removal of hair 50861  
from the human body through the use of electric modalities 50862  
approved by the state medical board for use in cosmetic therapy 50863  
and may include the systematic friction, stroking, slapping, and 50864  
kneading or tapping of the face, neck, scalp, or shoulders. 50865

(B) "Fifth pathway training" means supervised clinical 50866

training obtained in the United States as a substitute for the 50867  
internship or social service requirements of a foreign medical 50868  
school. 50869

(C) "Graduate medical education" means education received 50870  
through any of the following: 50871

(1) An internship ~~or~~, residency, or clinical fellowship 50872  
program conducted in the United States and accredited by either 50873  
the accreditation council for graduate medical education of the 50874  
American medical association or the American osteopathic 50875  
association; 50876

(2) A clinical fellowship program that is not accredited as 50877  
described in division (C)(1) of this section, but is conducted in 50878  
the United States at an institution with a residency program that 50879  
is accredited ~~by either the accreditation council for graduate~~ 50880  
~~medical education of the American medical association or the~~ 50881  
~~American osteopathic association that~~ as described in that 50882  
division and is in a clinical field the same as or related to the 50883  
clinical field of the fellowship program; 50884

(3) An internship program conducted in Canada and accredited 50885  
by the committee on accreditation of preregistration physician 50886  
training programs of the federation of provincial medical 50887  
licensing authorities of Canada; 50888

(4) A residency program conducted in Canada and accredited by 50889  
either the royal college of physicians and surgeons of Canada or 50890  
the college of family physicians of Canada. 50891

(D) "Massage therapy" means the treatment of disorders of the 50892  
human body by the manipulation of soft tissue through the 50893  
systematic external application of massage techniques including 50894  
touch, stroking, friction, vibration, percussion, kneading, 50895  
stretching, compression, and joint movements within the normal 50896  
physiologic range of motion; and adjunctive thereto, the external 50897

application of water, heat, cold, topical preparations, and 50898  
mechanical devices. 50899

**Sec. 4731.05.** (A) The state medical board shall adopt rules 50900  
in accordance with Chapter 119. of the Revised Code to carry out 50901  
the purposes of this chapter. All adjudicative proceedings of the 50902  
state medical board shall be conducted in accordance with Chapter 50903  
119. of the Revised Code. 50904

(B) The state medical board shall appoint an executive 50905  
director who shall be in the unclassified service of the state. 50906  
The board may appoint other employees of the board as are 50907  
necessary and shall prescribe their titles and duties. 50908

(C) The state medical board shall develop requirements for 50909  
and provide appropriate initial and continuing training for 50910  
investigators employed by the board to carry out its duties under 50911  
Chapter 4731. of the Revised Code. The training and continuing 50912  
education may include enrollment in courses operated or approved 50913  
by the Ohio peace officer training commission that the board 50914  
considers appropriate under conditions set forth in section 109.79 50915  
of the Revised Code. 50916

(D)(1) The state medical board shall adopt internal 50917  
management rules pursuant to section 111.15 of the Revised Code. 50918  
The rules shall set forth criteria for assessing the board's 50919  
accomplishments, activities, and performance data, including 50920  
metrics detailing the board's revenues and reimbursements; budget 50921  
distribution; investigation and licensing activity, including 50922  
issuance of licenses and processing time frames; and enforcement 50923  
data, including processing time frames. The board shall include 50924  
the assessment in the annual report required by section 149.01 of 50925  
the Revised Code. 50926

(2) The state medical board shall cause the internal 50927  
management rules and annual report described in division (D)(1) of 50928

this section to be publicly accessible on the state medical 50929  
board's web site. 50930

**Sec. 4731.07.** (A) The state medical board shall keep a record 50931  
of its proceedings. The minutes of a meeting of the board shall, 50932  
on approval by the board, constitute an official record of its 50933  
proceedings. 50934

(B) The board shall keep a register of applicants for 50935  
licenses and certificates issued under this chapter and Chapters 50936  
4760., 4762., and 4774. of the Revised Code and; licenses issued 50937  
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 50938  
4774., and 4778.; and licenses and limited permits issued under 50939  
Chapters 4759. and 4761. of the Revised Code. The register shall 50940  
show the name of the applicant and whether the applicant was 50941  
granted or refused ~~a certificate or~~ the license, certificate, or 50942  
limited permit being sought. ~~With~~ 50943

With respect to applicants to practice medicine and surgery 50944  
or osteopathic medicine and surgery, the register shall show the 50945  
name of the institution that granted the applicant the degree of 50946  
doctor of medicine or osteopathic medicine. With respect to 50947  
applicants to practice respiratory care, the register shall show 50948  
the addresses of the person's last known place of business and 50949  
residence, the effective date and identification number of the 50950  
license or limited permit, and, if applicable, the name and 50951  
location of the institution that granted the person's degree or 50952  
certificate of completion of respiratory care educational 50953  
requirements, and the date the degree or certificate of completion 50954  
was issued. ~~The~~ 50955

(C) The books and records of the board shall be prima-facie 50956  
evidence of matters therein contained. 50957

**Sec. 4731.14.** (A) The state medical board shall review all 50958

applications submitted under section 4731.09 ~~or 4731.296~~ of the 50959  
Revised Code and determine whether each applicant meets the 50960  
requirements for a license to practice medicine and surgery or 50961  
osteopathic medicine and surgery. ~~An affirmative vote of not fewer~~ 50962  
~~than six members of the board is necessary for the board to~~ 50963  
~~determine that an applicant meets the requirements for a license.~~ 50964

(B) If the board determines that the evidence submitted with 50965  
an application is satisfactory and the applicant meets the 50966  
requirements for a license, the board shall issue to the applicant 50967  
a license to practice medicine and surgery or osteopathic medicine 50968  
and surgery, as applicable. If the applicant holds a medical 50969  
degree other than the degree of doctor of medicine or doctor of 50970  
osteopathic medicine, the license shall indicate that the 50971  
applicant is authorized to practice medicine and surgery pursuant 50972  
to the laws of this state. Each license issued by the board shall 50973  
be signed by its president and secretary, and attested by its 50974  
seal. 50975

(C) The holder of a license to practice medicine and surgery 50976  
issued under this chapter may use the titles "Dr.," "doctor," 50977  
"M.D.," or "physician." The holder of a license to practice 50978  
osteopathic medicine and surgery issued under this chapter may use 50979  
the titles "Dr.," "doctor," "D.O.," or "physician." 50980

(D) The holder of a license issued under this section shall 50981  
either provide verification of licensure status from the board's 50982  
internet web site on request or prominently display a wall 50983  
certificate in the license holder's office or place where the 50984  
majority of the holder's practice is conducted. 50985

**Sec. 4731.15.** (A) The state medical board also shall regulate 50986  
the following limited branches of medicine: massage therapy and 50987  
cosmetic therapy, and to the extent specified in section 4731.151 50988  
of the Revised Code, naprapathy and mechanotherapy. The board 50989

shall adopt rules governing the limited branches of medicine under 50990  
its jurisdiction. The rules shall be adopted in accordance with 50991  
Chapter 119. of the Revised Code. 50992

(B) A ~~certificate~~ license to practice a limited branch of 50993  
medicine issued by the state medical board is valid for a two-year 50994  
period, ~~except when an initial certificate is issued for a shorter~~ 50995  
~~period or when division (C)(2) of this section is applicable~~ 50996  
unless revoked or suspended and expires on the date that is two 50997  
years after the date of issuance. The ~~certificate~~ license may be 50998  
renewed for additional two-year periods in accordance with 50999  
division (C) of this section. 51000

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 51001  
~~both~~ Both of the following apply with respect to the renewal of 51002  
~~certificates~~ licenses to practice a limited branch of medicine: 51003

~~(a)(1)~~ Each person seeking to renew a ~~certificate~~ license to 51004  
practice a limited branch of medicine shall apply for biennial 51005  
renewal with the state medical board in a manner prescribed by the 51006  
board. An applicant for renewal shall pay a biennial renewal fee 51007  
of one hundred dollars. 51008

~~(b)(2)~~ At least one month before a ~~certificate~~ license 51009  
expires, the board shall provide a renewal notice to the 51010  
~~certificate~~ license holder. 51011

~~(2) The board shall implement a staggered renewal system that~~ 51012  
~~is substantially similar to the staggered renewal system the board~~ 51013  
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 51014

(D) All persons who hold a ~~certificate~~ license to practice a 51015  
limited branch of medicine issued by the state medical board shall 51016  
provide the board notice of any change of address. The notice 51017  
shall be submitted to the board not later than thirty days after 51018  
the change of address. 51019

(E) A ~~certificate~~ license to practice a limited branch of 51020

medicine shall be automatically suspended if the ~~certificate~~ 51021  
license holder fails to renew the ~~certificate~~ license in 51022  
accordance with division (C) of this section. Continued practice 51023  
after the suspension of the ~~certificate~~ license to practice shall 51024  
be considered as practicing in violation of sections 4731.34 and 51025  
4731.41 of the Revised Code. 51026

If a ~~certificate to practice~~ license has been suspended 51027  
pursuant to this division for two years or less, it may be 51028  
reinstated. The board shall reinstate the ~~certificate~~ license upon 51029  
an applicant's submission of a renewal application and payment of 51030  
a reinstatement fee of one hundred twenty-five dollars. With 51031  
regard to reinstatement of a ~~certificate~~ license to practice 51032  
cosmetic therapy, the applicant also shall submit with the 51033  
application a certification that the number of hours of continuing 51034  
education necessary to have a suspended ~~certificate~~ license 51035  
reinstated have been completed, as specified in rules the board 51036  
shall adopt in accordance with Chapter 119. of the Revised Code. 51037

If a ~~certificate~~ license has been suspended pursuant to this 51038  
division for more than two years, it may be restored. Subject to 51039  
section 4731.222 of the Revised Code, the board may restore the 51040  
~~certificate~~ license upon an applicant's submission of a 51041  
restoration application and a restoration fee of one hundred fifty 51042  
dollars and compliance with sections 4776.01 to 4776.04 of the 51043  
Revised Code. The board shall not restore to an applicant a 51044  
~~certificate~~ license to practice unless the board, in its 51045  
discretion, decides that the results of the criminal records check 51046  
do not make the applicant ineligible for a ~~certificate~~ license 51047  
issued pursuant to section 4731.17 of the Revised Code. 51048

Sec. 4731.153. (A) The state medical board shall issue, 51049  
without examination, an expedited license to practice a limited 51050  
branch of medicine by endorsement to an applicant who meets all of 51051

the requirements of this section. 51052

(B) An individual who seeks an expedited license by 51053  
endorsement under this section shall file with the board a written 51054  
application on a form prescribed and supplied by the board. The 51055  
applicant shall include in the application all of the information 51056  
the board considers necessary to process it. 51057

(C) To be eligible to receive an expedited license by 51058  
endorsement, an applicant shall provide evidence satisfactory to 51059  
the board that the applicant meets all of the following 51060  
requirements: 51061

(1) The applicant holds a valid license or certificate to 51062  
practice a limited branch of medicine issued by any other state or 51063  
jurisdiction. 51064

(2) The license or certificate is current, and the applicant 51065  
is in good standing in the state or jurisdiction of licensure or 51066  
certification. 51067

(3) One of the circumstances described in division (B)(3) of 51068  
section 4743.041 of the Revised Code applies to the applicant. 51069

(4) The applicant moved or will move to this state from the 51070  
state or jurisdiction in which the individual holds a current 51071  
license or certificate. 51072

(5) The individual meets the requirements to receive a 51073  
license as specified in sections 4731.171 and 4731.19 of the 51074  
Revised Code. 51075

(D) The board shall waive all fees associated with the 51076  
application for and issuance of an expedited license by 51077  
endorsement under this section. 51078

(E) The secretary and supervising member of the board shall 51079  
review all applications received under this section. If the 51080  
secretary and supervising member determine that an applicant meets 51081

the requirements for an expedited license by endorsement, the 51082  
board shall issue the license to the applicant. 51083

**Sec. 4731.155.** (A) The state medical board may adopt rules 51084  
that establish continuing education requirements for renewal under 51085  
section 4731.15 of the Revised Code of a ~~certificate~~ license to 51086  
practice a limited branch of medicine. The rules shall be adopted 51087  
in accordance with Chapter 119. of the Revised Code. 51088

(B)(1) If the board adopts rules establishing continuing 51089  
education requirements for holders of licenses to practice a 51090  
limited branch of medicine, the board may require a holder to 51091  
certify to the board that the holder has satisfied the continuing 51092  
education requirements. 51093

(2) The board may require a random sample of license holders 51094  
to submit materials documenting that the continuing education 51095  
requirements adopted under this section have been satisfied. 51096

Division (B)(2) of this section does not limit the board's 51097  
authority to conduct investigations pursuant to section 4731.22 of 51098  
the Revised Code. 51099

(3) If, through a random sample conducted under division 51100  
(B)(2) of this section or any other means, the board finds that an 51101  
individual who certified completion of the number of hours and 51102  
type of continuing education required to renew, reinstate, or 51103  
restore a license to practice did not complete the requisite 51104  
continuing education, the board may do either of the following: 51105

(a) Take disciplinary action against the individual under 51106  
section 4731.22 of the Revised Code, impose a civil penalty, or 51107  
both; 51108

(b) Permit the individual to agree in writing to complete the 51109  
continuing education and pay a civil penalty. 51110

(4) The board's finding in any disciplinary action taken 51111

under division (B)(3)(a) of this section shall be made pursuant to 51112  
an adjudication under Chapter 119. of the Revised Code and by an 51113  
affirmative vote of not fewer than six of its members. 51114

(5) A civil penalty imposed under division (B)(3)(a) of this 51115  
section or paid under division (B)(3)(b) of this section shall be 51116  
in an amount specified by the board of not more than five thousand 51117  
dollars. The board shall deposit civil penalties in accordance 51118  
with section 4731.24 of the Revised Code. 51119

**Sec. 4731.17.** (A) The state medical board shall review all 51120  
applications received under section 4731.19 of the Revised Code. 51121  
The board shall determine whether an applicant meets the 51122  
requirements for a certificate license to practice the applicable 51123  
limited branch of medicine. ~~An affirmative vote of not fewer than~~ 51124  
~~six members of the board is required to determine that an~~ 51125  
~~applicant meets the requirements for a certificate.~~ 51126

(B) If the board determines that the applicant meets the 51127  
requirements for a certificate license and that the documentation 51128  
required for a certificate license is acceptable, the board shall 51129  
issue to the applicant the appropriate certificate license to 51130  
practice. Each certificate license shall be signed by the 51131  
president and secretary of the board and attested by its seal. 51132

(C) A certificate license shall authorize the holder to 51133  
practice the limited branch of medicine for which the certificate 51134  
license was issued. No person who holds a certificate license to 51135  
practice a limited branch of medicine issued by the board under 51136  
this section shall do any of the following: 51137

(1) Practice a limited branch of medicine other than the 51138  
limited branch of medicine for which the certificate license was 51139  
issued; 51140

(2) Treat infectious, contagious, or venereal diseases; 51141

- (3) Prescribe or administer drugs; 51142
- (4) Perform surgery or practice medicine in any other form. 51143

**Sec. 4731.171.** In addition to any other eligibility 51144  
requirement set forth in this chapter, each applicant for a 51145  
~~certificate~~ license to practice massage therapy or cosmetic 51146  
therapy shall comply with sections 4776.01 to 4776.04 of the 51147  
Revised Code. The state medical board shall not grant to an 51148  
applicant a ~~certificate~~ license to practice massage therapy or 51149  
cosmetic therapy unless the board, in its discretion, decides that 51150  
the results of the criminal records check do not make the 51151  
applicant ineligible for a ~~certificate~~ license issued pursuant to 51152  
section 4731.17 of the Revised Code. 51153

**Sec. 4731.19.** (A) A person seeking a ~~certificate~~ license to 51154  
practice a limited branch of medicine shall file with the state 51155  
medical board an application in a manner prescribed by the board. 51156  
The application shall include or be accompanied by all of the 51157  
following: 51158

(1) Evidence that the applicant is at least eighteen years of 51159  
age and of good moral character; 51160

(2) Evidence that the applicant has attained high school 51161  
graduation or its equivalent; 51162

(3) Evidence that the applicant holds one of the following: 51163

(a) A diploma or certificate from a school, college, or 51164  
institution in good standing as determined by the board, showing 51165  
the completion of the required courses of instruction; 51166

(b) A diploma or certificate from a school, college, or 51167  
institution in another state or jurisdiction showing completion of 51168  
a course of instruction that meets course requirements determined 51169  
by the board through rules adopted under section 4731.05 of the 51170

Revised Code; 51171

(c) ~~For not less than five years~~ During the five-year period 51172  
immediately preceding the date of application, a current license, 51173  
registration, or certificate in good standing in another state for 51174  
massage therapy or cosmetic therapy. 51175

(4) Evidence that the applicant has successfully passed an 51176  
examination, prescribed in rules described in section 4731.16 of 51177  
the Revised Code, to determine competency to practice the 51178  
applicable limited branch of medicine; 51179

(5) An attestation that the information submitted under this 51180  
section is accurate and truthful and that the applicant consents 51181  
to release of information; 51182

(6) Any other information the board requires. 51183

(B) An applicant for a ~~certificate~~ license to practice a 51184  
limited branch of medicine shall comply with the requirements of 51185  
section 4731.171 of the Revised Code. 51186

(C) At the time of making application for a ~~certificate~~ 51187  
license to practice a limited branch of medicine, the applicant 51188  
shall pay to the board a fee of one hundred fifty dollars, no part 51189  
of which shall be returned. No application shall be considered 51190  
filed until the board receives the appropriate fee. 51191

(D) The board may investigate the application materials 51192  
received under this section and contact any agency or organization 51193  
for recommendations or other information about the applicant. 51194

**Sec. 4731.222.** (A) This section applies to both of the 51195  
following: 51196

(1) An applicant seeking restoration of a license or 51197  
certificate issued under this chapter that has been in a suspended 51198  
or inactive state for any cause for more than two years; 51199

(2) An applicant seeking issuance of a license or certificate pursuant to this chapter who for more than two years has not been engaged in the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine as any of the following:	51200 51201 51202 51203 51204
(a) An active practitioner;	51205
(b) A participant in a program of graduate medical education, as defined in section 4731.04 of the Revised Code;	51206 51207
(c) A participant in a podiatric internship, residency, or clinical fellowship program;	51208 51209
(d) A student in a college of podiatry determined by the state medical board to be in good standing;	51210 51211
(e) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.	51212 51213 51214 51215
(B) Before <del>restoring a license or certificate to good standing for</del> or issuing a license or certificate to an applicant subject to this section <u>or restoring a license or certificate to good standing for an applicant subject to this section</u> , the state medical board may impose terms and conditions including any one or more of the following:	51216 51217 51218 51219 51220 51221
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	51222 51223 51224
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	51225 51226
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for	51227 51228 51229

performing medical evaluations and procedures in a manner that 51230  
meets the minimal standards of care; 51231

(4) Requiring an assessment of the applicant's skills in 51232  
recognizing and understanding diseases and conditions; 51233

(5) Requiring the applicant to undergo a comprehensive 51234  
physical examination, which may include an assessment of physical 51235  
abilities, evaluation of sensory capabilities, or screening for 51236  
the presence of neurological disorders; 51237

(6) Restricting or limiting the extent, scope, or type of 51238  
practice of the applicant. 51239

The board shall consider the moral background and the 51240  
activities of the applicant during the period of suspension or 51241  
inactivity, in accordance with section 4731.09, 4731.19, or 51242  
4731.52 of the Revised Code. The board shall not issue or restore 51243  
a license or certificate under this section unless the applicant 51244  
complies with sections 4776.01 to 4776.04 of the Revised Code. 51245

**Sec. 4731.228.** (A) As used in this section: 51246

(1) "Federally qualified health center" has the same meaning 51247  
as in section 3701.047 of the Revised Code. 51248

(2) "Federally qualified health center look-alike" has the 51249  
same meaning as in section 3701.047 of the Revised Code. 51250

(3) "Health care entity" means any of the following that 51251  
employs a physician to provide physician services: 51252

(a) A hospital registered with the department of health under 51253  
section 3701.07 of the Revised Code; 51254

(b) A corporation formed under division (B) of section 51255  
1701.03 of the Revised Code; 51256

(c) A corporation formed under Chapter 1702. of the Revised 51257  
Code; 51258

(d) A limited liability company formed under Chapter 1705. of the Revised Code;	51259 51260
(e) A health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code;	51261 51262
(f) A partnership;	51263
(g) A professional association formed under Chapter 1785. of the Revised Code.	51264 51265
(4) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	51266 51267 51268
(5) "Physician services" means direct patient care services provided by a physician <del>pursuant to a certificate issued to the physician by the state medical board.</del>	51269 51270 51271
(6) "Termination" means the end of a physician's employment with a health care entity for any reason.	51272 51273
(B) This section applies when a physician's employment with a health care entity to provide physician services is terminated for any reason, unless the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.	51274 51275 51276 51277 51278
(C)(1) Except as provided in division (C)(2) of this section, a health care entity shall send notice of the termination of a physician's employment to each patient who received physician services from the physician in the two-year period immediately preceding the date of employment termination. Only patients of the health care entity who received services from the physician are to receive the notice.	51279 51280 51281 51282 51283 51284 51285
(2) If the health care entity provides to the physician a list of patients treated and patient contact information, the health care entity may require the physician to send the notice	51286 51287 51288

required by this section. 51289

(D) The notice provided under division (C) of this section 51290  
shall be provided not later than the date of termination or thirty 51291  
days after the health care entity has actual knowledge of 51292  
termination or resignation of the physician, whichever is later. 51293  
The notice shall be provided in accordance with rules adopted by 51294  
the state medical board under section 4731.05 of the Revised Code. 51295  
The notice shall include at least all of the following: 51296

(1) A notice to the patient that the physician will no longer 51297  
be practicing medicine as an employee of the health care entity; 51298

(2) Except in situations in which the health care entity has 51299  
a good faith concern that the physician's conduct or the medical 51300  
care provided by the physician would jeopardize the health and 51301  
safety of patients, the physician's name and, if known by the 51302  
health care entity, information provided by the physician that the 51303  
patient may use to contact the physician; 51304

(3) The date on which the physician ceased or will cease to 51305  
practice as an employee of the health care entity; 51306

(4) Contact information for an alternative physician or 51307  
physicians employed by the health care entity or contact 51308  
information for a group practice that can provide care for the 51309  
patient; 51310

(5) Contact information that enables the patient to obtain 51311  
information on the patient's medical records. 51312

(E) The requirements of this section do not apply to any of 51313  
the following: 51314

(1) A physician rendering services to a patient on an 51315  
episodic basis or in an emergency department or urgent care 51316  
center, when it should not be reasonably expected that related 51317  
medical services will be rendered by the physician to the patient 51318

in the future; 51319

(2) A medical director or other physician providing services 51320  
in a similar capacity to a medical director to patients through a 51321  
hospice care program licensed pursuant to section 3712.04 of the 51322  
Revised Code. 51323

(3) Medical residents, interns, and fellows who work in 51324  
hospitals, health systems, federally qualified health centers, and 51325  
federally qualified health center look-alikes as part of their 51326  
medical education and training. 51327

(4) A physician providing services to a patient through a 51328  
community mental health ~~agency~~ services provider certified by the 51329  
director of mental health and addiction services under section 51330  
~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug~~ 51331  
~~addiction program~~ a community addiction services provider 51332  
certified by the ~~department of alcohol and drug addiction services~~ 51333  
director under that section ~~3793.06~~ of the Revised Code. 51334

(5) A physician providing services to a patient through a 51335  
federally qualified health center or a federally qualified health 51336  
center look-alike. 51337

**Sec. 4731.229.** Any disciplinary action taken on an 51338  
individual's ~~certificate~~ license to practice by the state medical 51339  
board under section 4731.22 of the Revised Code operates 51340  
automatically on the individual's certificate to recommend and 51341  
remains in effect for as long as the action remains in effect on 51342  
the ~~certificate~~ license to practice. 51343

**Sec. 4731.281.** (A)(1) ~~Each person holding a~~ A license issued 51344  
under this chapter to practice medicine and surgery, osteopathic 51345  
medicine and surgery, or podiatric medicine and surgery ~~wishing to~~ 51346  
~~renew that license shall apply to the board for renewal~~ shall be 51347  
valid for a two-year period unless revoked or suspended. A license 51348

shall expire on the date that is two years from the date of 51349  
issuance and may be renewed for additional two-year periods. 51350  
Applications for renewal shall be submitted to the state medical 51351  
board in a manner prescribed by the board. ~~Each~~ 51352

~~Each~~ application shall be accompanied by a biennial renewal 51353  
fee of three hundred five dollars. ~~Applications shall be submitted~~ 51354  
~~according to the following schedule:~~ 51355

~~(a) Persons whose last name begins with the letters "A"~~ 51356  
~~through "B," on or before the first day of July of every~~ 51357  
~~odd-numbered year;~~ 51358

~~(b) Persons whose last name begins with the letters "C"~~ 51359  
~~through "D," on or before the first day of April of every~~ 51360  
~~odd-numbered year;~~ 51361

~~(c) Persons whose last name begins with the letters "E"~~ 51362  
~~through "G," on or before the first day of January of every~~ 51363  
~~odd-numbered year;~~ 51364

~~(d) Persons whose last name begins with the letters "H"~~ 51365  
~~through "K," on or before the first day of October of every~~ 51366  
~~even-numbered year;~~ 51367

~~(e) Persons whose last name begins with the letters "L"~~ 51368  
~~through "M," on or before the first day of July of every~~ 51369  
~~even-numbered year;~~ 51370

~~(f) Persons whose last name begins with the letters "N"~~ 51371  
~~through "R," on or before the first day of April of every~~ 51372  
~~even-numbered year;~~ 51373

~~(g) Persons whose last name begins with the letter "S," on or~~ 51374  
~~before the first day of January of every even-numbered year;~~ 51375

~~(h) Persons whose last name begins with the letters "T"~~ 51376  
~~through "Z," on or before the first day of October of every~~ 51377  
~~odd-numbered year.~~ 51378

The board shall deposit the fee in accordance with section 51379  
4731.24 of the Revised Code, except that the board shall deposit 51380  
twenty dollars of the fee into the state treasury to the credit of 51381  
the physician loan repayment fund created by section 3702.78 of 51382  
the Revised Code. 51383

(2) The board shall provide a renewal notice to every person 51384  
holding a license to practice medicine and surgery, osteopathic 51385  
medicine and surgery, or podiatric medicine and surgery, a renewal 51386  
notice ~~or~~. The board may provide the notice to the person through 51387  
the secretary of any recognized medical, osteopathic, or podiatric 51388  
society. The notice shall be provided to the person at least one 51389  
month prior to the date on which the person's license expires. 51390

(3) Failure of any person to receive a notice of renewal from 51391  
the board shall not excuse the person from the requirements 51392  
contained in this section. 51393

(4) The board's notice shall inform the applicant of the 51394  
renewal procedure. The board shall provide the application for 51395  
renewal in a form determined by the board. 51396

(5) The applicant shall provide in the application the 51397  
applicant's full name; the applicant's residence address, business 51398  
address, and electronic mail address; the number of the 51399  
applicant's license to practice; and any other information 51400  
required by the board. 51401

(6)(a) Except as provided in division (A)(6)(b) of this 51402  
section, in the case of an applicant who prescribes or personally 51403  
furnishes opioid analgesics or benzodiazepines, as defined in 51404  
section 3719.01 of the Revised Code, the applicant shall certify 51405  
to the board whether the applicant has been granted access to the 51406  
drug database established and maintained by the state board of 51407  
pharmacy pursuant to section 4729.75 of the Revised Code. 51408

(b) The requirement described in division (A)(6)(a) of this 51409

section does not apply if any of the following is the case: 51410

(i) The state board of pharmacy notifies the state medical 51411  
board pursuant to section 4729.861 of the Revised Code that the 51412  
applicant has been restricted from obtaining further information 51413  
from the drug database. 51414

(ii) The state board of pharmacy no longer maintains the drug 51415  
database. 51416

(iii) The applicant does not practice medicine and surgery, 51417  
osteopathic medicine and surgery, or podiatric medicine and 51418  
surgery in this state. 51419

(c) If an applicant certifies to the state medical board that 51420  
the applicant has been granted access to the drug database and the 51421  
board finds through an audit or other means that the applicant has 51422  
not been granted access, the board may take action under section 51423  
4731.22 of the Revised Code. 51424

(7) The applicant shall indicate whether the applicant 51425  
currently collaborates, as that term is defined in section 4723.01 51426  
of the Revised Code, with any clinical nurse specialists, 51427  
certified nurse-midwives, or certified nurse practitioners. 51428

(8) The applicant shall report any criminal offense to which 51429  
the applicant has pleaded guilty, of which the applicant has been 51430  
found guilty, or for which the applicant has been found eligible 51431  
for intervention in lieu of conviction, since last submitting an 51432  
application for a license to practice or renewal of a license. 51433

(9) The applicant shall execute and deliver the application 51434  
to the board in a manner prescribed by the board. 51435

(B) The board shall renew a license under this chapter to 51436  
practice medicine and surgery, osteopathic medicine and surgery, 51437  
or podiatric medicine and surgery upon application and 51438  
qualification therefor in accordance with this section. A renewal 51439

shall be valid for a two-year period. 51440

(C) Failure of any license holder to renew and comply with 51441  
this section shall operate automatically to suspend the holder's 51442  
license to practice and if applicable, the holder's certificate to 51443  
recommend issued under section 4731.30 of the Revised Code. 51444  
Continued practice after the suspension shall be considered as 51445  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 51446  
the Revised Code. 51447

If the license has been suspended pursuant to this division 51448  
for two years or less, it may be reinstated. The board shall 51449  
reinstate a license to practice suspended for failure to renew 51450  
upon an applicant's submission of a renewal application and 51451  
payment of a reinstatement fee of four hundred five dollars. 51452

If the license has been suspended pursuant to this division 51453  
for more than two years, it may be restored. Subject to section 51454  
4731.222 of the Revised Code, the board may restore a license to 51455  
practice suspended for failure to renew upon an applicant's 51456  
submission of a restoration application, payment of a restoration 51457  
fee of five hundred five dollars, and compliance with sections 51458  
4776.01 to 4776.04 of the Revised Code. The board shall not 51459  
restore to an applicant a license ~~to practice~~ unless the board, in 51460  
its discretion, decides that the results of the criminal records 51461  
check do not make the applicant ineligible for a license issued 51462  
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 51463

Any reinstatement or restoration of a license to practice 51464  
under this section shall operate automatically to renew the 51465  
holder's certificate to recommend. 51466

(D) The state medical board may obtain information not 51467  
protected by statutory or common law privilege from courts and 51468  
other sources concerning malpractice claims against any person 51469  
holding a license to practice under this chapter or practicing as 51470

provided in section 4731.36 of the Revised Code. 51471

(E) Each ~~mailing sent~~ renewal notice provided by the board 51472  
under division (A)(2) of this section to a person holding a 51473  
license to practice medicine and surgery or osteopathic medicine 51474  
and surgery shall inform the applicant of the reporting 51475  
requirement established by division (H) of section 3701.79 of the 51476  
Revised Code. At the discretion of the board, the information may 51477  
be included on the application for renewal or on an accompanying 51478  
page. 51479

(F) Each person holding a license to practice medicine and 51480  
surgery, osteopathic medicine and surgery, or podiatric medicine 51481  
and surgery shall give notice to the board of a change in the 51482  
license holder's residence address, business address, or 51483  
electronic mail address not later than thirty days after the 51484  
change occurs. 51485

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of 51486  
this section, each person holding a license to practice medicine 51487  
and surgery, osteopathic medicine and surgery, or podiatric 51488  
medicine and surgery issued by the state medical board shall 51489  
complete biennially not less than ~~one hundred~~ fifty hours of 51490  
continuing medical education that has been approved by the board. 51491

(2) Each person holding a license to practice shall be given 51492  
sufficient choice of continuing education programs to ensure that 51493  
the person has had a reasonable opportunity to participate in 51494  
continuing education programs that are relevant to the person's 51495  
medical practice in terms of subject matter and level. 51496

(B) In determining whether a course, program, or activity 51497  
qualifies for credit as continuing medical education, the board 51498  
shall approve all of the following: 51499

(1) Continuing medical education completed by holders of 51500

licenses to practice medicine and surgery that is certified by the Ohio state medical association;

(2) Continuing medical education completed by holders of licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association;

(3) Continuing medical education completed by holders of licenses to practice podiatric medicine and surgery that is certified by the Ohio podiatric medical association.

(C) The board shall approve one or more continuing medical education courses of study included within the programs certified by the Ohio state medical association and the Ohio osteopathic association under divisions (B)(1) and (2) of this section that assist doctors of medicine and doctors of osteopathic medicine in both of the following:

(1) Recognizing the signs of domestic violence and its relationship to child abuse;

(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code.

(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who ~~are in their first renewal period,~~ have been disabled by illness or accident, or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code.

(E) The board may require a random sample of holders of licenses to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code.

(F)(1) If, through a random sample conducted under division 51532  
(E) of this section or any other means, the board finds that an 51533  
individual who certified completion of the number of hours and 51534  
type of continuing medical education required to renew, reinstate, 51535  
or restore a license to practice did not complete the requisite 51536  
continuing medical education, the board may do either of the 51537  
following: 51538

(a) Take disciplinary action against the individual under 51539  
section 4731.22 of the Revised Code, ~~or~~ impose a civil penalty, or 51540  
both; 51541

(b) Permit the individual to agree in writing to complete the 51542  
continuing medical education and pay a civil penalty. 51543

(2) The board's finding in any disciplinary action taken 51544  
under division (F)(1)(a) of this section shall be made pursuant to 51545  
an adjudication under Chapter 119. of the Revised Code and by an 51546  
affirmative vote of not fewer than six of its members. 51547

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) 51548  
of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of 51549  
this section shall be in an amount specified by the board of not 51550  
more than five thousand dollars. The board shall deposit civil 51551  
penalties in accordance with section 4731.24 of the Revised Code. 51552

**Sec. 4731.291.** (A) An individual seeking to pursue an 51553  
internship, residency, clinical fellowship program, or elective 51554  
clinical rotation in this state, who does not hold a license to 51555  
practice medicine and surgery or osteopathic medicine or surgery 51556  
issued under this chapter, shall apply to the state medical board 51557  
for a training certificate. The application shall be made on forms 51558  
that the board shall furnish and shall be accompanied by an 51559  
application fee of one hundred thirty dollars. 51560

An applicant for a training certificate shall furnish to the 51561

board all of the following: 51562

(1) Evidence satisfactory to the board that the applicant is 51563  
at least eighteen years of age and is of good moral character. 51564

(2) Evidence satisfactory to the board that the applicant has 51565  
been accepted or appointed to participate in this state in one of 51566  
the following: 51567

(a) An internship ~~or~~, residency, or clinical fellowship 51568  
program accredited by either the accreditation council for 51569  
graduate medical education of the American medical association or 51570  
the American osteopathic association; 51571

(b) A clinical fellowship program that is not accredited as 51572  
described in division (A)(2)(a) of this section, but is conducted 51573  
at an institution with a residency program that is accredited by 51574  
~~either the accreditation council for graduate medical education of~~ 51575  
~~the American medical association or the American osteopathic~~ 51576  
~~association that~~ as described in that division and is in a 51577  
clinical field the same as or related to the clinical field of the 51578  
fellowship program; 51579

(c) An elective clinical rotation that lasts not more than 51580  
one year and is offered to interns, residents, or clinical fellows 51581  
participating in programs that are located outside this state and 51582  
meet the requirements of division (A)(2)(a) or (b) of this 51583  
section. 51584

(3) Information identifying the beginning and ending dates of 51585  
the period for which the applicant has been accepted or appointed 51586  
to participate in the internship, residency, or clinical 51587  
fellowship program; 51588

(4) Any other information that the board requires. 51589

(B) If no grounds for denying a license or certificate under 51590  
section 4731.22 of the Revised Code apply, and the applicant meets 51591

the requirements of division (A) of this section, the board shall 51592  
issue a training certificate to the applicant. The board shall not 51593  
require an examination as a condition of receiving a training 51594  
certificate. 51595

A training certificate issued pursuant to this section shall 51596  
be valid only for three years, but may ~~in the discretion of the~~ 51597  
~~board and upon application duly made,~~ be renewed by the board for 51598  
one additional three-year period. To renew a training 51599  
certificate, the holder shall apply to the board on or before the 51600  
certificate's expiration date. 51601

The fee for renewal of a training certificate shall be one 51602  
hundred dollars. A late application may be submitted not more than 51603  
thirty days after the certificate's expiration date. In such a 51604  
case, the holder shall include with the application a 51605  
one-hundred-fifty-dollar reinstatement fee. 51606

~~The board shall maintain a register of all individuals who~~ 51607  
~~hold training certificates.~~ 51608

(C) The holder of a valid training certificate shall be 51609  
entitled to perform such acts as may be prescribed by or 51610  
incidental to the holder's internship, residency, or clinical 51611  
fellowship program, but the holder shall not be entitled otherwise 51612  
to engage in the practice of medicine and surgery or osteopathic 51613  
medicine and surgery in this state. The holder shall limit 51614  
activities under the certificate to the programs of the hospitals 51615  
or facilities for which the training certificate is issued. The 51616  
holder shall train only under the supervision of the physicians 51617  
responsible for supervision as part of the internship, residency, 51618  
or clinical fellowship program. 51619

A training certificate may be revoked by the board upon 51620  
proof, satisfactory to the board, that the holder thereof has 51621  
engaged in practice in this state outside the scope of the 51622

internship, residency, or clinical fellowship program for which 51623  
the training certificate has been issued, or upon proof, 51624  
satisfactory to the board, that the holder thereof has engaged in 51625  
unethical conduct or that there are grounds for action against the 51626  
holder under section 4731.22 of the Revised Code. 51627

(D) The board may adopt rules as the board finds necessary to 51628  
effect the purpose of this section. 51629

**Sec. 4731.293.** (A) The state medical board may issue, without 51630  
examination, a clinical research faculty certificate to practice 51631  
medicine and surgery, osteopathic medicine and surgery, or 51632  
podiatric medicine and surgery to any person who applies for the 51633  
certificate and provides to the board all of the following: 51634

(1) Evidence satisfactory to the board of all of the 51635  
following: 51636

(a) That the applicant holds a current, unrestricted license 51637  
to practice medicine and surgery, osteopathic medicine and 51638  
surgery, or podiatric medicine and surgery issued by another state 51639  
or country; 51640

(b) That the applicant has been appointed to serve in this 51641  
state on the academic staff of a medical school accredited by the 51642  
liaison committee on medical education, an osteopathic medical 51643  
school accredited by the American osteopathic association, or a 51644  
college of podiatric medicine and surgery in good standing with 51645  
the board; 51646

(c) That the applicant is an international medical graduate 51647  
who holds a medical degree from an educational institution listed 51648  
in the international medical education directory. 51649

(2) An affidavit and supporting documentation from the dean 51650  
of the school or college, or the department director or 51651  
chairperson of a teaching hospital affiliated with the school or 51652

college, that the applicant is qualified to perform teaching and 51653  
research activities and will be permitted to work only under the 51654  
authority of the department director or chairperson of a teaching 51655  
hospital affiliated with the school or college where the 51656  
applicant's teaching and research activities will occur; 51657

(3) A description from the school, college, or teaching 51658  
hospital of the scope of practice in which the applicant will be 51659  
involved, including the types of teaching, research, and 51660  
procedures in which the applicant will be engaged; 51661

(4) A description from the school, college, or teaching 51662  
hospital of the type and amount of patient contact that will occur 51663  
in connection with the applicant's teaching and research 51664  
activities. 51665

(B) An applicant for an initial clinical research faculty 51666  
certificate shall pay a fee of three hundred seventy-five dollars. 51667

(C) The holder of a clinical research faculty certificate may 51668  
do one of the following, as applicable: 51669

(1) Practice medicine and surgery or osteopathic medicine and 51670  
surgery only as is incidental to the certificate holder's teaching 51671  
or research duties at the medical school or a teaching hospital 51672  
affiliated with the school; 51673

(2) Practice podiatric medicine and surgery only as is 51674  
incidental to the certificate holder's teaching or research duties 51675  
at the college of podiatric medicine and surgery or a teaching 51676  
hospital affiliated with the college. 51677

(D) The board may revoke a certificate on receiving proof 51678  
satisfactory to the board that the certificate holder has engaged 51679  
in practice in this state outside the scope of the certificate or 51680  
that there are grounds for action against the certificate holder 51681  
under section 4731.22 of the Revised Code. 51682

(E) A clinical research faculty certificate is valid for 51683  
three years, except that the certificate ceases to be valid if the 51684  
holder's academic staff appointment described in division 51685  
(A)(1)(b) of this section is no longer valid or the certificate is 51686  
revoked pursuant to division (D) of this section. 51687

(F)(1) The board shall provide a renewal notice to the 51688  
certificate holder at least one month before the certificate 51689  
expires. Failure of a certificate holder to receive a notice of 51690  
renewal from the board shall not excuse the certificate holder 51691  
from the requirements contained in this section. The notice shall 51692  
inform the certificate holder of the renewal procedure. The notice 51693  
also shall inform the certificate holder of the reporting 51694  
requirement established by division (H) of section 3701.79 of the 51695  
Revised Code. At the discretion of the board, the information may 51696  
be included on the application for renewal or on an accompanying 51697  
page. 51698

(2) A clinical research faculty certificate may be renewed 51699  
for an additional three-year period. There is no limit on the 51700  
number of times a certificate may be renewed. A person seeking 51701  
renewal of a certificate shall apply to the board. The board shall 51702  
provide the application for renewal in a form determined by the 51703  
board. 51704

(3) An applicant is eligible for renewal if the applicant 51705  
does all of the following: 51706

(a) Pays a renewal fee of three hundred seventy-five dollars; 51707

(b) Reports any criminal offense to which the applicant has 51708  
pleaded guilty, of which the applicant has been found guilty, or 51709  
for which the applicant has been found eligible for intervention 51710  
in lieu of conviction, since last filing an application for a 51711  
clinical research faculty certificate; 51712

(c) Provides to the board an affidavit and supporting 51713

documentation from the dean of the school or college, or the 51714  
department director or chairperson of a teaching hospital 51715  
affiliated with the school or college, that the applicant is in 51716  
compliance with the applicant's current clinical research faculty 51717  
certificate; 51718

(d) Provides evidence satisfactory to the board of all of the 51719  
following: 51720

(i) That the applicant continues to maintain a current, 51721  
unrestricted license to practice medicine and surgery, osteopathic 51722  
medicine and surgery, or podiatric medicine and surgery issued by 51723  
another state or country; 51724

(ii) That the applicant's initial appointment to serve in 51725  
this state on the academic staff of a school or college is still 51726  
valid or has been renewed; 51727

(iii) That the applicant has completed ~~one hundred fifty~~ 51728  
seventy-five hours of continuing medical education that meet the 51729  
requirements set forth in section 4731.282 of the Revised Code. 51730

(4) Regardless of whether the certificate has expired, a 51731  
person who was granted a visiting medical faculty certificate 51732  
under this section as it existed immediately prior to June 6, 51733  
2012, may apply for a clinical research faculty certificate as a 51734  
renewal. The board may issue the clinical research faculty 51735  
certificate if the applicant meets the requirements of division 51736  
(F)(3) of this section. The board may not issue a clinical 51737  
research faculty certificate if the visiting medical faculty 51738  
certificate was revoked. 51739

~~(G) The board shall maintain a register of all persons who 51740  
hold clinical research faculty certificates. 51741~~

~~(H)~~ The board may adopt any rules it considers necessary to 51742  
implement this section. The rules shall be adopted in accordance 51743  
with Chapter 119. of the Revised Code. 51744

Sec. 4731.294. (A) The state medical board may issue, without 51745  
examination, a special activity certificate to any person seeking 51746  
to practice medicine and surgery or osteopathic medicine and 51747  
surgery in conjunction with a special activity, program, or event 51748  
taking place in this state. 51749

(B) An applicant for a special activity certificate shall 51750  
~~hold a telemedicine certificate issued under section 4731.296 of~~ 51751  
~~the Revised Code or~~ submit evidence satisfactory to the board of 51752  
all of the following: 51753

(1) The applicant holds a current, unrestricted license to 51754  
practice medicine and surgery or osteopathic medicine and surgery 51755  
issued by another state or country and that within the two-year 51756  
period immediately preceding application, the applicant has done 51757  
one of the following: 51758

(a) Actively practiced medicine and surgery or osteopathic 51759  
medicine and surgery in the United States; 51760

(b) Participated in a graduate medical education program 51761  
accredited by either the accreditation council for graduate 51762  
medical education of the American medical association or the 51763  
American osteopathic association; 51764

(c) Successfully passed the federation licensing examination 51765  
established by the federation of state medical boards, a special 51766  
examination established by the federation of state medical boards, 51767  
or all parts of a standard medical licensing examination 51768  
established for purposes of determining the competence of 51769  
individuals to practice medicine and surgery or osteopathic 51770  
medicine and surgery in the United States. 51771

(2) The applicant meets the same educational requirements 51772  
that individuals must meet under sections 4731.09 and 4731.14 of 51773  
the Revised Code. 51774

(3) The applicant's practice in conjunction with the special activity, program, or event will be in the public interest. 51775  
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(C) The applicant shall pay a fee of one hundred twenty-five dollars ~~unless the applicant holds a telemedicine certificate issued under section 4731.296 of the Revised Code. If the applicant holds a telemedicine certificate, the board shall not charge a fee for issuing a certificate under this section. The board shall maintain a register of all persons who hold a special activity certificate.~~ 51777  
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(D) The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event, or program for which the certificate is issued. The board may revoke a certificate on receiving proof satisfactory to the board that the holder of the certificate has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code. 51784  
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(E) A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program, or event. The certificate may not be renewed. 51793  
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(F) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that specify how often an applicant may be granted a certificate under this section. 51796  
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**Sec. 4731.299.** (A) The state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement. 51799  
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(B) An individual who seeks an expedited license by 51803  
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endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical licensing examination;

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by the board.

(b) ~~For at least five years~~ During the five-year period immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:

(a) Not more than two malpractice claims, which resulted in a finding of liability or in payment, have been filed against the applicant ~~within a~~ during the ten-year period of ten years

immediately preceding the date of application and no malpractice 51835  
claim against the applicant during that ten-year period has 51836  
resulted in total payment of more than five hundred thousand 51837  
dollars. 51838

(b) The applicant does not have a criminal record according 51839  
to the criminal records check required by section 4731.08 of the 51840  
Revised Code. 51841

(c) The applicant does not have a medical condition that 51842  
could affect the applicant's ability to practice according to 51843  
acceptable and prevailing standards of care. 51844

(d) No adverse action has been taken against the applicant by 51845  
a health care institution. 51846

(e) To the applicant's knowledge, no federal agency, medical 51847  
society, medical association, or branch of the United States 51848  
military has investigated or taken action against the applicant. 51849

(f) No professional licensing or regulatory authority has 51850  
filed a complaint against, investigated, or taken action against 51851  
the applicant and the applicant has not withdrawn a professional 51852  
license application. 51853

(g) The applicant has not been suspended or expelled from any 51854  
institution of higher education or school, including a medical 51855  
school. 51856

(D) An applicant for an expedited license by endorsement 51857  
shall comply with section 4731.08 of the Revised Code. 51858

(E) ~~At~~ (1) Except as provided in division (E)(2) of this 51859  
section, at the time of application, the applicant shall pay to 51860  
the board a fee of one thousand dollars, no part of which shall be 51861  
returned. No application shall be considered filed until the board 51862  
receives the fee. 51863

(2) The board shall waive the application fee required by 51864

division (E)(1) of this section if the applicant presents adequate 51865  
proof to the board of both of the following: 51866

(a) One of the circumstances described in division (B)(3) of 51867  
section 4743.041 of the Revised Code applies to the applicant. 51868

(b) The applicant moved or will move to this state from the 51869  
state or jurisdiction in which the applicant holds a current 51870  
license. 51871

(F) The secretary and supervising member of the board shall 51872  
review all applications received under this section. 51873

If the secretary and supervising member determine that an 51874  
applicant meets the requirements for an expedited license by 51875  
endorsement, the board shall issue the license to the applicant. 51876

If the secretary and supervising member determine that an 51877  
applicant does not meet the requirements for an expedited license 51878  
by endorsement, the application shall be treated as an application 51879  
under section 4731.09 of the Revised Code. 51880

(G) Each license issued by the board under this section shall 51881  
be signed by the president and secretary of the board and attested 51882  
by the board's seal. 51883

(H) Within sixty days after September 29, 2013, the board 51884  
shall approve acceptable means of demonstrating compliance with 51885  
sections 4731.09 and 4731.14 of the Revised Code as required by 51886  
division (C)(1)(d) of this section. 51887

**Sec. 4731.2910.** (A) As used in this section: 51888

(1) "Facility fee" has the same meaning as in section 4723.94 51889  
of the Revised Code. 51890

(2) "Health care professional" means: 51891

(a) A physician licensed under this chapter to practice 51892  
medicine and surgery, osteopathic medicine and surgery, or 51893

<u>podiatric medicine and surgery;</u>	51894
<u>(b) A physician assistant licensed under Chapter 4730. of the Revised Code.</u>	51895
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<u>(3) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.</u>	51897
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<u>(4) "Telemedicine services" has the same meaning as in section 3902.30 of the Revised Code.</u>	51899
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<u>(B) A health care professional providing telemedicine services shall not charge a facility fee, an origination fee, or any fee associated with the cost of the equipment used to provide telemedicine services to a health plan issuer covering telemedicine services under section 3902.30 of the Revised Code.</u>	51901
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<b>Sec. 4731.56.</b> (A) The state medical board shall review all applications received under section 4731.52 of the Revised Code. The board shall determine whether an applicant meets the requirements for a license to practice podiatric medicine and surgery. <del>An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a license.</del>	51906
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(B) If the board determines that the applicant meets the requirements for a license and that the documentation provided is satisfactory to the board, the board shall issue to the applicant a license to practice podiatric medicine and surgery. Each license shall be signed by the president and secretary of the board and attested by its seal.	51913
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(C) A person who holds a license to practice podiatric medicine and surgery issued under this section may use the title "Dr.," "doctor," "D.P.M.," "physician," or "surgeon."	51919
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(D) The holder of a license issued under this section shall either provide verification of licensure status from the board's	51922
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internet web site on request or prominently display a wall certificate in the license holder's office or the place where a major portion of the license holder's practice is conducted.

Sec. 4731.57. (A) The state medical board shall issue, without examination, an expedited license to practice podiatric medicine and surgery by endorsement to an applicant who meets all of the requirements of this section.

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a valid license or certificate to practice podiatric medicine and surgery issued by any other state or jurisdiction.

(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.

(5) The individual meets the requirements to receive a license as specified in sections 4731.52 and 4731.531 of the Revised Code.

(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section. 51954  
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(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant. 51957  
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**Sec. 4731.572.** (A) The state medical board may issue, without examination, a visiting podiatric faculty certificate to any person who holds a current, unrestricted license to practice podiatric medicine and surgery issued by another state or country and has been appointed to serve in this state on the academic staff of an approved college of podiatric medicine and surgery in good standing, as determined by the board. 51962  
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(B) An applicant for a visiting podiatric faculty certificate shall submit evidence satisfactory to the board that the applicant meets the requirements of division (A) of this section. The applicant shall pay a fee of one hundred twenty-five dollars. ~~The board shall maintain a register of all persons who hold a visiting podiatric faculty certificate.~~ 51969  
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(C) The holder of a visiting podiatric faculty certificate may practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching duties at the college or the teaching hospitals affiliated with the college. The board may revoke a certificate on receiving proof satisfactory to the board that the holder of the certificate has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code. 51975  
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(D) A visiting podiatric faculty certificate is valid for the 51984

shorter of one year or the duration of the holder's appointment to 51985  
the academic staff of the college. The certificate may not be 51986  
renewed. 51987

**Sec. 4731.573.** (A) An individual seeking to pursue an 51988  
internship, residency, or clinical fellowship program in podiatric 51989  
medicine and surgery in this state, who does not hold a license to 51990  
practice podiatric medicine and surgery issued under this chapter, 51991  
shall apply to the state medical board for a training certificate. 51992  
The application shall be made on forms that the board shall 51993  
furnish and shall be accompanied by an application fee of one 51994  
hundred thirty dollars. 51995

An applicant for a training certificate shall furnish to the 51996  
board all of the following: 51997

(1) Evidence satisfactory to the board that the applicant is 51998  
at least eighteen years of age and is of good moral character; 51999

(2) Evidence satisfactory to the board that the applicant has 52000  
been accepted or appointed to participate in this state in one of 52001  
the following: 52002

(a) An internship ~~or~~, residency, or clinical fellowship 52003  
program accredited by either the council on podiatric medical 52004  
education or the American podiatric medical association; 52005

(b) A clinical fellowship program that is not accredited as 52006  
described in division (A)(2)(a) of this section, but is conducted 52007  
at an institution with a residency program that is accredited by 52008  
~~either the council on podiatric medical education or the American~~ 52009  
~~podiatric medical association that~~ as described in that division 52010  
and is in a clinical field the same as or related to the clinical 52011  
field of the fellowship program. 52012

(3) Information identifying the beginning and ending dates of 52013  
the period for which the applicant has been accepted or appointed 52014

to participate in the internship, residency, or clinical 52015  
fellowship program; 52016

(4) Any other information that the board requires. 52017

(B) If no grounds for denying a license or certificate under 52018  
section 4731.22 of the Revised Code apply and the applicant meets 52019  
the requirements of division (A) of this section, the board shall 52020  
issue a training certificate to the applicant. The board shall not 52021  
require an examination as a condition of receiving a training 52022  
certificate. 52023

A training certificate issued pursuant to this section shall 52024  
be valid only for three years, but may ~~in the discretion of the~~ 52025  
~~board and upon application duly made,~~ be renewed by the board for 52026  
one additional three-year period. ~~The~~ To renew a training 52027  
certificate, the holder shall apply to the board on or before the 52028  
certificate's expiration date. 52029

The fee for renewal of a training certificate shall be one 52030  
hundred dollars. A late application may be submitted not more than 52031  
thirty days after the certificate's expiration date. In such a 52032  
case, the holder shall include with the application a 52033  
one-hundred-fifty-dollar reinstatement fee. 52034

~~The board shall maintain a register of all individuals who~~ 52035  
~~hold training certificates.~~ 52036

(C) The holder of a valid training certificate shall be 52037  
entitled to perform such acts as may be prescribed by or 52038  
incidental to the holder's internship, residency, or clinical 52039  
fellowship program, but the holder shall not be entitled otherwise 52040  
to engage in the practice of podiatric medicine and surgery in 52041  
this state. The holder shall limit activities under the 52042  
certificate to the programs of the hospitals or facilities for 52043  
which the training certificate is issued. The holder shall train 52044  
only under the supervision of the podiatrists responsible for 52045

supervision as part of the internship, residency, or clinical 52046  
fellowship program. A training certificate may be revoked by the 52047  
board upon proof, satisfactory to the board, that the holder 52048  
thereof has engaged in practice in this state outside the scope of 52049  
the internship, residency, or clinical fellowship program for 52050  
which the training certificate has been issued, or upon proof, 52051  
satisfactory to the board, that the holder thereof has engaged in 52052  
unethical conduct or that there are grounds for action against the 52053  
holder under section 4731.22 of the Revised Code. 52054

(D) The board may adopt rules as the board finds necessary to 52055  
effect the purpose of this section. 52056

**Sec. 4734.281.** Except in cases where a chiropractor holds a 52057  
~~certificate~~ license issued under ~~section 4762.04~~ Chapter 4762. of 52058  
the Revised Code or is an individual described in division (B) of 52059  
section 4762.02 of the Revised Code, a chiropractor licensed under 52060  
this chapter shall not engage in the practice of acupuncture 52061  
unless the chiropractor holds a valid certificate to practice 52062  
acupuncture issued by the state chiropractic board under this 52063  
chapter. 52064

**Sec. 4734.285.** A chiropractor who holds a certificate to 52065  
practice acupuncture issued under this chapter may represent or 52066  
advertise the chiropractor to be a "chiropractor certified by the 52067  
state chiropractic board to practice acupuncture." Unless the 52068  
chiropractor holds a license issued under ~~section 4762.04~~ Chapter 52069  
4762. of the Revised Code, the chiropractor shall not represent or 52070  
advertise the chiropractor as holding any of the titles listed in 52071  
section 4762.08 of the Revised Code. 52072

This section does not prohibit a chiropractor from using any 52073  
of the titles listed in division (C) of section 4734.15 of the 52074  
Revised Code. 52075

**Sec. 4734.49.** (A) The attorney general, the prosecuting attorney of the county in which a violation of this chapter is committed or is threatened to be committed or in which the offender resides, the state chiropractic board, or any other person having knowledge of a person committing or threatening to commit a violation of this chapter may, in accordance with the provisions of the Revised Code governing injunctions, maintain an action in the name of this state to enjoin the person from committing the violation by applying for an injunction in any court of competent jurisdiction. Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. If the court grants a final or permanent injunction that is a final appealable order, the court may award to the person or entity that maintained the action an amount not exceeding five thousand dollars to cover reasonable attorney's fees, investigative costs, and other costs related to the investigation or prosecution of the case. Injunction proceedings brought under this section shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

(B)(1) The practice of chiropractic by any person not at that time holding a valid and current license issued under this chapter is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

(2) Except for the practice of acupuncture by persons described in section 4762.02 of the Revised Code and persons who hold certificates issued under ~~section 4762.04~~ Chapter 4762. of the Revised Code, the practice of acupuncture by any person not at that time holding a valid and current certificate to practice

acupuncture issued under this chapter is hereby declared to be 52108  
inimical to the public welfare and to constitute a public 52109  
nuisance. 52110

**Sec. 4735.023.** (A) An oil and gas land professional who is 52111  
not otherwise permitted to engage in the activities described in 52112  
division (A) of section 4735.01 of the Revised Code may perform 52113  
such activities, if the oil and gas land professional does all of 52114  
the following: 52115

(1)(a) Registers on an annual basis as an oil and gas land 52116  
professional with the superintendent of real estate by such date 52117  
specified and on a form approved by the superintendent, which form 52118  
includes both of the following: 52119

(i) The name and address of the oil and gas land 52120  
professional; 52121

(ii) Evidence of the oil and gas land professional's 52122  
membership in good standing in a national, state, or local 52123  
professional organization that has been in existence for at least 52124  
three years and has, as part of its mission, developed a set of 52125  
standards of performance and ethics for oil and gas land 52126  
professionals. 52127

(b) Pays an annual fee, established by the superintendent in 52128  
an amount not to exceed one hundred dollars, which shall accompany 52129  
the registration. 52130

(2) At or prior to first contacting any landowner or other 52131  
person with an interest in real estate for the purpose of engaging 52132  
in the activities of an oil and gas land professional, and on a 52133  
form approved by the superintendent, discloses to the landowner or 52134  
other person all of the following: 52135

(a) The oil and gas land professional's name and address as 52136  
registered with the superintendent; 52137

(b) That the oil and gas land professional is registered as 52138  
such with the superintendent and is a member in good standing in a 52139  
national, state, or local professional organization that has been 52140  
in existence for at least three years and has, as part of its 52141  
mission, developed a set of standards of performance and ethics 52142  
for oil and gas land professionals; 52143

(c) That the oil and gas land professional is not a licensed 52144  
real estate broker or real estate salesperson under Chapter 4735. 52145  
of the Revised Code; 52146

(d) That the landowner or other person with an interest in 52147  
real estate may seek legal counsel in connection with any 52148  
transaction with the oil and gas land professional; 52149

(e) That the oil and gas land professional is not 52150  
representing the landowner or other person with an interest in 52151  
real estate. 52152

(3) At or prior to entering into any agreements for the 52153  
purpose of exploring for, transporting, producing, or developing 52154  
oil and gas mineral interests including, but not limited to, oil 52155  
and gas leases and pipeline easements with any landowner or other 52156  
person with an interest in real estate, and on a form approved by 52157  
the superintendent, discloses to the landowner or other person 52158  
with an interest in real estate all of the following: 52159

(a) The oil and gas land professional's name and address as 52160  
registered with the superintendent; 52161

(b) That the oil and gas land professional is registered as 52162  
such with the superintendent and a member in good standing in a 52163  
national, state, or local professional organization that has been 52164  
in existence for at least three years and has, as part of its 52165  
mission, developed a set of standards of performance and ethics 52166  
for oil and gas land professionals; 52167

(c) That the oil and gas land professional is not a licensed 52168

real estate broker or real estate salesperson under Chapter 4735.	52169
of the Revised Code;	52170
(d) That the landowner or other person may seek legal counsel	52171
in connection with any transaction with the oil and gas land	52172
professional;	52173
(e) That the oil and gas land professional is not	52174
representing the landowner or other person with an interest in	52175
real estate.	52176
(B) Any oil and gas land professional who must be registered	52177
as such with the superintendent pursuant to this section who	52178
ceases to be a member in good standing of an organization	52179
described in division (A)(1)(a)(ii) of this section shall report	52180
the change in membership status to the superintendent within	52181
thirty days of that change. Failure to report such change in	52182
membership status shall result in the automatic suspension of	52183
registration status and subject the registrant to the penalties	52184
for unlicensed activity as found in section <del>4735.02</del> <u>4735.052</u> of	52185
the Revised Code.	52186
(C) Any oil and gas land professional who fails to register	52187
with the superintendent pursuant to this section is subject to the	52188
penalties for unlicensed activity as found in section <del>4735.02</del>	52189
<u>4735.052</u> of the Revised Code.	52190
<b>Sec. 4735.052.</b> (A) Upon receipt of a written complaint or	52191
upon the superintendent's own motion, the superintendent may	52192
investigate any person that has allegedly violated section	52193
4735.02, <u>4735.023</u> , or 4735.25 of the Revised Code, except that the	52194
superintendent shall not initiate an investigation, pursuant to	52195
this section, of any person who held a suspended or inactive	52196
license under this chapter on the date of the alleged violation.	52197
(B) If, after investigation, the superintendent determines	52198

there exists reasonable evidence of a violation of section 52199  
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 52200  
business days after that determination, the superintendent shall 52201  
send the party who is the subject of the investigation, a written 52202  
notice, by regular mail, that includes all of the following 52203  
information: 52204

(1) A description of the activity in which the party 52205  
allegedly is engaging or has engaged that is a violation of 52206  
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 52207

(2) The applicable law allegedly violated; 52208

(3) A statement informing the party that a hearing concerning 52209  
the alleged violation will be held, upon the party's request, 52210  
before a hearing examiner pursuant to Chapter 119. of the Revised 52211  
Code. 52212

(C)(1) If a hearing is requested, the hearing examiner shall 52213  
hear the testimony of all parties present at the hearing and 52214  
consider any written testimony submitted pursuant to this section, 52215  
and determine if there has been a violation of section 4735.02, 52216  
4735.023, or 4735.25 of the Revised Code. 52217

(2) After the conclusion of formal hearings, the hearing 52218  
examiner shall file a report of findings of fact and conclusions 52219  
of law with the superintendent, the commission, the complainant, 52220  
and the parties. Within twenty days of receipt of such copy of the 52221  
written report of findings of fact and conclusions of law, the 52222  
parties and the division may file with the commission written 52223  
objections to the report, which shall be considered by the 52224  
commission before approving, modifying, or disapproving the 52225  
report. 52226

(3) The commission shall review the hearing examiner's report 52227  
at the next regularly scheduled commission meeting held at least 52228  
twenty business days after receipt of the hearing examiner's 52229

report. The commission shall hear the testimony of the complainant 52230  
or the parties upon request. 52231

(4) The commission shall decide whether to impose 52232  
disciplinary sanctions upon a party for a violation of section 52233  
4735.02 or 4735.023 of the Revised Code. If the commission finds 52234  
that a violation has occurred, the commission may assess a civil 52235  
penalty, in an amount it determines, not to exceed one thousand 52236  
dollars per violation. Each day a violation occurs or continues is 52237  
a separate violation. The commission shall determine the terms of 52238  
payment. The commission shall maintain a record of the proceedings 52239  
of the hearing and issue a written opinion to all parties, citing 52240  
its findings and grounds for any action taken. 52241

(D) Civil penalties collected under this section shall be 52242  
deposited in the real estate operating fund, which is created in 52243  
the state treasury under section 4735.211 of the Revised Code. 52244

(E) If a party fails to pay a civil penalty assessed pursuant 52245  
to this section within the time prescribed by the commission, the 52246  
superintendent shall forward to the attorney general the name of 52247  
the party and the amount of the civil penalty, for the purpose of 52248  
collecting that civil penalty. In addition to the civil penalty 52249  
assessed pursuant to this section, the party also shall pay any 52250  
fee assessed by the attorney general for collection of the civil 52251  
penalty. 52252

(F) The superintendent may reserve the right to bring a civil 52253  
action against a party that fails to pay a civil penalty for 52254  
breach of contract in a court of competent jurisdiction. 52255

**Sec. 4735.06.** (A) Application for a license as a real estate 52256  
broker shall be made to the superintendent of real estate on forms 52257  
furnished by the superintendent and filed with the superintendent 52258  
and shall be signed by the applicant or its members or officers. 52259  
Each application shall state the name of the person applying and 52260

the location of the place of business for which the license is 52261  
desired, and give such other information as the superintendent 52262  
requires in the form of application prescribed by the 52263  
superintendent. 52264

(B)(1) If the applicant is a partnership, limited liability 52265  
company, limited liability partnership, or association, the names 52266  
of all the members also shall be stated, and, if the applicant is 52267  
a corporation, the names of its president and of each of its 52268  
officers also shall be stated. 52269

The superintendent has the right to reject the application of 52270  
any partnership, association, limited liability company, limited 52271  
liability partnership, or corporation if the name proposed to be 52272  
used by such partnership, association, limited liability company, 52273  
limited liability partnership, or corporation is likely to mislead 52274  
the public or if the name is not such as to distinguish it from 52275  
the name of any existing partnership, association, limited 52276  
liability company, limited liability partnership, or corporation 52277  
licensed under this chapter, unless there is filed with the 52278  
application the written consent of such existing partnership, 52279  
association, limited liability company, limited liability 52280  
partnership, or corporation, executed by a duly authorized 52281  
representative of it, permitting the use of the name of such 52282  
existing partnership, association, limited liability company, 52283  
limited liability partnership, or corporation. 52284

(2) The superintendent shall approve the use of a trade name 52285  
by a brokerage, if the name meets both of the following criteria: 52286

(a) The proposed name is not the same as or is clearly 52287  
distinguishable from a name registered with the division of real 52288  
estate and professional licensing by another existing brokerage. 52289  
If the superintendent determines that the proposed name is not 52290  
clearly distinguishable from any other existing brokerage, the 52291

superintendent may approve the use of the trade name if there is 52292  
filed with the superintendent the written consent of the existing 52293  
brokerage with the same or similar name. 52294

(b) The name is not misleading or likely to mislead the 52295  
public. 52296

(3) The superintendent may approve the use of more than one 52297  
trade name for a brokerage. 52298

(4) When a brokerage has received the approval of the 52299  
superintendent to conduct business under one or more trade names, 52300  
those trade names shall be the only identifying names used by the 52301  
brokerage in all advertising. 52302

(C) A fee of one hundred thirty-five dollars shall accompany 52303  
the application for a real estate broker's license. The initial 52304  
licensing period commences at the time the license is issued and 52305  
ends on the applicant's first birthday thereafter. However, if the 52306  
applicant was an inactive or active salesperson immediately 52307  
preceding application for a broker's license, then the initial 52308  
licensing period shall commence at the time the broker's license 52309  
is issued and ends on the date the licensee's continuing education 52310  
is due as set when the applicant was a salesperson. The 52311  
application fee shall be nonrefundable. A fee of one hundred 52312  
thirty-five dollars shall be charged by the superintendent for 52313  
each successive application made by an applicant. In the case of 52314  
issuance of a three-year license, upon passing the examination, or 52315  
upon waiver of the examination requirement, if the superintendent 52316  
determines it is necessary, the applicant shall submit an 52317  
additional fee determined by the superintendent based upon the 52318  
number of years remaining in a real estate salesperson's licensing 52319  
period. 52320

(D) One dollar of each application fee for a real estate 52321  
broker's license shall be credited to the real estate education 52322

and research fund, which is hereby created in the state treasury. 52323  
The Ohio real estate commission may use the fund in discharging 52324  
the duties prescribed in divisions (E), (F), (G), and (H) of 52325  
section 4735.03 of the Revised Code and shall use it in the 52326  
advancement of education and research in real estate at any 52327  
institution of higher education in the state, or in contracting 52328  
with any such institution or a trade organization for a particular 52329  
research or educational project in the field of real estate, or in 52330  
advancing loans, not exceeding two thousand dollars, to applicants 52331  
for salesperson licenses, to defray the costs of satisfying the 52332  
educational requirements of division (F) of section 4735.09 of the 52333  
Revised Code. Such loans shall be made according to rules 52334  
established by the commission under the procedures of Chapter 119. 52335  
of the Revised Code, and they shall be repaid to the fund within 52336  
three years of the time they are made. No more than twenty-five 52337  
thousand dollars shall be lent from the fund in any one fiscal 52338  
year. 52339

The governor may appoint a representative from the executive 52340  
branch to be a member ex officio of the commission for the purpose 52341  
of advising on research requests or educational projects. The 52342  
commission shall report to the general assembly on the third 52343  
Tuesday after the third Monday in January of each year setting 52344  
forth the total amount contained in the fund and the amount of 52345  
each research grant that it has authorized and the amount of each 52346  
research grant requested. A copy of all research reports shall be 52347  
submitted to the state library of Ohio and the library of the 52348  
legislative service commission. 52349

(E) If the superintendent, with the consent of the 52350  
commission, enters into an agreement with a national testing 52351  
service to administer the real estate broker's examination, 52352  
pursuant to division (A) of section 4735.07 of the Revised Code, 52353  
the superintendent may require an applicant to pay the testing 52354

service's examination fee directly to the testing service. If the 52355  
superintendent requires the payment of the examination fee 52356  
directly to the testing service, each applicant shall submit to 52357  
the superintendent a processing fee in an amount determined by the 52358  
Ohio real estate commission pursuant to division (A)(2) of section 52359  
4735.10 of the Revised Code. 52360

**Sec. 4735.09.** (A) Application for a license as a real estate 52361  
salesperson shall be made to the superintendent of real estate on 52362  
forms furnished by the superintendent and signed by the applicant. 52363  
The application shall be in the form prescribed by the 52364  
superintendent and shall contain such information as is required 52365  
by this chapter and the rules of the Ohio real estate commission. 52366  
The application shall be accompanied by the recommendation of the 52367  
real estate broker with whom the applicant is associated or with 52368  
whom the applicant intends to be associated, certifying that the 52369  
applicant is honest, truthful, and of good reputation, has not 52370  
been convicted of a felony or a crime involving moral turpitude, 52371  
and has not been finally adjudged by a court to have violated any 52372  
municipal, state, or federal civil rights laws relevant to the 52373  
protection of purchasers or sellers of real estate, which 52374  
conviction or adjudication the applicant has not disclosed to the 52375  
superintendent, and recommending that the applicant be admitted to 52376  
the real estate salesperson examination. 52377

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the 52378  
application, which fee includes the fee for the initial year of 52379  
the licensing period, if a license is issued. The initial year of 52380  
the licensing period commences at the time the license is issued 52381  
and ends on the applicant's first birthday thereafter. The 52382  
application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one 52383  
dollars shall be charged by the superintendent for each successive 52384  
application made by the applicant. One dollar of each application 52385  
fee shall be credited to the real estate education and research 52386

fund. 52387

(C) There shall be no limit placed on the number of times an 52388  
applicant may retake the examination. 52389

(D) The superintendent, with the consent of the commission, 52390  
may enter into an agreement with a recognized national testing 52391  
service to administer the real estate salesperson's examination 52392  
under the superintendent's supervision and control, consistent 52393  
with the requirements of this chapter as to the contents of the 52394  
examination. 52395

If the superintendent, with the consent of the commission, 52396  
enters into an agreement with a national testing service to 52397  
administer the real estate salesperson's examination, the 52398  
superintendent may require an applicant to pay the testing 52399  
service's examination fee directly to the testing service. If the 52400  
superintendent requires the payment of the examination fee 52401  
directly to the testing service, each applicant shall submit to 52402  
the superintendent a processing fee in an amount determined by the 52403  
Ohio real estate commission pursuant to division (A)(1) of section 52404  
4735.10 of the Revised Code. 52405

(E) The superintendent shall issue a real estate 52406  
salesperson's license when satisfied that the applicant has 52407  
received a passing score on each portion of the salesperson's 52408  
examination as determined by rule by the real estate commission, 52409  
except that the superintendent may waive one or more of the 52410  
requirements of this section in the case of an applicant who is a 52411  
licensed real estate salesperson in another state pursuant to a 52412  
reciprocity agreement with the licensing authority of the state 52413  
from which the applicant holds a valid real estate salesperson's 52414  
license. 52415

(F) No applicant for a salesperson's license shall take the 52416  
salesperson's examination who has not established to the 52417

satisfaction of the superintendent that the applicant:	52418
(1) Is honest, truthful, and of good reputation;	52419
(2)(a) Has not been convicted of a felony or crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;	52420 52421 52422 52423 52424 52425 52426 52427 52428
(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved.	52429 52430 52431 52432 52433 52434 52435 52436 52437 52438
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	52439 52440 52441 52442 52443 52444
(4) Is at least eighteen years of age;	52445
(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;	52446 52447 52448

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The

state authorizing entity may consult with the superintendent in 52480  
reviewing the course for compliance with this section. 52481

(I) Any person who has not been licensed as a real estate 52482  
salesperson or broker within a four-year period immediately 52483  
preceding the person's current application for the salesperson's 52484  
examination shall have successfully completed the prelicensure 52485  
instruction required by division (F)(6) of this section within a 52486  
ten-year period immediately preceding the person's current 52487  
application for the salesperson's examination. 52488

(J) Not earlier than the date of issue of a real estate 52489  
salesperson's license to a licensee, but not later than twelve 52490  
months after the date of issue of a real estate salesperson 52491  
license to a licensee, the licensee shall submit proof 52492  
satisfactory to the superintendent, on forms made available by the 52493  
superintendent, of the completion of twenty hours of instruction 52494  
that shall be completed in schools, seminars, and educational 52495  
institutions approved by the commission. The instruction shall 52496  
include, but is not limited to, current practices relating to 52497  
commercial real estate, property management, short sales, and land 52498  
contracts; contract law; federal and state programs; economic 52499  
conditions; and fiduciary responsibility. Approval of the 52500  
curriculum and providers shall be granted according to rules 52501  
adopted pursuant to section 4735.10 of the Revised Code and may be 52502  
taken through classroom instruction or distance education. 52503

If proof of completion of the required instruction is not 52504  
submitted within twelve months of the date a license is issued 52505  
under this section, the licensee's license is suspended 52506  
automatically without the taking of any action by the 52507  
superintendent. The superintendent immediately shall notify the 52508  
broker with whom such salesperson is associated of the suspension 52509  
of the salesperson's license. A salesperson whose license has been 52510  
suspended under this division shall have twelve months after the 52511

date of the suspension of the salesperson's license to submit 52512  
proof of successful completion of the instruction required under 52513  
this division. No such license shall be reactivated by the 52514  
superintendent until it is established, to the satisfaction of the 52515  
superintendent, that the requirements of this division have been 52516  
met and that the licensee is in compliance with this chapter. A 52517  
licensee's license is revoked automatically without the taking of 52518  
any action by the superintendent when the licensee fails to submit 52519  
the required proof of completion of the education requirements 52520  
under division (I) of this section within twelve months of the 52521  
date the license is suspended. 52522

(K) Examinations shall be administered with reasonable 52523  
accommodations in accordance with the requirements of the 52524  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 52525  
U.S.C. 12189. The contents of an examination shall be consistent 52526  
with the classroom instructional requirements of division (F)(6) 52527  
of this section. An applicant who has completed the classroom 52528  
instructional requirements of division (F)(6) of this section at 52529  
the time of application shall be examined no later than twelve 52530  
months after the applicant is notified of the applicant's 52531  
admission to the examination. 52532

**Sec. 4735.12.** (A) The real estate recovery fund is hereby 52533  
created in the state treasury, to be administered by the 52534  
superintendent of real estate. Amounts collected by the 52535  
superintendent as prescribed in this section and interest earned 52536  
on the assets of the fund shall be credited by the treasurer of 52537  
state to the fund. The amount of money in the fund shall be 52538  
ascertained by the superintendent as of the first day of July of 52539  
each year. 52540

The commission, in accordance with rules adopted under 52541  
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 52542

impose a special assessment not to exceed ten dollars per year for 52543  
each year of a licensing period on each licensee filing a notice 52544  
of renewal under section 4735.14 of the Revised Code if the amount 52545  
available in the fund is less than ~~five~~ two hundred ~~fifty~~ thousand 52546  
dollars on the first day of July preceding that filing. ~~The~~ 52547  
~~commission may impose a special assessment not to exceed five~~ 52548  
~~dollars per year for each year of a licensing period if the amount~~ 52549  
~~available in the fund is greater than one million dollars, but~~ 52550  
~~less than two million dollars on the first day of July preceding~~ 52551  
~~that filing.~~ The commission shall not impose a special assessment 52552  
if the amount available in the fund exceeds two ~~million~~ hundred 52553  
fifty thousand dollars on the first day of July preceding that 52554  
filing. 52555

(B)(1) Any person who obtains a final judgment in any court 52556  
of competent jurisdiction against any broker or salesperson 52557  
licensed under this chapter, on the grounds of conduct that is in 52558  
violation of this chapter or the rules adopted under it, and that 52559  
is associated with an act or transaction that only a licensed real 52560  
estate broker or licensed real estate salesperson is authorized to 52561  
perform as specified in division (A) or (C) of section 4735.01 of 52562  
the Revised Code, may file a verified application, as described in 52563  
division (B)(3) of this section, in the court of common pleas of 52564  
Franklin county for an order directing payment out of the real 52565  
estate recovery fund of the portion of the judgment that remains 52566  
unpaid and that represents the actual and direct loss sustained by 52567  
the applicant. 52568

(2) Punitive damages, attorney's fees, and interest on a 52569  
judgment are not recoverable from the fund. In the discretion of 52570  
the superintendent of real estate, court costs may be recovered 52571  
from the fund, and, if the superintendent authorizes the recovery 52572  
of court costs, the order of the court of common pleas then may 52573  
direct their payment from the fund. 52574

(3) The application shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.

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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor.

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(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as provided in division (E) of this section, the liability of the fund for the licensee under this section shall again be forty

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thousand dollars, but only for transactions that occur subsequent 52637  
to the time of reactivation. 52638

If the forty-thousand-dollar liability of the fund is 52639  
insufficient to pay in full the valid claims of all aggrieved 52640  
persons by whom claims have been filed against any one licensee, 52641  
the forty thousand dollars shall be distributed among them in the 52642  
ratio that their respective claims bear to the aggregate of valid 52643  
claims or in such other manner as the court finds equitable. 52644  
Distribution of moneys shall be among the persons entitled to 52645  
share in it, without regard to the order of priority in which 52646  
their respective judgments may have been obtained or their claims 52647  
have been filed. Upon petition of the superintendent, the court 52648  
may require all claimants and prospective claimants against one 52649  
licensee to be joined in one action, to the end that the 52650  
respective rights of all such claimants to the fund may be 52651  
equitably adjudicated and settled. 52652

(E) If the superintendent pays from the fund any amount in 52653  
settlement of a claim or toward satisfaction of a judgment against 52654  
a licensed broker or salesperson, the license of the broker or 52655  
salesperson shall be automatically suspended upon the date of 52656  
payment from the fund. The superintendent shall not reactivate the 52657  
suspended license of that broker or salesperson until the broker 52658  
or salesperson has repaid in full, plus interest per annum at the 52659  
rate specified in division (A) of section 1343.03 of the Revised 52660  
Code, the amount paid from the fund on the broker's or 52661  
salesperson's account. A discharge in bankruptcy does not relieve 52662  
a person from the suspension and requirements for reactivation 52663  
provided in this section unless the underlying judgment has been 52664  
included in the discharge and has not been reaffirmed by the 52665  
debtor. 52666

(F) If, at any time, the money deposited in the fund is 52667  
insufficient to satisfy any duly authorized claim or portion of a 52668

claim, the superintendent shall, when sufficient money has been 52669  
deposited in the fund, satisfy such unpaid claims or portions, in 52670  
the order that such claims or portions were originally filed, plus 52671  
accumulated interest per annum at the rate specified in division 52672  
(A) of section 1343.03 of the Revised Code. 52673

(G) When, upon the order of the court, the superintendent has 52674  
paid from the fund any sum to the judgment creditor, the 52675  
superintendent shall be subrogated to all of the rights of the 52676  
judgment creditor to the extent of the amount so paid, and the 52677  
judgment creditor shall assign all the judgment creditor's right, 52678  
title, and interest in the judgment to the superintendent to the 52679  
extent of the amount so paid. Any amount and interest so recovered 52680  
by the superintendent on the judgment shall be deposited in the 52681  
fund. 52682

(H) Nothing contained in this section shall limit the 52683  
authority of the superintendent to take disciplinary action 52684  
against any licensee under other provisions of this chapter; nor 52685  
shall the repayment in full of all obligations to the fund by any 52686  
licensee nullify or modify the effect of any other disciplinary 52687  
proceeding brought pursuant to this chapter. 52688

(I) The superintendent shall collect from the fund a service 52689  
fee in an amount equivalent to the interest rate specified in 52690  
division (A) of section 1343.03 of the Revised Code multiplied by 52691  
the annual interest earned on the assets of the fund, to defray 52692  
the expenses incurred in the administration of the fund. 52693

**Sec. 4735.13.** (A) Every real estate broker licensed under 52694  
this chapter shall have and maintain a definite place of business 52695  
in this state. A post office box address is not a definite place 52696  
of business for purposes of this section. The license of a real 52697  
estate broker shall be prominently displayed in the office or 52698  
place of business of the broker, and no license shall authorize 52699

the licensee to do business except from the location specified in 52700  
it. If the broker maintains more than one place of business within 52701  
the state, the broker shall apply for and procure a duplicate 52702  
license for each branch office maintained by the broker. Each 52703  
branch office shall be in the charge of a licensed broker or 52704  
salesperson. The branch office license shall be prominently 52705  
displayed at the branch office location. 52706

(B) The license of each real estate salesperson shall be 52707  
mailed to and remain in the possession of the licensed broker with 52708  
whom the salesperson is or is to be associated until the licensee 52709  
places the license on inactive or resigned status or until the 52710  
salesperson leaves the brokerage or is terminated. The broker 52711  
shall keep each salesperson's license in a way that it can, and 52712  
shall on request, be made immediately available for public 52713  
inspection at the office or place of business of the broker. 52714  
Except as provided in divisions (G) and (H) of this section, 52715  
immediately upon the salesperson's leaving the association or 52716  
termination of the association of a real estate salesperson with 52717  
the broker, the broker shall return the salesperson's license to 52718  
the superintendent of real estate. 52719

The failure of a broker to return the license of a real 52720  
estate salesperson or broker who leaves or who is terminated, via 52721  
certified mail return receipt requested, within three business 52722  
days of the receipt of a written request from the superintendent 52723  
for the return of the license, is prima-facie evidence of 52724  
misconduct under division (A)(6) of section 4735.18 of the Revised 52725  
Code. 52726

(C) A licensee shall notify the superintendent in writing 52727  
within fifteen days of any of the following occurrences: 52728

(1) The licensee is convicted of a felony. 52729

(2) The licensee is convicted of a crime involving moral 52730

turpitude. 52731

(3) The licensee is found to have violated any federal, 52732  
state, or municipal civil rights law pertaining to discrimination 52733  
in housing. 52734

(4) The licensee is found to have engaged in a discriminatory 52735  
practice pertaining to housing accommodations described in 52736  
division (H) of section 4112.02 of the Revised Code. 52737

(5) The licensee is the subject of an order by the department 52738  
of commerce, the department of insurance, or the department of 52739  
agriculture revoking or permanently surrendering any professional 52740  
license, certificate, or registration. 52741

(6) The licensee is the subject of an order by any government 52742  
agency concerning real estate, financial matters, or the 52743  
performance of fiduciary duties with respect to any license, 52744  
certificate, or registration. 52745

If a licensee fails to notify the superintendent within the 52746  
required time, the superintendent immediately may suspend the 52747  
license of the licensee. 52748

Any court that convicts a licensee of a violation of any 52749  
municipal civil rights law pertaining to housing discrimination 52750  
also shall notify the Ohio civil rights commission within fifteen 52751  
days of the conviction. 52752

(D) In case of any change of business location, a broker 52753  
shall give notice to the superintendent, on a form prescribed by 52754  
the superintendent, within thirty days after the change of 52755  
location, whereupon the superintendent shall issue new licenses 52756  
for the unexpired period without charge. If a broker changes a 52757  
business location without giving the required notice and without 52758  
receiving new licenses that action is prima-facie evidence of 52759  
misconduct under division (A)(6) of section 4735.18 of the Revised 52760  
Code. 52761

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of ~~twenty-five~~ thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars.

One dollar of the fee shall be credited to the real estate education and research fund.

A licensed real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation shall only act as a real estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:

(a) The licensee shall not be required to renew the license 52827  
until the renewal date that follows the date of the spouse's 52828  
discharge from the armed forces. 52829

(b) If the licensee fails to meet the continuing education 52830  
requirements of section 4735.141 of the Revised Code, the licensee 52831  
shall satisfy the commission that the licensee has complied with 52832  
the continuing education requirements within twelve months after 52833  
the licensee's first birthday after the spouse's discharge or 52834  
within the amount of time equal to the total number of months the 52835  
licensee's spouse spent on active duty, whichever is greater. The 52836  
licensee shall submit proper documentation of the spouse's active 52837  
duty service and the length of that active duty service. This 52838  
extension shall not exceed the total number of months that the 52839  
licensee's spouse served in active duty. 52840

(3) In the case of a licensee as described in division (G)(2) 52841  
of this section, who holds the license through a reciprocity 52842  
agreement with another state, the spouse's service shall have 52843  
resulted in the licensee's absence from the licensee's state of 52844  
residence for the provisions of that division to apply. 52845

(4) As used in this division, "armed forces" means the armed 52846  
forces of the United States or reserve component of the armed 52847  
forces of the United States including the Ohio national guard or 52848  
the national guard of any other state. 52849

(H) If a licensed real estate salesperson submits an 52850  
application to the superintendent to leave the association of one 52851  
broker to associate with a different broker, the broker possessing 52852  
the licensee's license need not return the salesperson's license 52853  
to the superintendent. The superintendent may process the 52854  
application regardless of whether the licensee's license is 52855  
returned to the superintendent. 52856

**Sec. 4735.143.** (A) Each person applying for a license 52857

pursuant to section 4735.07 or 4735.09 of the Revised Code shall 52858  
submit one complete set of fingerprint impressions directly to the 52859  
superintendent of the bureau of criminal identification and 52860  
investigation for the purpose of conducting a criminal records 52861  
check. The applicant shall provide the fingerprint impressions 52862  
using a method the superintendent of the bureau of criminal 52863  
identification and investigation prescribes and fill out the form 52864  
the superintendent prescribes pursuant to division (C) of section 52865  
109.572 of the Revised Code. Upon receiving an application under 52866  
this section, the superintendent of real estate and professional 52867  
licensing shall request the superintendent of the bureau of 52868  
criminal identification and investigation, or a vendor approved by 52869  
the bureau, to conduct a criminal records check based on the 52870  
applicant's fingerprint impressions in accordance with division 52871  
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 52872  
division (K) of section 121.08 of the Revised Code, the 52873  
superintendent of real estate and professional licensing shall 52874  
request that criminal record information based on the applicant's 52875  
fingerprints be obtained from the federal bureau of investigation 52876  
as part of the criminal records check. Any fee required under 52877  
division (C)(3) of section 109.572 of the Revised Code shall be 52878  
paid by the applicant. 52879

(B) An applicant who disclosed on the application that the 52880  
applicant has been convicted of any criminal offense shall only be 52881  
permitted to take the examination after the results of the 52882  
criminal records check have been received by the superintendent 52883  
and the superintendent has made a determination to disregard the 52884  
conviction because the applicant has proven to the superintendent, 52885  
by a preponderance of the evidence, that the applicant's 52886  
activities and employment record since the conviction show that 52887  
the applicant is honest, truthful, and of good reputation, and 52888  
there is no basis in fact for believing that the applicant again 52889

will violate the laws involved. 52890

(C) Persons who have indicated on the application that they 52891  
have not been convicted of any criminal offense, shall, if all 52892  
other requirements for licensure have been satisfied, be permitted 52893  
to take the real estate examination for which the applicant has 52894  
applied prior to the superintendent's receipt of the results of 52895  
the criminal records check. If the applicant receives a passing 52896  
score on the examination and meets the other requirements for the 52897  
license, the superintendent shall issue a provisional license 52898  
pending the results of the criminal records check. During this 52899  
provisional status, the licensee may perform acts that require a 52900  
real estate license. If the results of the criminal records check 52901  
subsequently confirm that the licensee has no convictions, the 52902  
provisional status shall be removed. If it is determined that the 52903  
licensee has been convicted of any criminal offense, the 52904  
superintendent may immediately suspend the license of the 52905  
licensee. 52906

(D) Any entity offering the prelicensure education required 52907  
to obtain a real estate license in this state shall, prior to a 52908  
student's enrollment in a class, notify the student of both of the 52909  
following: 52910

(1) That a conviction of a criminal offense may disqualify an 52911  
individual from obtaining a real estate license; 52912

(2) The student's rights under section 9.78 of the Revised 52913  
Code to request a determination as to whether such a conviction 52914  
will disqualify the student. 52915

**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or 52916  
transfer of a license shall be as follows: 52917

(1) Reactivation or transfer of a broker's license into or 52918  
out of a partnership, association, limited liability company, 52919

limited liability partnership, or corporation or from one 52920  
partnership, association, limited liability company, limited 52921  
liability partnership, or corporation to another partnership, 52922  
association, limited liability company, limited liability 52923  
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 52924  
application for such transfer shall be made to the superintendent 52925  
of real estate on forms provided by the superintendent. 52926

(2) Reactivation or transfer of a license by a real estate 52927  
salesperson, ~~twenty-five~~ thirty-four dollars. 52928

(B) Except as may otherwise be specified pursuant to division 52929  
(F) of this section or any rules adopted by the Ohio real estate 52930  
commission pursuant to division (A)(2)(b) of section 4735.10 of 52931  
the Revised Code, the nonrefundable fees ~~for a branch office~~ 52932  
~~license, license renewal, late filing, and foreign real estate~~ 52933  
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 52934  
~~year of a~~ licensing period: 52935

(1) Branch office license, ~~fifteen~~ twenty dollars; 52936

(2) Renewal of a three-year real estate broker's license, 52937  
~~sixty two hundred forty-three~~ dollars. If the licensee is a 52938  
partnership, association, limited liability company, limited 52939  
liability partnership, or corporation, the full broker's renewal 52940  
fee shall be required for each member of such partnership, 52941  
association, limited liability company, limited liability 52942  
partnership, or corporation that is a real estate broker. If the 52943  
real estate broker has not less than eleven nor more than twenty 52944  
real estate salespersons associated with the broker, an additional 52945  
fee of sixty-four dollars shall be assessed to the brokerage. For 52946  
every additional ten real estate salespersons or fraction of that 52947  
number, the brokerage assessment fee shall be increased in the 52948  
amount of thirty-seven dollars. 52949

(3) Renewal of a three-year real estate salesperson's 52950

license, ~~forty-five~~ one hundred eighty-two dollars; 52951

(4) Renewal of a real estate broker's or salesperson's 52952  
license filed within twelve months after the licensee's renewal 52953  
date, an additional late filing penalty of fifty per cent of the 52954  
required three-year fee; 52955

(5) Foreign real estate dealer's license and each renewal of 52956  
the license, thirty dollars per salesperson employed by the 52957  
dealer, but not less than ~~one~~ two hundred ~~fifty~~ three dollars; 52958

(6) Foreign real estate salesperson's license and each 52959  
renewal of the license, ~~fifty~~ sixty-eight dollars. 52960

(C) All fees collected under this section shall be paid to 52961  
the treasurer of state. One dollar of each such fee shall be 52962  
credited to the real estate education and research fund, except 52963  
that for fees that are assessed only once every three years, three 52964  
dollars of each triennial fee shall be credited to the real estate 52965  
education and research fund. 52966

(D) In all cases, the fee and any penalty shall accompany the 52967  
application for the license, license transfer, or license 52968  
reactivation or shall accompany the filing of the renewal. 52969

(E) The commission may establish by rule reasonable fees for 52970  
services not otherwise established by this chapter. 52971

(F) The commission may adopt rules that provide for a 52972  
reduction in the fees established in divisions (B)(2) and (3) of 52973  
this section. 52974

**Sec. 4735.18.** (A) Subject to section 4735.32 of the Revised 52975  
Code, the superintendent of real estate, upon the superintendent's 52976  
own motion, may investigate the conduct of any licensee. Subject 52977  
to division (E) of this section and section 4735.32 of the Revised 52978  
Code, the Ohio real estate commission shall impose disciplinary 52979  
sanctions upon any licensee who, whether or not acting in the 52980

licensee's capacity as a real estate broker or salesperson, or in 52981  
handling the licensee's own property, is found to have been 52982  
convicted of a felony or a crime of moral turpitude, and may 52983  
impose disciplinary sanctions upon any licensee who, in the 52984  
licensee's capacity as a real estate broker or salesperson, or in 52985  
handling the licensee's own property, is found guilty of: 52986

(1) Knowingly making any misrepresentation; 52987

(2) Making any false promises with intent to influence, 52988  
persuade, or induce; 52989

(3) A continued course of misrepresentation or the making of 52990  
false promises through agents, salespersons, advertising, or 52991  
otherwise; 52992

(4) Acting for more than one party in a transaction except as 52993  
permitted by and in compliance with section 4735.71 of the Revised 52994  
Code; 52995

(5) Failure within a reasonable time to account for or to 52996  
remit any money coming into the licensee's possession which 52997  
belongs to others; 52998

(6) Dishonest or illegal dealing, gross negligence, 52999  
incompetency, or misconduct; 53000

(7)(a) By final adjudication by a court, a violation of any 53001  
municipal or federal civil rights law relevant to the protection 53002  
of purchasers or sellers of real estate or, by final adjudication 53003  
by a court, any unlawful discriminatory practice pertaining to the 53004  
purchase or sale of real estate prohibited by Chapter 4112. of the 53005  
Revised Code, provided that such violation arose out of a 53006  
situation wherein parties were engaged in bona fide efforts to 53007  
purchase, sell, or lease real estate, in the licensee's practice 53008  
as a licensed real estate broker or salesperson; 53009

(b) A second or subsequent violation of any unlawful 53010

discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed

commission, rebate, or direct profit on expenditures made for a principal; 53042  
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(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance; 53044  
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(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction; 53049  
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(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property; 53052  
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(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent; 53055  
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(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal; 53058  
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(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code; 53061  
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(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent; 53068  
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(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any properties, terms, values, policies, or services of the business conducted;

(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;

(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;

(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker;

(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true copies of all listings and other agreements to which they are a party, at the time each party signs them;

(26) Failure to maintain at all times a special or trust bank account in a depository located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A)(27) of this section, shall be used for the deposit and

maintenance of all escrow funds, security deposits, and other 53103  
moneys received by the broker in a fiduciary capacity. The name, 53104  
account number, if any, and location of the depository wherein 53105  
such special or trust account is maintained shall be submitted in 53106  
writing to the superintendent. Checks drawn on such special or 53107  
trust bank accounts are deemed to meet the conditions imposed by 53108  
section 1349.21 of the Revised Code. Funds deposited in the trust 53109  
or special account in connection with a purchase agreement shall 53110  
be maintained in accordance with section 4735.24 of the Revised 53111  
Code. 53112

(27) Failure to maintain at all times a special or trust bank 53113  
account in a depository in this state, to be used exclusively for 53114  
the deposit and maintenance of all rents, security deposits, 53115  
escrow funds, and other moneys received by the broker in a 53116  
fiduciary capacity in the course of managing real property. This 53117  
account shall be separate and distinct from any other account 53118  
maintained by the broker. The name, account number, and location 53119  
of the depository shall be submitted in writing to the 53120  
superintendent. This account may earn interest, which shall be 53121  
paid to the property owners on a pro rata basis. 53122

Division (A)(27) of this section does not apply to brokers 53123  
who are not engaged in the management of real property on behalf 53124  
of real property owners. 53125

(28) Having failed to put definite expiration dates in all 53126  
written agency agreements to which the broker is a party; 53127

(29) Having an unsatisfied final judgment or lien in any 53128  
court of record against the licensee arising out of the licensee's 53129  
conduct as a licensed broker or salesperson; 53130

(30) Failing to render promptly upon demand a full and 53131  
complete statement of the expenditures by the broker or 53132  
salesperson of funds advanced by or on behalf of a party to a real 53133

estate transaction to the broker or salesperson for the purpose of 53134  
performing duties as a licensee under this chapter in conjunction 53135  
with the real estate transaction; 53136

(31) Failure within a reasonable time, after the receipt of 53137  
the commission by the broker, to render an accounting to and pay a 53138  
real estate salesperson the salesperson's earned share of it; 53139

(32) Performing any service for another constituting the 53140  
practice of law, as determined by any court of law; 53141

(33) Having been adjudicated incompetent for the purpose of 53142  
holding the license by a court, as provided in section 5122.301 of 53143  
the Revised Code. A license revoked or suspended under this 53144  
division shall be reactivated upon proof to the commission of the 53145  
removal of the disability. 53146

(34) Having authorized or permitted a person to act as an 53147  
agent in the capacity of a real estate broker, or a real estate 53148  
salesperson, who was not then licensed as a real estate broker or 53149  
real estate salesperson under this chapter or who was not then 53150  
operating as an out-of-state commercial real estate broker or 53151  
salesperson under section 4735.022 of the Revised Code; 53152

(35) Having knowingly inserted or participated in inserting 53153  
any materially inaccurate term in a document, including naming a 53154  
false consideration; 53155

(36) Having failed to inform the licensee's client of the 53156  
existence of an offer or counteroffer or having failed to present 53157  
an offer or counteroffer in a timely manner, unless otherwise 53158  
instructed by the client, provided the instruction of the client 53159  
does not conflict with any state or federal law; 53160

(37) Having failed to comply with section 4735.24 of the 53161  
Revised Code; 53162

(38) Having acted as a broker without authority, impeded the 53163

ability of a principal broker to perform any of the duties 53164  
described in section 4735.081 of the Revised Code, or impeded the 53165  
ability a management level licensee to perform the licensee's 53166  
duties. 53167

(B) Whenever the commission, pursuant to section 4735.051 of 53168  
the Revised Code, imposes disciplinary sanctions for any violation 53169  
of this section, the commission also may impose such sanctions 53170  
upon the broker with whom the salesperson is affiliated if the 53171  
commission finds that the broker had knowledge of the 53172  
salesperson's actions that violated this section. 53173

(C) The commission shall, pursuant to section 4735.051 of the 53174  
Revised Code, impose disciplinary sanctions upon any foreign real 53175  
estate dealer or salesperson who, in that capacity or in handling 53176  
the dealer's or salesperson's own property, is found guilty of any 53177  
of the acts or omissions specified or comprehended in division (A) 53178  
of this section insofar as the acts or omissions pertain to 53179  
foreign real estate. If the commission imposes such sanctions upon 53180  
a foreign real estate salesperson for a violation of this section, 53181  
the commission also may suspend or revoke the license of the 53182  
foreign real estate dealer with whom the salesperson is affiliated 53183  
if the commission finds that the dealer had knowledge of the 53184  
salesperson's actions that violated this section. 53185

(D) The commission may suspend, in whole or in part, the 53186  
imposition of the penalty of suspension of a license under this 53187  
section. 53188

(E) A person licensed under this chapter who represents a 53189  
party to a transaction or a proposed transaction involving the 53190  
sale, purchase, exchange, lease, or management of real property 53191  
that is or will be used in the cultivation, processing, 53192  
dispensing, or testing of medical marijuana under Chapter 3796. of 53193  
the Revised Code, or who receives, holds, or disburses funds from 53194  
a real estate brokerage trust account in connection with such a 53195

transaction, shall not be subject to disciplinary sanctions under 53196  
this chapter as a consequence of that action. 53197

**Sec. 4735.182.** If a check or other draft instrument used to 53198  
pay any fee required under this chapter is returned to the 53199  
superintendent unpaid by the financial institution upon which it 53200  
is drawn for any reason, the superintendent shall notify the 53201  
entity or person that the check or other draft instrument was 53202  
returned for insufficient funds. 53203

(A) If the check or draft instrument was submitted by a 53204  
licensee, the superintendent shall also notify the licensee that 53205  
the licensee's license will be suspended unless the licensee, 53206  
within fifteen days after the mailing of the notice, submits the 53207  
fee and a one-hundred-dollar fee to the superintendent. If the 53208  
licensee does not submit both fees within that time period, or if 53209  
any check or other draft instrument used to pay either of those 53210  
fees is returned to the superintendent unpaid by the financial 53211  
institution upon which it is drawn for any reason, the license 53212  
shall be suspended immediately without a hearing and the licensee 53213  
shall cease activity as a licensee under this chapter. 53214

(B) If the check or draft instrument was remitted by a person 53215  
or entity applying to qualify foreign real estate or renew a 53216  
property registration, the superintendent shall also notify the 53217  
applicant that registration will be suspended, unless the 53218  
applicant, within fifteen days after the mailing of the notice, 53219  
submits the fee and a one-hundred-dollar fee to the 53220  
superintendent. If the applicant does not submit both fees within 53221  
that time period, or if any check or other draft instrument used 53222  
to pay either of the fees is returned to the superintendent unpaid 53223  
by the financial institution upon which it is drawn for any 53224  
reason, the property registration shall be suspended immediately 53225  
without a hearing and the applicant shall cease activity. 53226

(C) If the check or draft instrument was remitted by an applicant for licensure, that application shall automatically be rejected or approval withdrawn, unless the applicant, within fifteen days after the mailing of the notice, submits the fee and a one-hundred-dollar fee to the superintendent. If the applicant does not submit both fees within that time period, or if any check or other draft instrument used to pay either of those fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the application shall be denied or approval withdrawn.

(D) If the check or draft instrument was remitted by an education course provider or course provider applicant, that application shall automatically be rejected or approval withdrawn, unless the applicant, within fifteen days after the mailing of the notice, submits the fee and a ~~one-hundred-dollar~~ one-hundred-thirty-five-dollar fee to the superintendent. If the applicant does not submit both fees within that time period, or if any check or other draft instrument used to pay either of those fees is returned to the superintendent unpaid by the financial institution upon which it is drawn for any reason, the application shall be denied or approval withdrawn.

**Sec. 4735.27.** (A) An application to act as a foreign real estate dealer shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors,

trustees, or managers of the organization, and the limitation of 53258  
the liability of any partner or member; and if the applicant is a 53259  
corporation, a list of its officers and directors, and the 53260  
residence and business addresses of each, and, if it is a foreign 53261  
corporation, a copy of its articles of incorporation in addition; 53262

(3) The location and addresses of the principal office and 53263  
all other offices of the applicant; 53264

(4) A general description of the business of the applicant 53265  
prior to the application, including a list of states in which the 53266  
applicant is a licensed foreign real estate dealer; 53267

(5) The names and addresses of all ~~salesmen~~ salespersons of 53268  
the applicant at the date of the application; 53269

(6) The nature of the business of the applicant, and its 53270  
places of business, for the ten-year period preceding the date of 53271  
application. 53272

(B) Every nonresident applicant shall name a person within 53273  
this state upon whom process against the applicant may be served 53274  
and shall give the complete residence and business address of the 53275  
person designated. Every applicant shall file an irrevocable 53276  
written consent, executed and acknowledged by an individual duly 53277  
authorized to give such consent, that actions growing out of a 53278  
fraud committed by the applicant in connection with the sale in 53279  
this state of foreign real estate may be commenced against it, in 53280  
the proper court of any county in this state in which a cause of 53281  
action for such fraud may arise or in which the plaintiff in such 53282  
action may reside, by serving on the secretary of state any proper 53283  
process or pleading authorized by the laws of this state, in the 53284  
event that the applicant if a resident of this state, or the 53285  
person designated by the nonresident applicant, cannot be found at 53286  
the address given. The consent shall stipulate that the service of 53287  
process on the secretary of state shall be taken in all courts to 53288

be as valid and binding as if service had been made upon the 53289  
foreign real estate dealer. If the applicant is a corporation or 53290  
an unincorporated association, the consent shall be accompanied by 53291  
a certified copy of the resolution of the board of directors, 53292  
trustees, or managers of the corporation or association, 53293  
authorizing such individual to execute the consent. 53294

(C) The superintendent may investigate any applicant for a 53295  
dealer's license, and may require any additional information ~~he~~ 53296  
the superintendent considers necessary to determine the business 53297  
repute and qualifications of the applicant to act as a foreign 53298  
real estate dealer. If the application for a dealer's license 53299  
involves investigation outside this state, the superintendent may 53300  
require the applicant to advance sufficient funds to pay any of 53301  
the actual expenses of the investigation, and an itemized 53302  
statement of such expense shall be furnished to the applicant. 53303

(D) Every applicant shall take a written examination, 53304  
prescribed and conducted by the superintendent, which covers ~~his~~ 53305  
the applicant's knowledge of the principles of real estate 53306  
practice, real estate law, financing and appraisal, real estate 53307  
transactions and instruments relating to them, canons of business 53308  
ethics relating to real estate transactions, and the duties of 53309  
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 53310  
the examination, when administered by the superintendent, is 53311  
~~seventy-five~~ one hundred one dollars. If the applicant does not 53312  
appear for the examination, the fee shall be forfeited and a new 53313  
application and fee shall be filed, unless good cause for the 53314  
failure to appear is shown to the superintendent. The requirement 53315  
of an examination may be waived in whole or in part by the 53316  
superintendent if an applicant is licensed as a real estate broker 53317  
by any state. 53318

Any applicant who fails the examination twice shall wait six 53319  
months before applying to retake the examination. 53320

(E) No person shall take the foreign real estate dealer's examination who has not established to the satisfaction of the superintendent that ~~he~~ the person: 53321  
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(1) Has not been convicted of a felony or a crime of moral turpitude or, if ~~he~~ the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the conviction show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved; 53324  
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(2) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if ~~he~~ the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the adjudication show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved; 53333  
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(3) Has not, during any period for which ~~he~~ the applicant was licensed under this chapter or any former section of the Revised Code applicable to licensed foreign real estate dealers or ~~salesmen~~ salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate the provision or rule. 53344  
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(F) If the superintendent finds that an applicant for a 53352

license as a foreign real estate dealer, or each named member, 53353  
manager, or officer of a partnership, association, or corporate 53354  
applicant is at least eighteen years of age, is of good business 53355  
repute, has passed the examination required under this section or 53356  
has had the requirement of an examination waived, and appears 53357  
otherwise qualified, the superintendent shall issue a license to 53358  
the applicant to engage in business in this state as a foreign 53359  
real estate dealer. Dealers licensed pursuant to this section 53360  
shall employ as ~~salesmen~~ salespersons of foreign real estate only 53361  
persons licensed pursuant to section 4735.28 of the Revised Code. 53362  
If at any time such ~~salesmen~~ salespersons resign or are discharged 53363  
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 53364  
notify the superintendent and shall file with the division of real 53365  
estate the names and addresses of new ~~salesmen~~ salespersons. 53366

(G) If the applicant merely is renewing ~~his~~ the applicant's 53367  
license for the previous year, the application need contain only 53368  
the information required by divisions (A)(2), (3), and (6) of this 53369  
section. 53370

**Sec. 4735.28.** (A) An application to act as a foreign real 53371  
estate ~~salesman~~ salesperson shall be in writing and filed with the 53372  
superintendent of real estate. It shall be in the form the 53373  
superintendent prescribes and shall contain the following 53374  
information: 53375

(1) The name and complete residence and business addresses of 53376  
the applicant; 53377

(2) The name of the foreign real estate dealer who is 53378  
employing the applicant or who intends to employ ~~him~~ the 53379  
applicant; 53380

(3) The age and education of the applicant, and ~~his~~ the 53381  
applicant's experience in the sale of foreign real estate; whether 53382  
~~he~~ the applicant has ever been licensed by the superintendent, and 53383

if so, when; whether ~~he~~ the applicant has ever been refused a 53384  
license by the superintendent; and whether ~~he~~ the applicant has 53385  
ever been licensed or refused a license or any similar permit by 53386  
any division or superintendent of real estate, by whatsoever name 53387  
known or designated, anywhere; 53388

(4) The nature of the employment, and the names and addresses 53389  
of the employers, of the applicant for the period of ten years 53390  
immediately preceding the date of the application. 53391

(B) Every applicant shall take a written examination, 53392  
prescribed and conducted by the superintendent, which covers ~~his~~ 53393  
the applicant's knowledge of the principles of real estate 53394  
practice, real estate law, financing and appraisal, real estate 53395  
transactions and instruments relating to them, canons of business 53396  
ethics relating to real estate transactions, and the duties of 53397  
foreign real estate ~~salesmen~~ salespersons. The fee for the 53398  
examination, when administered by the superintendent, is ~~fifty~~ 53399  
sixty-eight dollars. If the applicant does not appear for the 53400  
examination, the fee shall be forfeited and a new application and 53401  
fee shall be filed, unless good cause for the failure to appear is 53402  
shown to the superintendent. The requirement of an examination may 53403  
be waived in whole or in part by the superintendent if an 53404  
applicant is licensed as a real estate broker or ~~salesman~~ 53405  
salesperson by any state. 53406

Any applicant who fails the examination twice shall wait six 53407  
months before applying to retake the examination. 53408

(C) No person shall take the foreign real estate ~~salesman's~~ 53409  
salesperson's examination who has not established to the 53410  
satisfaction of the superintendent that ~~he~~ the person: 53411

(1) Has not been convicted of a felony or a crime of moral 53412  
turpitude or, if ~~he~~ the applicant has been so convicted, the 53413  
superintendent has disregarded the conviction because the 53414

applicant has proven to the superintendent, by a preponderance of 53415  
the evidence, that ~~his~~ the applicant's activities and employment 53416  
record since the conviction show that ~~he~~ the applicant is honest, 53417  
truthful, and of good reputation, and there is no basis in fact 53418  
for believing that ~~he~~ the applicant again will violate the laws 53419  
involved; 53420

(2) Has not been finally adjudged by a court to have violated 53421  
any municipal, state, or federal civil rights laws relevant to the 53422  
protection of purchasers or sellers of real estate or, if ~~he~~ the 53423  
applicant has been so adjudged, at least two years have passed 53424  
since the court decision and the superintendent has disregarded 53425  
the adjudication because the applicant has proven, by a 53426  
preponderance of the evidence, that ~~his~~ the applicant's activities 53427  
and employment record since the adjudication show that ~~he~~ the 53428  
applicant is honest, truthful, and of good reputation, and there 53429  
is no basis in fact for believing that ~~he~~ the applicant will again 53430  
violate the laws; 53431

(3) Has not, during any period for which ~~he~~ the applicant was 53432  
licensed under this chapter or any former section of the Revised 53433  
Code ~~aplicable~~ applicable to licensed foreign real estate dealers 53434  
or ~~salesmen~~ salespersons, violated any provision of, or any rule 53435  
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 53436  
applicant has violated any such provision or rule, has established 53437  
to the satisfaction of the superintendent that ~~he~~ the applicant 53438  
will not again violate the provision or rule. 53439

(D) Every ~~salesman~~ salesperson of foreign real estate shall 53440  
be licensed by the superintendent of real estate and shall be 53441  
employed only by the licensed foreign real estate dealer specified 53442  
on ~~his~~ the salesperson's license. 53443

(E) If the superintendent finds that the applicant is of good 53444  
business repute, appears to be qualified to act as a foreign real 53445  
estate ~~salesman~~ salesperson, and has fully complied with the 53446

provisions of this chapter, and that the dealer in the application 53447  
is a licensed foreign real estate dealer, the superintendent, upon 53448  
payment of the fees prescribed by section 4735.15 of the Revised 53449  
Code, shall issue a license to the applicant authorizing ~~him~~ the 53450  
applicant to act as ~~salesman~~ a salesperson for the dealer named in 53451  
the application. 53452

**Sec. 4737.045.** (A) To register as a scrap metal dealer or a 53453  
bulk merchandise container dealer with the director of public 53454  
safety as required by division (B) of section 4737.04 of the 53455  
Revised Code, a person shall do all of the following: 53456

(1) Provide the name and street address of the dealer's place 53457  
of business; 53458

(2) Provide the name of the primary owner of the business, 53459  
and of the manager of the business, if the manager is not the 53460  
primary owner; 53461

(3) Provide the electronic mail address of the business; 53462

(4) Provide confirmation that the dealer has the capabilities 53463  
to electronically connect with the department of public safety for 53464  
the purpose of sending and receiving information; 53465

(5) Provide any other information required by the director in 53466  
rules the director adopts pursuant to sections 4737.01 to 4737.045 53467  
of the Revised Code; 53468

(6) Pay an initial registration fee of two hundred dollars. 53469

(B) A person engaging in the business of a scrap metal dealer 53470  
or a bulk merchandise container dealer in this state on or before 53471  
September 28, 2012, shall register with the director not later 53472  
than January 1, 2013. With respect to a person who commences 53473  
engaging in the business of a scrap metal dealer or a bulk 53474  
merchandise container dealer after September 28, 2012, the person 53475  
shall register with the director pursuant to this section prior to 53476

commencing business as a scrap metal dealer or a bulk merchandise  
container dealer. 53477  
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(C) A registration issued to a scrap metal dealer or a bulk  
merchandise container dealer pursuant to this section is valid for 53479  
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a period of one year. A dealer shall renew the registration in 53481  
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accordance with the rules adopted by the director and pay a  
renewal fee of one hundred fifty dollars to cover the costs of 53483  
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operating and maintaining the registry created pursuant to  
division (E) of this section. 53485

(D) A scrap metal dealer or a bulk merchandise container  
dealer registered under this section shall prominently display a 53486  
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copy of the annual registration certificate received from the  
director pursuant to division (E)(2) of this section. 53488  
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(E) The director shall do all of the following: 53490

(1) Develop and implement, by January 1, 2014, and maintain 53491  
53492  
as a registry a secure database for use by law enforcement  
agencies that is capable of all of the following: 53493

(a) Receiving and securely storing all of the information 53494  
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required by division (A) of this section and the daily transaction  
data that scrap metal dealers and bulk merchandise dealers are 53496  
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required to send pursuant to division (E)(1) of section 4737.04 of  
the Revised Code; 53498

(b) Providing secure search capabilities to law enforcement 53499  
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agencies for enforcement purposes;

(c) Creating a link and retransmission capability for receipt 53501  
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of routine scrap theft alerts published by the institute of scrap  
recycling industries for transmission to dealers and law 53503  
53504  
enforcement agencies in the state;

(d) Making the electronic lists prepared pursuant to division 53505  
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(F)(2) of section 4737.04 of the Revised Code available through an

electronic searchable format for individual law enforcement agencies and for dealers in the state; 53507  
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(e) Providing, without charge, interlink programming enabling the transfer of information to dealers. 53509  
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(2) Issue, reissue, or deny registration to dealers; 53511

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies. 53512  
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(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section. 53521  
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(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury. 53525  
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**Sec. 4743.04.** (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.10 of the Revised Code relating to service in the armed forces. 53531  
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(B) Continuing education requirements applicable to the 53536

licensees under Title XLVII of the Revised Code are subject to the 53537  
provisions of section 5903.12 of the Revised Code relating to 53538  
active duty military service. 53539

(C) A department, agency, or office ~~of this state or~~ of any 53540  
political subdivision of this state that issues a license or 53541  
certificate to practice a trade or profession may, pursuant to 53542  
rules adopted by the department, agency, or office, issue a 53543  
temporary license or certificate to practice the trade or 53544  
profession to a person whose spouse is on active military duty in 53545  
this state. 53546

(D) A department, agency, or office of this state that issues 53547  
a license or certificate to practice a trade or profession shall 53548  
issue a temporary license or certificate to practice the trade or 53549  
profession as provided in section 4743.041 of the Revised Code. 53550  
This division does not apply to the state medical board with 53551  
respect to a license issued by the board under Chapter 4730., 53552  
4731., 4759., 4760., 4761., 4762., 4774., or 4778. of the Revised 53553  
Code. 53554

(E) The issuance of a license or other authorization to 53555  
practice a trade or profession issued under Title XLVII of the 53556  
Revised Code is subject to the provisions of section 5903.03 of 53557  
the Revised Code relating to service in the armed forces. 53558

**Sec. 4743.041.** (A) As used in this section: 53559

(1) "Uniformed services" has the same meaning as in 10 U.S.C. 53560  
101. 53561

(2) An individual or an individual's license or certificate 53562  
issued by another state or jurisdiction is in "good standing" if 53563  
all of the following apply: 53564

(a) The individual is in compliance with all applicable 53565  
federal, state, and local regulations. 53566

(b) The individual is not the subject of an investigation or disciplinary action by any agency of federal, state, or local government. 53567  
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(c) The individual has not been denied a license or certificate, or had a license or certificate limited, suspended, or revoked by any public agency or licensing agency. 53570  
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(B) Pursuant to division (D) of section 4743.04 of the Revised Code, a department, agency, or office of this state, excluding the state medical board as described in that division, shall issue a temporary license or certificate to practice a trade or profession to an individual for not more than six years, provided that all of the following qualifications are met: 53573  
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(1) The individual holds a valid license or certificate to practice the trade or profession issued by any other state or jurisdiction. 53579  
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(2) The license or certificate is current, and the individual is in good standing in the state or jurisdiction of licensure or certification. 53582  
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(3) The individual presents adequate proof to the department, agency, or office of any of the following circumstances: 53585  
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(a) The individual or the individual's spouse is a member of the uniformed services and is on active military duty in this state. 53587  
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(b) The individual or the individual's spouse is a military technician dual status under 10 U.S.C. 10216 and was transferred to duty in this state. 53590  
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(c) A circumstance described in division (B)(3)(a) or (b) of this section will occur within three months after the date of application. 53593  
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(4) The individual presents adequate proof to the department, 53596

agency, or office that the individual moved or will move to this 53597  
state from the state or jurisdiction in which the individual holds 53598  
a current license or certificate. 53599

(5) The individual complies with sections 4776.01 to 4776.04 53600  
of the Revised Code. 53601

(C) A department, agency, or office of this state may, in 53602  
accordance with Chapter 119. of the Revised Code, deny an 53603  
individual a temporary license or certificate issued under this 53604  
section or revoke an individual's temporary license or certificate 53605  
issued under this section if any of the following circumstances 53606  
occur: 53607

(1) The individual has a criminal record according to a 53608  
criminal records check. 53609

(2) The individual is unable to practice the trade or 53610  
profession according to acceptable and prevailing standards of 53611  
care by reason of mental illness or physical illness, including 53612  
physical deterioration that adversely affects cognitive, motor, or 53613  
perceptive skills. 53614

(3) The individual is unable to practice the trade or 53615  
profession according to acceptable and prevailing standards of 53616  
care because of the habitual or excessive use or abuse of alcohol 53617  
or other substances that impair the ability to practice. 53618

(4) An adverse action has been taken against the individual 53619  
by a health care institution. 53620

(5) The individual's license or certificate issued by another 53621  
state or jurisdiction expires, is revoked, or is not in good 53622  
standing or the individual, with respect to that license or 53623  
certificate, is placed on disciplinary probation. 53624

(6) With respect to an individual who was eligible for a 53625  
temporary license or certificate under this section as the spouse 53626

of a member of the uniformed services or of a military technician 53627  
dual status, six months have elapsed since the divorce, 53628  
dissolution, or annulment of the marriage. 53629

(7) The individual is dishonorably discharged from the 53630  
military. 53631

(8) The individual is required to register under Chapter 53632  
2950. of the Revised Code or a substantially similar law of 53633  
another state, the United States, or another country. 53634

(9) The individual is required to register under section 53635  
2909.15 of the Revised Code or a substantially similar law of 53636  
another state, the United States, or another country. 53637

(10) The individual has been convicted of, pleaded guilty to, 53638  
or had a judicial finding of guilt for any criminal violation set 53639  
forth in the Revised Code mandating that the individual is 53640  
ineligible for licensure or certification in the trade or 53641  
profession. 53642

(11) An individual issued a temporary license or certificate 53643  
under this section fails to obtain a full license or certificate 53644  
within six years after the temporary license or certificate was 53645  
issued. 53646

(D) A department, agency, or office of this state shall waive 53647  
all fees associated with the issuance of a temporary license or 53648  
certificate under this section. 53649

(E) An individual with a temporary license or certificate 53650  
issued under this section may practice the trade or profession in 53651  
this state only within the scope and practice that is permitted 53652  
under Ohio law and that does not exceed the individual's training. 53653

(F) Each department, agency, or office subject to this 53654  
section that issues a license or certificate to practice a trade 53655  
or profession shall adopt rules under Chapter 119. of the Revised 53656

Code as necessary to implement this section. 53657

(G) The director of administrative services shall, on the 53658  
conclusion of the state fiscal year, prepare a report on the 53659  
number and type of temporary licenses or certificates that were 53660  
issued during the fiscal year under section 4743.041 of the 53661  
Revised Code. The director of administrative services shall 53662  
provide the report to the director of veterans services not later 53663  
than thirty days after the end of the fiscal year. The director of 53664  
veterans services shall compile the reports and make them 53665  
available to the public. 53666

**Sec. 4745.04.** (A) As used in this section: 53667

(1) "Indigent and uninsured person" and "volunteer" have the 53668  
same meanings as in section 2305.234 of the Revised Code. 53669

(2) "Licensing agency that licenses health care 53670  
professionals" means all of the following: 53671

(a) The state dental board established under Chapter 4715. of 53672  
the Revised Code; 53673

(b) The board of nursing established under Chapter 4723. of 53674  
the Revised Code; 53675

(c) The state vision professionals board established under 53676  
Chapter 4725. of the Revised Code; 53677

(d) The state board of pharmacy established under Chapter 53678  
4729. of the Revised Code; 53679

(e) The state medical board established under Chapter 4731. 53680  
of the Revised Code; 53681

(f) The state board of psychology established under Chapter 53682  
4732. of the Revised Code; 53683

(g) The state chiropractic board established under Chapter 53684  
4734. of the Revised Code; 53685

(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;	53686 53687 53688
(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;	53689 53690 53691
(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	53692 53693
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	53694 53695
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	53696 53697
(m) Any other licensing agency that considers its licensees to be health care professionals.	53698 53699
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	53700 53701 53702 53703 53704
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	53705 53706 53707
(2) The licensee provides the health care services to an indigent and uninsured person.	53708 53709
(3) The licensee provides the health care services as a volunteer.	53710 53711
(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.	53712 53713 53714
(5) The health care services provided are within the scope of	53715

authority of the licensee renewing the license. 53716

(C) A (1) Except as provided in division (C)(2) of this 53717  
section, a licensing agency that licenses health care 53718  
professionals shall permit a licensee to satisfy up to one-third 53719  
of the licensee's continuing education requirement by providing 53720  
health care services as a volunteer. A licensing agency that 53721  
licenses health care professionals shall permit a licensee to earn 53722  
continuing education credits at the rate of one credit hour for 53723  
each sixty minutes spent providing health care services as a 53724  
volunteer. 53725

(2) In the case of a person holding a license to practice 53726  
medicine and surgery, osteopathic medicine and surgery, or 53727  
podiatric medicine and surgery, the state medical board shall 53728  
permit the person to satisfy not more than three hours of the 53729  
person's continuing education requirement by providing health care 53730  
services as a volunteer. 53731

(D) A licensing agency that licenses health care 53732  
professionals shall adopt rules as necessary to implement this 53733  
section. The rules shall be adopted in accordance with Chapter 53734  
119. of the Revised Code. 53735

(E) Continuing education credit received under this section 53736  
for providing health care services is not compensation or any 53737  
other form of remuneration for purposes of section 2305.234 of the 53738  
Revised Code and does not make the provider of those services 53739  
ineligible for the immunity from liability granted under that 53740  
section. 53741

**Sec. 4757.10.** (A) The counselor, social worker, and marriage 53742  
and family therapist board may adopt any rules necessary to carry 53743  
out this chapter. 53744

(B) The board shall adopt rules that do all of the following: 53745

<del>(A)</del> (1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;	53746 53747 53748
<del>(B)</del> (2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	53749 53750 53751
<del>(C)</del> (3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;	53752 53753 53754
<del>(D)</del> (4) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	53755 53756
<del>(E)</del> (5) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	53757 53758 53759 53760 53761 53762
<del>(F)</del> (6) Establish the amount and content of corrective action courses required by the board under section <del>4755.36</del> <u>4757.36</u> of the Revised Code;	53763 53764 53765
<del>(G)</del> (7) Provide for voluntary registration of all of the following:	53766 53767
<del>(1)</del> (a) Master's level counselor trainees enrolled in practice and internships;	53768 53769
<del>(2)</del> (b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	53770 53771
<del>(3)</del> (c) Master's level marriage and family therapist trainees enrolled in practice and internships.	53772 53773
<u>(8) Establish a schedule of deadlines for renewal.</u>	53774
<u>(C)</u> Rules adopted under division <del>(G)</del> (B)(7) of this section	53775

shall not require a trainee to register with the board, and if a 53776  
trainee has not registered, shall prohibit any adverse effect with 53777  
respect to a trainee's application for licensure by the board. 53778

(D) All rules adopted under this section shall be adopted in 53779  
accordance with Chapter 119. of the Revised Code. When it adopts 53780  
rules under this section or any other section of this chapter, the 53781  
board may consider standards established by any national 53782  
association or other organization representing the interests of 53783  
those involved in professional counseling, social work, or 53784  
marriage and family therapy. 53785

~~Sec. 4757.13. (A) Each individual who engages in the practice 53786  
of professional counseling, social work, or marriage and family 53787  
therapy shall prominently display, in a conspicuous place in the 53788  
office or place where a major portion of the individual's practice 53789  
is conducted, and in such a manner as to be easily seen and read, 53790  
the license granted to the individual by the state counselor, 53791  
social worker, and marriage and family therapist board. 53792~~

~~(B) A person holding a license holder issued under this 53793  
chapter who is engaged in a private individual practice, 53794  
partnership, or group practice shall prominently display the 53795  
license holder's fee schedule in the office or place where a major 53796  
portion of the license holder's practice is conducted. The bottom 53797  
of the first page of the fee schedule shall include the following 53798  
statement, which shall be followed by the name, address, and 53799  
telephone number of the board: 53800~~

~~"This information is required by the Counselor, Social 53801  
Worker, and Marriage and Family Therapist Board, which regulates 53802  
the practices of professional counseling, social work, and 53803  
marriage and family therapy in this state." 53804~~

**Sec. 4757.18.** The counselor, social worker, and marriage and 53805

family therapist board may enter into a reciprocal agreement with 53806  
any state that regulates individuals practicing in the same 53807  
capacities as those regulated under this chapter if the board 53808  
finds that the state has requirements substantially equivalent to 53809  
the requirements this state has for receipt of a license or 53810  
certificate of registration under this chapter. In a reciprocal 53811  
agreement, the board agrees to issue the appropriate license or 53812  
certificate of registration to any resident of the other state 53813  
whose practice is currently authorized by that state if that 53814  
state's regulatory body agrees to authorize the appropriate 53815  
practice of any resident of this state who holds a valid license 53816  
or certificate of registration issued under this chapter. 53817

The Subject to section 4757.25 of the Revised Code, the 53818  
professional standards committees of the board may, by 53819  
endorsement, issue the appropriate license or certificate of 53820  
registration to a resident of a state with which the board does 53821  
not have a reciprocal agreement, if the person submits proof 53822  
satisfactory to the committee of currently being licensed, 53823  
certified, registered, or otherwise authorized to practice by that 53824  
state. 53825

**Sec. 4757.22.** (A) The counselors professional standards 53826  
committee of the counselor, social worker, and marriage and family 53827  
therapist board shall issue a license to practice as a licensed 53828  
professional clinical counselor to each applicant who submits a 53829  
properly completed application, pays the fee established under 53830  
section 4757.31 of the Revised Code, and meets the requirements 53831  
specified in division (B) of this section. 53832

(B)(1) To be eligible for a licensed professional clinical 53833  
counselor license, an individual must meet the following 53834  
requirements: 53835

(a) The individual must be of good moral character.	53836
(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.	53837 53838
(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, including instruction in the following areas:	53839 53840 53841 53842
(i) Clinical psychopathology, personality, and abnormal behavior;	53843 53844
(ii) Evaluation of mental and emotional disorders;	53845
(iii) Diagnosis of mental and emotional disorders;	53846
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	53847 53848
(d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:	53849 53850 53851 53852 53853 53854
(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;	53855 53856 53857
(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.	53858 53859 53860
(e) The individual must pass a field evaluation that meets the following requirements:	53861 53862
(i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional	53863 53864 53865

competence; 53866

(ii) Includes documented evidence of the quality, scope, and 53867  
nature of the applicant's experience and competence in diagnosing 53868  
and treating mental and emotional disorders. 53869

(f) The individual must pass an examination administered by 53870  
the board for the purpose of determining ability to practice as a 53871  
licensed professional clinical counselor. 53872

(2) To meet the requirement of division (B)(1)(b) of this 53873  
section, a graduate degree in counseling obtained from a ~~mental~~ 53874  
~~health~~ counseling program in this state after January 1, 2018, 53875  
must be from one of the following: 53876

(a) ~~A clinical mental health counseling program, a clinical~~ 53877  
~~rehabilitation counseling program, or an addiction~~ counseling 53878  
program accredited by the council for accreditation of counseling 53879  
and related educational programs; 53880

(b) A counseling education program approved by the board in 53881  
accordance with rules adopted by the board under division (G) of 53882  
this section. 53883

(3) All of the following meet the educational requirements of 53884  
division (B)(1)(c) of this section: 53885

(a) A clinical mental health counseling program accredited by 53886  
the council for accreditation of counseling and related 53887  
educational programs; 53888

(b) Until January 1, 2018, a mental health counseling program 53889  
accredited by the council for accreditation of counseling and 53890  
related educational programs; 53891

(c) A graduate degree in counseling issued by another state 53892  
from a clinical mental health counseling program, a clinical 53893  
rehabilitation counseling program, or an addiction counseling 53894  
program that is accredited by the council for accreditation of 53895

counseling and related educational programs;	53896
(d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section.	53897 53898
(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following:	53899 53900 53901
(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;	53902 53903 53904 53905 53906
(2) Participation in a supervised practicum and <u>clinical</u> internship in counseling.	53907 53908
(D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor.	53909 53910 53911 53912 53913
(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.	53914 53915 53916 53917 53918
(F) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following:	53919 53920 53921
(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;	53922 53923 53924
(2) Establish course content requirements for qualifying	53925

counseling degrees issued by institutions in other states from 53926  
clinical mental health counseling programs, clinical 53927  
rehabilitation counseling programs, and addiction counseling 53928  
programs that are not accredited by the council for accreditation 53929  
of counseling and related educational programs. 53930

Rules adopted under this division shall be adopted in 53931  
accordance with Chapter 119. of the Revised Code. 53932

(G)(1) The board may adopt rules to temporarily approve a 53933  
counseling education program created after January 1, 2018, that 53934  
has not been accredited by the council for accreditation of 53935  
counseling and related educational programs. If the board adopts 53936  
rules under this division, the board shall do all of the following 53937  
in the rules: 53938

(a) Create an application process under which a program 53939  
administrator may apply to the board for approval of the program; 53940

(b) Identify the educational requirements that an individual 53941  
must satisfy to receive a graduate degree in counseling from the 53942  
approved program; 53943

(c) Establish a time period during which an individual may 53944  
use an unaccredited degree granted under the program to satisfy 53945  
the requirements of divisions (B)(1)(b) and (c) of this section; 53946

(d) Specify that, if the program is denied accreditation, a 53947  
student enrolled in the program before the accreditation is denied 53948  
may apply for licensure before completing the program and, on 53949  
receiving a degree from the program, is considered to satisfy 53950  
divisions (B)(1)(b) and (c) of this section. 53951

(2) A degree from a counseling education program approved by 53952  
the board pursuant to the rules adopted under division (G)(1) of 53953  
this section satisfies the requirements of divisions (B)(1)(b) and 53954  
(c) of this section for the time period approved by the board. 53955

Sec. 4757.23. (A) The counselors professional standards 53956  
committee of the counselor, social worker, and marriage and family 53957  
therapist board shall issue a license as a licensed professional 53958  
counselor to each applicant who submits a properly completed 53959  
application, pays the fee established under section 4757.31 of the 53960  
Revised Code, and meets the requirements established under 53961  
division (B) of this section. 53962

(B)(1) To be eligible for a license as a licensed 53963  
professional counselor, an individual must meet the following 53964  
requirements: 53965

(a) The individual must be of good moral character. 53966

(b) The individual must hold a graduate degree in counseling 53967  
as described in division (B)(2) of this section. 53968

(c) The individual must complete a minimum of ninety quarter 53969  
hours or sixty semester hours of graduate credit in counselor 53970  
training acceptable to the committee, which the individual may 53971  
complete while working toward receiving a graduate degree in 53972  
counseling, or subsequent to receiving the degree, and which shall 53973  
include training in the following areas: 53974

(i) Clinical psychopathology, personality, and abnormal 53975  
behavior; 53976

(ii) Evaluation of mental and emotional disorders; 53977

(iii) Diagnosis of mental and emotional disorders; 53978

(iv) Methods of prevention, intervention, and treatment of 53979  
mental and emotional disorders. 53980

(d) The individual must pass an examination administered by 53981  
the board for the purpose of determining ability to practice as a 53982  
licensed professional counselor. 53983

(2) To meet the requirement of division (B)(1)(b) of this 53984

section, a graduate degree in counseling obtained from a ~~mental~~ 53985  
~~health~~ counseling program in this state after January 1, 2018, 53986  
must be from one of the following: 53987

(a) A ~~clinical mental health counseling program, clinical~~ 53988  
~~rehabilitation counseling program, or addiction~~ counseling program 53989  
accredited by the council for accreditation of counseling and 53990  
related educational programs; 53991

(b) A counseling education program approved by the board in 53992  
accordance with rules adopted by the board under division (G) of 53993  
this section. 53994

(3) All of the following meet the educational requirements of 53995  
division (B)(1)(c) of this section: 53996

(a) A clinical mental health counseling program accredited by 53997  
the council for accreditation of counseling and related 53998  
educational programs; 53999

(b) Until January 1, 2018, a mental health counseling program 54000  
accredited by the council for accreditation of counseling and 54001  
related educational programs; 54002

(c) A graduate degree in counseling issued by an institution 54003  
in another state from a clinical mental health counseling program, 54004  
a clinical rehabilitation counseling program, or an addiction 54005  
counseling program that is accredited by the council for 54006  
accreditation of counseling and related educational programs; 54007

(d) A counseling education program approved by the board in 54008  
accordance with rules adopted under division (G) of this section. 54009

(C) To be accepted by the committee for purposes of division 54010  
(B) of this section, counselor training must include at least the 54011  
following: 54012

(1) Instruction in human growth and development; counseling 54013  
theory; counseling techniques; group dynamics, processing, and 54014

counseling; appraisal of individuals; research and evaluation; 54015  
professional, legal, and ethical responsibilities; social and 54016  
cultural foundations; and lifestyle and career development; 54017

(2) Participation in a supervised practicum and clinical 54018  
internship in counseling. 54019

(D) The committee may issue a temporary license to practice 54020  
as a licensed professional counselor to an applicant who meets all 54021  
of the requirements to be licensed under this section as follows: 54022

(1) Pending the receipt of transcripts or action by the 54023  
committee to issue a license as a licensed professional counselor; 54024

(2) For a period not to exceed ninety days, to an applicant 54025  
who provides the board with a statement from the applicant's 54026  
academic institution indicating that the applicant has met the 54027  
academic requirements for the applicant's degree and the projected 54028  
date the applicant will receive the applicant's transcript showing 54029  
a conferred degree. 54030

On application to the committee, a temporary license issued 54031  
under division (D)(2) of this section may be renewed for good 54032  
cause shown. 54033

(E) An individual may not sit for the licensing examination 54034  
unless the individual meets the educational requirements to be 54035  
licensed under this section. An individual who is denied admission 54036  
to the licensing examination may appeal the denial in accordance 54037  
with Chapter 119. of the Revised Code. 54038

(F) The board shall adopt any rules necessary for the 54039  
committee to implement this section. The rules shall do both of 54040  
the following: 54041

(1) Establish criteria for the committee to use in 54042  
determining whether an applicant's training should be accepted and 54043  
supervised experience approved; 54044

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs.

Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.

(G)(1) The board may adopt rules to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the council for accreditation of counseling and related educational programs. If the board adopts rules under this division, the board shall do all of the following in the rules:

(a) Create an application process under which a program administrator may apply to the board for approval of the program;

(b) Identify the educational requirements that an individual must satisfy to receive a graduate degree in counseling from the approved program;

(c) Establish a time period during which an individual may use an unaccredited degree granted under the program to satisfy the requirements of divisions (B)(1)(b) and (c) of this section;

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.25. (A) Notwithstanding any provision in sections 4757.22 and 4757.23 of the Revised Code to the contrary, the counselors professional standards committee of the counselor, social worker, and marriage and family therapist board may, by endorsement, issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person who is authorized to practice in another state even though the person does not hold a graduate degree in counseling if the person meets all of the following requirements: 54076  
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(1) The person has a graduate degree in a field of study that demonstrates an education in the diagnosis and treatment of mental and emotional disorders. 54085  
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(2) The person has continuously engaged in the practice of professional counseling in the other state for a period of five years or more immediately preceding the date the application is submitted. 54088  
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(3) The person's scope of practice in the other state is comparable to the scope of practice associated with the license the person is requesting. 54092  
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(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing at the time the person submits the application. 54095  
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(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted. 54098  
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(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable. 54102  
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(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs.

(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience that is of a type approved by the committee.

**Sec. 4757.32.** A license or certificate of registration issued under this chapter ~~expires two years after it is issued and is~~ valid without further recommendation or examination until revoked or suspended or until the license or certificate of registration expires for failure to renew as provided for in this section. Licenses and certificates of registration shall be renewed biennially in accordance with the schedule established in rules adopted by the counselor, social worker, and marriage and family therapist board under section 4757.10 of the Revised Code. A license or certificate of registration may be renewed in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

Subject to section 4757.36 of the Revised Code, the staff of the appropriate professional standards committee of the ~~counselor,~~ ~~social worker,~~ and ~~marriage and family therapist~~ board shall, on behalf of each committee, issue a renewed license or certificate of registration to each applicant who has paid the renewal fee established by the board under section 4757.31 of the Revised Code and satisfied the continuing education requirements established by the board under section 4757.33 of the Revised Code.

A license or certificate of registration that is not renewed 54137  
lapses on its expiration date. A license or certificate of 54138  
registration that has lapsed may be restored if the individual, 54139  
not later than two years after the license or certificate expired, 54140  
applies for restoration of the license or certificate. The staff 54141  
of the appropriate professional standards committee shall issue a 54142  
restored license or certificate of registration to the applicant 54143  
if the applicant pays the renewal fee established under section 54144  
4757.31 of the Revised Code and satisfies the continuing education 54145  
requirements established under section 4757.33 of the Revised Code 54146  
for restoring the license or certificate of registration. The 54147  
board and its professional standards committees shall not require 54148  
a person to take an examination as a condition of having a lapsed 54149  
license or certificate of registration restored. 54150

**Sec. 4759.02.** (A) Except as otherwise provided in this 54151  
section or in section 4759.10 of the Revised Code, no person shall 54152  
practice, offer to practice, or hold self forth to practice 54153  
dietetics unless the person has been licensed under ~~section~~ 54154  
~~4759.06 of the Revised Code~~ this chapter. 54155

(B) Except for a person licensed under ~~section 4759.06 of the~~ 54156  
~~Revised Code~~ this chapter, or as otherwise provided in this 54157  
section or in section 4759.10 of the Revised Code: 54158

(1) No person shall use the title "dietitian"; 54159

(2) No person except for a person licensed under Title XLVII 54160  
of the Revised Code, when acting within the scope of their 54161  
practice, shall use any other title, designation, words, letters, 54162  
abbreviation, or insignia or combination of any title, 54163  
designation, words, letters, abbreviation, or insignia tending to 54164  
indicate that the person is practicing dietetics. 54165

(C) Notwithstanding division (B) of this section, a person 54166  
who is a dietitian registered by the commission on dietetic 54167

registration and who does not violate division (A) of this section 54168  
may use the designation "registered dietitian" and the 54169  
abbreviation "R.D." 54170

(D) Division (A) of this section does not apply to: 54171

(1) A student enrolled in an academic program that is in 54172  
compliance with division (A)(4) of section 4759.06 of the Revised 54173  
Code who is engaging in the practice of dietetics under the 54174  
supervision of a dietitian licensed under ~~section 4759.06 of the~~ 54175  
~~Revised Code~~ this chapter or a dietitian registered by the 54176  
commission on dietetic registration, as part of the academic 54177  
program; 54178

(2) A person participating in the pre-professional experience 54179  
required by division (A)(5) of section 4759.06 of the Revised 54180  
Code; 54181

(3) A person holding a limited permit under division ~~(E)~~(G) 54182  
of section 4759.06 of the Revised Code. 54183

(E) The attorney general, the prosecuting attorney of any 54184  
county in which the offense was committed or the offender resides, 54185  
the state medical board, or any other person having knowledge of a 54186  
person who either directly or by complicity is in violation of 54187  
this section, may, in accordance with provisions of the Revised 54188  
Code governing injunctions, maintain an action in the name of the 54189  
state to enjoin any person from engaging either directly or by 54190  
complicity in the unlawful activity by applying for an injunction 54191  
in the Franklin county court of common pleas or any other court of 54192  
competent jurisdiction. 54193

Prior to application for such injunction, the secretary of 54194  
the state medical board shall notify the person allegedly engaged 54195  
either directly or by complicity in the unlawful activity by 54196  
registered mail that the secretary has received information 54197  
indicating that the person is so engaged. The person shall answer 54198

the secretary within thirty days showing that the person is either 54199  
properly licensed for the stated activity or that the person is 54200  
not in violation of this chapter. If the answer is not forthcoming 54201  
within thirty days after notice by the secretary, the secretary 54202  
shall request that the attorney general, the prosecuting attorney 54203  
of the county in which the offense was committed or the offender 54204  
resides, or the state medical board proceed as authorized in this 54205  
section. 54206

Upon the filing of a verified petition in court, the court 54207  
shall conduct a hearing on the petition and shall give the same 54208  
preference to this proceeding as is given all proceedings under 54209  
Chapter 119. of the Revised Code, irrespective of the position of 54210  
the proceeding on the calendar of the court. Injunction 54211  
proceedings shall be in addition to, and not in lieu of, all 54212  
penalties and other remedies provided under this chapter. 54213

**Sec. 4759.05.** (A) The state medical board shall adopt, amend, 54214  
or rescind rules pursuant to Chapter 119. of the Revised Code to 54215  
carry out the provisions of this chapter, including rules 54216  
governing the following: 54217

(1) Selection and approval of a dietitian licensure 54218  
examination offered by the commission on dietetic registration or 54219  
any other examination; 54220

(2) The examination of applicants for licensure as a 54221  
dietitian, as required under division (A) of section 4759.06 of 54222  
the Revised Code; 54223

(3) Requirements for pre-professional dietetic experience of 54224  
applicants for licensure as a dietitian that are at least 54225  
equivalent to the requirements adopted by the commission on 54226  
dietetic registration; 54227

(4) Requirements for a person holding a limited permit under 54228

division ~~(E)~~(G) of section 4759.06 of the Revised Code, including 54229  
the duration of validity of a limited permit and procedures for 54230  
renewal; 54231

(5) Continuing education requirements for renewal of a 54232  
license, including rules providing for pro rata reductions by 54233  
month of the number of hours of continuing education that must be 54234  
completed for license holders who ~~are in their first renewal~~ 54235  
~~period~~, have been disabled by illness or accident, or have been 54236  
absent from the country. Rules adopted under this division shall 54237  
be consistent with the continuing education requirements adopted 54238  
by the commission on dietetic registration. 54239

(6) Any additional education requirements the board considers 54240  
necessary, for applicants who have not practiced dietetics within 54241  
five years of the initial date of application for licensure; 54242

(7) Standards of professional responsibility and practice for 54243  
persons licensed under this chapter that are consistent with those 54244  
standards of professional responsibility and practice adopted by 54245  
the academy of nutrition and dietetics; 54246

(8) Formulation of an application form for licensure or 54247  
license renewal; 54248

(9) Procedures for license renewal; 54249

(10) Requirements for criminal records checks of applicants 54250  
under section 4776.03 of the Revised Code. 54251

(B)(1) The board shall investigate evidence that appears to 54252  
show that a person has violated any provision of this chapter or 54253  
any rule adopted under it. Any person may report to the board in a 54254  
signed writing any information that the person may have that 54255  
appears to show a violation of any provision of this chapter or 54256  
any rule adopted under it. In the absence of bad faith, any person 54257  
who reports information of that nature or who testifies before the 54258  
board in any adjudication conducted under Chapter 119. of the 54259

Revised Code shall not be liable in damages in a civil action as a 54260  
result of the report or testimony. Each complaint or allegation of 54261  
a violation received by the board shall be assigned a case number 54262  
and shall be recorded by the board. 54263

(2) Investigations of alleged violations of this chapter or 54264  
any rule adopted under it shall be supervised by the supervising 54265  
member elected by the board in accordance with section 4731.02 of 54266  
the Revised Code and by the secretary as provided in section 54267  
4759.012 of the Revised Code. The president may designate another 54268  
member of the board to supervise the investigation in place of the 54269  
supervising member. No member of the board who supervises the 54270  
investigation of a case shall participate in further adjudication 54271  
of the case. 54272

(3) In investigating a possible violation of this chapter or 54273  
any rule adopted under this chapter, the board may issue 54274  
subpoenas, question witnesses, conduct interviews, administer 54275  
oaths, order the taking of depositions, inspect and copy any 54276  
books, accounts, papers, records, or documents, and compel the 54277  
attendance of witnesses and the production of books, accounts, 54278  
papers, records, documents, and testimony, except that a subpoena 54279  
for patient record information shall not be issued without 54280  
consultation with the attorney general's office and approval of 54281  
the secretary and supervising member of the board. 54282

Before issuance of a subpoena for patient record information, 54283  
the secretary and supervising member shall determine whether there 54284  
is probable cause to believe that the complaint filed alleges a 54285  
violation of this chapter or any rule adopted under it and that 54286  
the records sought are relevant to the alleged violation and 54287  
material to the investigation. The subpoena may apply only to 54288  
records that cover a reasonable period of time surrounding the 54289  
alleged violation. 54290

On failure to comply with any subpoena issued by the board 54291

and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or limited permit issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board

shall not make public the names or any other identifying 54323  
information about patients or complainants unless proper consent 54324  
is given. 54325

The board may share any information it receives pursuant to 54326  
an investigation or inspection, including patient records and 54327  
patient record information, with law enforcement agencies, other 54328  
licensing boards, and other governmental agencies that are 54329  
prosecuting, adjudicating, or investigating alleged violations of 54330  
statutes or administrative rules. An agency or board that receives 54331  
the information shall comply with the same requirements regarding 54332  
confidentiality as those with which the state medical board must 54333  
comply, notwithstanding any conflicting provision of the Revised 54334  
Code or procedure of the agency or board that applies when it is 54335  
dealing with other information in its possession. In a judicial 54336  
proceeding, the information may be admitted into evidence only in 54337  
accordance with the Rules of Evidence, but the court shall require 54338  
that appropriate measures are taken to ensure that confidentiality 54339  
is maintained with respect to any part of the information that 54340  
contains names or other identifying information about patients or 54341  
complainants whose confidentiality was protected by the state 54342  
medical board when the information was in the board's possession. 54343  
Measures to ensure confidentiality that may be taken by the court 54344  
include sealing its records or deleting specific information from 54345  
its records. 54346

(6) On a quarterly basis, the board shall prepare a report 54347  
that documents the disposition of all cases during the preceding 54348  
three months. The report shall contain the following information 54349  
for each case with which the board has completed its activities: 54350

(a) The case number assigned to the complaint or alleged 54351  
violation; 54352

(b) The type of license, if any, held by the individual 54353  
against whom the complaint is directed; 54354

(c) A description of the allegations contained in the complaint;	54355 54356
(d) The disposition of the case.	54357
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	54358 54359 54360 54361
(C) The board shall keep records as are necessary to carry out the provisions of this chapter.	54362 54363
(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.	54364 54365 54366
<b>Sec. 4759.06.</b> (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:	54367 54368 54369
(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;	54370 54371 54372
(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;	54373 54374
(3) Is of good moral character;	54375
(4) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;	54376 54377 54378 54379 54380 54381
(5) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or	54382 54383

experience approved by the board under division (A)(3) of section 54384  
4759.05 of the Revised Code; 54385

(6) Has passed the examination approved by the board under 54386  
division (A)(1) of section 4759.05 of the Revised Code. 54387

(B) The board shall waive the requirements of divisions 54388  
(A)(4), (5), and (6) of this section and any rules adopted under 54389  
division (A)(6) of section 4759.05 of the Revised Code if the 54390  
applicant presents satisfactory evidence to the board of current 54391  
registration as a registered dietitian with the commission on 54392  
dietetic registration. 54393

(C)(1) The board shall issue a license to practice dietetics 54394  
to an applicant who meets the requirements of division (A) of this 54395  
section. A license ~~issued before July 1, 2018, shall expire on~~ 54396  
~~June 30, 2018. A license issued on or after July 1, 2018, shall be~~ 54397  
valid for a two-year period unless revoked or suspended by the 54398  
board and shall expire on the thirtieth day of June of the next 54399  
even-numbered year date that is two years after the date of 54400  
issuance. A license may be renewed for additional two-year 54401  
periods. 54402

(2) The board shall renew an applicant's license if the 54403  
applicant ~~meets the continuing education requirements adopted~~ 54404  
~~under division (A)(5) of section 4759.05 of the Revised Code and~~ 54405  
has paid the license renewal fee specified in section 4759.08 of 54406  
the Revised Code and certifies to the board that the applicant has 54407  
met the continuing education requirements adopted under division 54408  
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 54409  
be pursuant to the standard renewal procedure of sections 4745.01 54410  
to 4745.03 of the Revised Code. 54411

At least one month before a license expires, the board shall 54412  
provide a renewal notice. Failure of any person to receive a 54413  
notice of renewal from the board shall not excuse the person from 54414

the requirements contained in this section. Each person holding a license shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

(D) Any person licensed to practice dietetics by the former Ohio board of dietetics before January 21, 2018, may continue to practice dietetics in this state under that license if the person continues to meet the requirements to renew a license under this chapter and renews the license through the state medical board.

The state medical board may take any of the following actions, as provided in section 4759.07 of the Revised Code, against the holder of a license to practice dietetics issued before January 21, 2018, by the former Ohio board of dietetics:

- (1) Limit, revoke, or suspend the holder's license;
- (2) Refuse to renew or reinstate the holder's license;
- (3) Reprimand the holder or place the holder on probation.

(E) The board may require a random sample of dietitians to submit materials documenting that the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code have been met.

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or

both; 54445

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 54446  
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(4) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 54448  
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(5) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 54452  
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(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(4) and (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 54457  
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant. 54466  
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A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules. 54470  
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~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~ 54473  
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~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian. 54475  
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~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code. 54478  
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**Sec. 4759.062.** (A) A license to practice dietetics that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4759.02 of the Revised Code. 54484  
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(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred five dollars. 54489  
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(C)~~(1)~~ If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored. The Subject to section 4759.063 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of two hundred thirty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code. 54494  
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~~(2) The board may impose terms and conditions for the restoration, including any one or more of the following:~~ 54504  
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<del>(a) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;</del>	54506
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<del>(b) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;</del>	54509
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<del>(c) Restricting or limiting the extent, scope, or type of practice of the applicant.</del>	54511
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 <u>Sec. 4759.063. (A) This section applies to both of the following:</u>	54513
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<u>(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;</u>	54515
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<u>(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of dietetics as any of the following:</u>	54518
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<u>(a) An active practitioner;</u>	54521
<u>(b) A participant in a pre-professional dietetic experience as described in section 4759.06 of the Revised Code;</u>	54522
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<u>(c) A student in a program described in section 4759.06 of the Revised Code.</u>	54524
	54525
<u>(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:</u>	54526
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<u>(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;</u>	54530
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<u>(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;</u>	54533
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 54535  
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 54540  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 54542  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 54546  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 54548  
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**Sec. 4759.064.** (A) The state medical board shall issue, without examination, an expedited license to practice dietetics by endorsement to an applicant who meets all of the requirements of this section. 54553  
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(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it. 54557  
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(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following 54562  
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<u>requirements:</u>	54565
<u>(1) The applicant holds a valid license or certificate to practice dietetics issued by any other state or jurisdiction.</u>	54566 54567
<u>(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification.</u>	54568 54569 54570
<u>(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant.</u>	54571 54572
<u>(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate.</u>	54573 54574 54575
<u>(5) The individual meets the requirements to receive a license as specified in sections 4759.06 and 4759.061 of the Revised Code.</u>	54576 54577 54578
<u>(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section.</u>	54579 54580 54581
<u>(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant.</u>	54582 54583 54584 54585 54586
<b>Sec. 4759.10.</b> Sections 4759.01 to 4759.08 of the Revised Code do not apply to any of the following:	54587 54588
(A) A person licensed under Title XLVII of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;	54589 54590 54591 54592
(B) A person who is a graduate of an associate degree program	54593

approved by the academy of nutrition and dietetics or the state 54594  
medical board who is working as a dietetic technician under the 54595  
supervision of a dietitian licensed under ~~section 4759.06 of the~~ 54596  
~~Revised Code~~ this chapter or registered by the commission on 54597  
dietetic registration, except that the person is subject to 54598  
division (B) of section 4759.02 of the Revised Code if the person 54599  
uses a title other than "dietetic technician"; 54600

(C) A person who practices dietetics related to employment in 54601  
the armed forces, veteran's administration, or the public health 54602  
service of the United States; 54603

(D) Persons employed by a nonprofit agency approved by the 54604  
board or by a federal, state, municipal or county government, or 54605  
by any other political subdivision, elementary or secondary 54606  
school, or an institution of higher education approved by the 54607  
state medical board or by a regional agency recognized by the 54608  
council on postsecondary accreditation, who performs only 54609  
nutritional education activities and such other nutritional 54610  
activities as the board, by rule, permits, provided the person 54611  
does not violate division (B) of section 4759.02 of the Revised 54612  
Code; 54613

(E) A person who has completed a program meeting the academic 54614  
standards set for dietitians by the academy of nutrition and 54615  
dietetics, received a baccalaureate or higher degree from a 54616  
school, college, or university approved by a regional 54617  
accreditation agency recognized by the council on postsecondary 54618  
accreditation, works under the supervision of a licensed dietitian 54619  
or registered dietitian, and does not violate division (B) of 54620  
section 4759.02 of the Revised Code; 54621

(F) A person when acting, under the direction and supervision 54622  
of a person licensed under Title XLVII of the Revised Code, in the 54623  
execution of a plan of treatment authorized by the licensed 54624  
person, provided the person complies with division (B) of section 54625

4759.02 of the Revised Code;	54626
(G) The free dissemination of literature in the state;	54627
(H) Provided that the persons involved in the sale,	54628
promotion, or explanation of the sale of food, food materials, or	54629
dietary supplements do not violate division (B) of section 4759.02	54630
of the Revised Code, the sale of food, food materials, or dietary	54631
supplements and the marketing and distribution of food, food	54632
materials, or dietary supplements and the promotion or explanation	54633
of the use of food, food materials, or dietary supplements	54634
provided that the promotion or explanation does not violate	54635
Chapter 1345. of the Revised Code;	54636
(I) A person who offers dietary supplements for sale and who	54637
makes the following statements about the product if the statements	54638
are consistent with the dietary supplement's label or labeling:	54639
(1) Claim a benefit related to a classical nutrient	54640
deficiency disease and disclose the prevalence of the disease in	54641
the United States;	54642
(2) Describe the role of a nutrient or dietary ingredient	54643
intended to affect the structure or function of the human body;	54644
(3) Characterize the documented mechanism by which a nutrient	54645
or dietary ingredient acts to maintain the structure or function	54646
of the human body;	54647
(4) Describe general well-being from the consumption of a	54648
nutrient or dietary ingredient.	54649
(J) Provided that the persons involved in presenting a	54650
general program of instruction for weight control do not violate	54651
division (B) of section 4759.02 of the Revised Code, a general	54652
program of instruction for weight control approved in writing by a	54653
licensed dietitian, a physician licensed under Chapter 4731. of	54654
the Revised Code to practice medicine or surgery or osteopathic	54655

medicine or surgery, a person licensed in another state that the board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian;

(K) The continued practice of dietetics at a hospital by a person employed at that same hospital to practice dietetics for the twenty years immediately prior to July 1, 1987, so long as the person works under the supervision of a dietitian licensed under ~~section 4759.06 of the Revised Code~~ this chapter and does not violate division (B) of section 4759.02 of the Revised Code. This division does not apply to any person who has held a license issued under this chapter to practice dietetics. As used in this division, "hospital" has the same meaning as in section 3727.01 of the Revised Code.

**Sec. 4760.02.** (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant unless the person holds a current, valid ~~certificate~~ license issued under this chapter to practice as an anesthesiologist assistant.

(B) Division (A) of this section does not apply to either of the following:

(1) A person participating in a training program leading toward certification by the national commission for certification of anesthesiologist assistants, as long as the person is supervised by an anesthesiologist, an individual participating in a hospital residency program in preparation to practice as an anesthesiologist, or an anesthesiologist assistant who holds a current, valid ~~certificate to practice~~ license issued under this chapter;

(2) Any person who otherwise holds professional authority granted pursuant to the Revised Code to perform any of the activities that an anesthesiologist assistant is authorized to

perform. 54687

**Sec. 4760.03.** (A) An individual seeking a ~~certificate~~ license 54688  
to practice as an anesthesiologist assistant shall file with the 54689  
state medical board a written application on a form prescribed and 54690  
supplied by the board. The application shall include all of the 54691  
following information: 54692

(1) Evidence satisfactory to the board that the applicant is 54693  
at least twenty-one years of age and of good moral character; 54694

(2) Evidence satisfactory to the board that the applicant has 54695  
successfully completed the training necessary to prepare 54696  
individuals to practice as anesthesiologist assistants, as 54697  
specified in section 4760.031 of the Revised Code; 54698

(3) Evidence satisfactory to the board that the applicant 54699  
holds current certification from the national commission for 54700  
certification of anesthesiologist assistants and that the 54701  
requirements for receiving the certification included passage of 54702  
an examination to determine the individual's competence to 54703  
practice as an anesthesiologist assistant; 54704

(4) Any other information the board considers necessary to 54705  
process the application and evaluate the applicant's 54706  
qualifications. 54707

(B) At the time of making application for a ~~certificate to~~ 54708  
~~practice~~ license, the applicant shall pay the board a fee of one 54709  
hundred dollars, no part of which shall be returned. 54710

(C) The board shall review all applications received under 54711  
this section. Not later than sixty days after receiving a complete 54712  
application, the board shall determine whether an applicant meets 54713  
the requirements to receive a ~~certificate to practice~~ license. The 54714  
~~affirmative vote of not fewer than six members of the board is~~ 54715  
~~required to determine that an applicant meets the requirements for~~ 54716

~~a certificate.~~ The board shall not issue a ~~certificate~~ license to 54717  
an applicant unless the applicant is certified by the national 54718  
commission for certification of anesthesiologist assistants or a 54719  
successor organization that is recognized by the board. 54720

**Sec. 4760.031.** As a condition of being eligible to receive a 54721  
~~certificate~~ license to practice as an anesthesiologist assistant, 54722  
an individual must successfully complete the following training 54723  
requirements: 54724

(A) A baccalaureate or higher degree program at an 54725  
institution of higher education accredited by an organization 54726  
recognized by the ~~board of regents~~ department of higher education. 54727  
The program must have included courses in the following areas of 54728  
study: 54729

- (1) General biology; 54730
- (2) General chemistry; 54731
- (3) Organic chemistry; 54732
- (4) Physics; 54733
- (5) Calculus. 54734

(B) A training program conducted for the purpose of preparing 54735  
individuals to practice as anesthesiologist assistants. If the 54736  
program was completed prior to May 31, 2000, the program must have 54737  
been completed at case western reserve university or emory 54738  
university in Atlanta, Georgia. If the program is completed on or 54739  
after May 31, 2000, the program must be a graduate-level program 54740  
accredited by the commission on accreditation of allied health 54741  
education programs or any of the commission's successor 54742  
organizations. In either case, the training program must have 54743  
included at least all of the following components: 54744

- (1) Basic sciences of anesthesia: physiology, 54745  
pathophysiology, anatomy, and biochemistry. The courses must be 54746

presented as a continuum of didactic courses designed to teach 54747  
students the foundations of human biological existence on which 54748  
clinical correlations to anesthesia practice are based. 54749

(2) Pharmacology for the anesthetic sciences. The course must 54750  
include instruction in the anesthetic principles of pharmacology, 54751  
pharmacodynamics, pharmacokinetics, uptake and distribution, 54752  
intravenous anesthetics and narcotics, and volatile anesthetics. 54753

(3) Physics in anesthesia. 54754

(4) Fundamentals of anesthetic sciences, presented as a 54755  
continuum of courses covering a series of topics in basic medical 54756  
sciences with special emphasis on the effects of anesthetics on 54757  
normal physiology and pathophysiology. 54758

(5) Patient instrumentation and monitoring, presented as a 54759  
continuum of courses focusing on the design of, proper preparation 54760  
of, and proper methods of resolving problems that arise with 54761  
anesthesia equipment. The courses must provide a balance between 54762  
the engineering concepts used in anesthesia instruments and the 54763  
clinical application of anesthesia instruments. 54764

(6) Clinically based conferences in which techniques of 54765  
anesthetic management, quality assurance issues, and current 54766  
professional literature are reviewed from the perspective of 54767  
practice improvement. 54768

(7) Clinical experience consisting of at least two thousand 54769  
hours of direct patient contact, presented as a continuum of 54770  
courses throughout the entirety of the program, beginning with a 54771  
gradual introduction of the techniques for the anesthetic 54772  
management of patients and culminating in the assimilation of the 54773  
graduate of the program into the work force. Areas of instruction 54774  
must include the following: 54775

(a) Preoperative patient assessment; 54776

(b) Indwelling vascular catheter placement, including intravenous and arterial catheters;	54777 54778
(c) Airway management, including mask airway and orotracheal intubation;	54779 54780
(d) Intraoperative charting;	54781
(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	54782 54783
(f) Administration and maintenance of volatile anesthetics;	54784
(g) Administration of blood products and fluid therapy;	54785
(h) Patient monitoring;	54786
(i) Postoperative management of patients;	54787
(j) Regional anesthesia techniques;	54788
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	54789 54790
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	54791 54792 54793
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	54794 54795 54796 54797 54798
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.	54799 54800 54801 54802 54803 54804

**Sec. 4760.032.** In addition to any other eligibility 54805  
requirement set forth in this chapter, each applicant for a 54806  
~~certificate~~ license to practice as an anesthesiologist assistant 54807  
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 54808  
The state medical board shall not grant to an applicant a 54809  
~~certificate~~ license to practice as an anesthesiologist assistant 54810  
unless the board, in its discretion, decides that the results of 54811  
the criminal records check do not make the applicant ineligible 54812  
for a ~~certificate~~ license issued pursuant to section 4760.04 of 54813  
the Revised Code. 54814

**Sec. 4760.04.** If the state medical board determines under 54815  
section 4760.03 of the Revised Code that an applicant meets the 54816  
requirements for a ~~certificate~~ license to practice as an 54817  
anesthesiologist assistant, the secretary of the board shall 54818  
register the applicant as an anesthesiologist assistant and issue 54819  
to the applicant a ~~certificate~~ license to practice as an 54820  
anesthesiologist assistant. The ~~certificate~~ license shall be valid 54821  
for a two-year period unless revoked or suspended, shall expire 54822  
biennially on the date that is two years after the date of 54823  
issuance, and may be renewed for additional two-year periods in 54824  
accordance with section 4760.06 of the Revised Code. 54825

**Sec. 4760.041.** (A) The state medical board shall issue an 54826  
expedited license to practice as an anesthesiologist assistant by 54827  
endorsement to an applicant who meets all of the requirements of 54828  
this section. 54829

(B) An individual who seeks an expedited license by 54830  
endorsement under this section shall file with the board a written 54831  
application on a form prescribed and supplied by the board. The 54832  
applicant shall include in the application all of the information 54833  
the board considers necessary to process it. 54834

(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements: 54835  
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(1) The applicant holds a valid license or certificate to practice as an anesthesiologist assistant issued by any other state or jurisdiction. 54839  
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(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification. 54842  
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(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant. 54845  
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(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate. 54847  
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(5) The individual meets the requirements to receive a license as specified in sections 4760.03, 4760.031, and 4760.032 of the Revised Code. 54850  
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(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section. 54853  
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(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant. 54856  
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**Sec. 4760.05.** On application by the holder of a ~~certificate~~ license to practice as an anesthesiologist assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, 54861  
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or for any other reasonable cause. The fee for a duplicate 54865  
~~certificate~~ license is thirty-five dollars. 54866

**Sec. 4760.06.** (A) A person seeking to renew a ~~certificate~~ 54867  
license to practice as an anesthesiologist assistant shall, on or 54868  
before the ~~thirty first day of January of each even numbered year~~ 54869  
license's expiration date, apply to the state medical board for 54870  
renewal of the ~~certificate~~ license. The ~~state medical~~ board shall 54871  
provide renewal notices to license holders at least one month 54872  
prior to the expiration date. 54873

Applications shall be submitted to the board in a manner 54874  
prescribed by the board. Each application shall be accompanied by 54875  
a biennial renewal fee of one hundred dollars. 54876

The applicant shall report any criminal offense that 54877  
constitutes grounds for refusing to issue a ~~certificate~~ license to 54878  
practice under section 4760.13 of the Revised Code to which the 54879  
applicant has pleaded guilty, of which the applicant has been 54880  
found guilty, or for which the applicant has been found eligible 54881  
for intervention in lieu of conviction, since last signing an 54882  
application for a ~~certificate~~ license to practice as an 54883  
anesthesiologist assistant. 54884

(B) To be eligible for renewal, an anesthesiologist assistant 54885  
must certify to the board that the assistant has maintained 54886  
certification by the national commission for the certification of 54887  
anesthesiologist assistants. 54888

(C) If an applicant submits a complete renewal application 54889  
and qualifies for renewal pursuant to division (B) of this 54890  
section, the board shall renew the ~~certificate~~ license to practice 54891  
as an anesthesiologist assistant. 54892

(D) A ~~certificate~~ license to practice that is not renewed on 54893  
or before its expiration date is automatically suspended on its 54894

expiration date. ~~If~~ 54895

If a ~~certificate~~ license has been suspended pursuant to this 54896  
division for two years or less, the board shall reinstate the 54897  
~~certificate~~ license upon an applicant's submission of a renewal 54898  
application, the biennial renewal fee, and the applicable monetary 54899  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 54900

If a ~~certificate~~ license has been suspended pursuant to this 54901  
division for more than two years, it may be restored. Subject to 54902  
section 4760.061 of the Revised Code, the board may restore the 54903  
license upon an applicant's submission of a restoration 54904  
application, the biennial renewal fee, and the applicable monetary 54905  
penalty and compliance with sections 4776.01 to 4776.04 of the 54906  
Revised Code. The board shall not restore a ~~certificate to~~ 54907  
~~practice~~ license unless the board, in its discretion, decides that 54908  
the results of the criminal records check do not make the 54909  
applicant ineligible for a certificate issued pursuant to section 54910  
4760.04 of the Revised Code. The penalty for restoration is fifty 54911  
dollars. 54912

Sec. 4760.061. (A) This section applies to both of the 54913  
following: 54914

(1) An applicant seeking restoration of a license issued 54915  
under this chapter that has been in a suspended or inactive state 54916  
for any cause for more than two years; 54917

(2) An applicant seeking issuance of a license pursuant to 54918  
this chapter who for more than two years has not been practicing 54919  
as an anesthesiologist assistant as either of the following: 54920

(a) An active practitioner; 54921

(b) A participant in a training program as described in 54922  
section 4760.031 of the Revised Code. 54923

(B) Before issuing a license to an applicant subject to this 54924

section or restoring a license to good standing for an applicant 54925  
subject to this section, the state medical board may impose terms 54926  
and conditions including any one or more of the following: 54927

(1) Requiring the applicant to pass an oral or written 54928  
examination, or both, to determine the applicant's present fitness 54929  
to resume practice; 54930

(2) Requiring the applicant to obtain additional training and 54931  
to pass an examination upon completion of such training; 54932

(3) Requiring an assessment of the applicant's physical 54933  
skills for purposes of determining whether the applicant's 54934  
coordination, fine motor skills, and dexterity are sufficient for 54935  
performing evaluations and procedures in a manner that meets the 54936  
minimal standards of care; 54937

(4) Requiring an assessment of the applicant's skills in 54938  
recognizing and understanding diseases and conditions; 54939

(5) Requiring the applicant to undergo a comprehensive 54940  
physical examination, which may include an assessment of physical 54941  
abilities, evaluation of sensory capabilities, or screening for 54942  
the presence of neurological disorders; 54943

(6) Restricting or limiting the extent, scope, or type of 54944  
practice of the applicant. 54945

The board shall consider the moral background and the 54946  
activities of the applicant during the period of suspension or 54947  
inactivity. The board shall not issue or restore a license under 54948  
this section unless the applicant complies with sections 4776.01 54949  
to 4776.04 of the Revised Code. 54950

**Sec. 4760.13.** (A) The state medical board, by an affirmative 54951  
vote of not fewer than six members, may revoke or may refuse to 54952  
grant a ~~certificate~~ license to practice as an anesthesiologist 54953  
assistant to a person found by the board to have committed fraud, 54954

misrepresentation, or deception in applying for or securing the certificate license. 54955  
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(B) The board, by an affirmative vote of not fewer than six 54957  
members, shall, to the extent permitted by law, limit, revoke, or 54958  
suspend an individual's certificate license to practice as an 54959  
anesthesiologist assistant, refuse to issue a certificate license 54960  
to an applicant, refuse to renew a certificate license, refuse to 54961  
reinstate a certificate license, or reprimand or place on 54962  
probation the holder of a certificate license for any of the 54963  
following reasons: 54964

(1) Permitting the holder's name or certificate license to be 54965  
used by another person; 54966

(2) Failure to comply with the requirements of this chapter, 54967  
Chapter 4731. of the Revised Code, or any rules adopted by the 54968  
board; 54969

(3) Violating or attempting to violate, directly or 54970  
indirectly, or assisting in or abetting the violation of, or 54971  
conspiring to violate, any provision of this chapter, Chapter 54972  
4731. of the Revised Code, or the rules adopted by the board; 54973

(4) A departure from, or failure to conform to, minimal 54974  
standards of care of similar practitioners under the same or 54975  
similar circumstances whether or not actual injury to the patient 54976  
is established; 54977

(5) Inability to practice according to acceptable and 54978  
prevailing standards of care by reason of mental illness or 54979  
physical illness, including physical deterioration that adversely 54980  
affects cognitive, motor, or perceptive skills; 54981

(6) Impairment of ability to practice according to acceptable 54982  
and prevailing standards of care because of habitual or excessive 54983  
use or abuse of drugs, alcohol, or other substances that impair 54984  
ability to practice; 54985

(7) Willfully betraying a professional confidence;	54986
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a <del>certificate</del> <u>license</u> to practice as an anesthesiologist assistant.	54987 54988 54989
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	54990 54991 54992 54993 54994 54995 54996 54997
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	54998 54999 55000
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	55001 55002 55003
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	55004 55005 55006
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	55007 55008 55009
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	55010 55011 55012
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	55013 55014 55015

(15) Commission of an act involving moral turpitude that 55016  
constitutes a misdemeanor in this state, regardless of the 55017  
jurisdiction in which the act was committed; 55018

(16) A plea of guilty to, a judicial finding of guilt of, or 55019  
a judicial finding of eligibility for intervention in lieu of 55020  
conviction for violating any state or federal law regulating the 55021  
possession, distribution, or use of any drug, including 55022  
trafficking in drugs; 55023

(17) Any of the following actions taken by the state agency 55024  
responsible for regulating the practice of anesthesiologist 55025  
assistants in another jurisdiction, for any reason other than the 55026  
nonpayment of fees: the limitation, revocation, or suspension of 55027  
an individual's license to practice; acceptance of an individual's 55028  
license surrender; denial of a license; refusal to renew or 55029  
reinstate a license; imposition of probation; or issuance of an 55030  
order of censure or other reprimand; 55031

(18) Violation of the conditions placed by the board on a 55032  
~~certificate~~ license to practice; 55033

(19) Failure to use universal blood and body fluid 55034  
precautions established by rules adopted under section 4731.051 of 55035  
the Revised Code; 55036

(20) Failure to cooperate in an investigation conducted by 55037  
the board under section 4760.14 of the Revised Code, including 55038  
failure to comply with a subpoena or order issued by the board or 55039  
failure to answer truthfully a question presented by the board at 55040  
a deposition or in written interrogatories, except that failure to 55041  
cooperate with an investigation shall not constitute grounds for 55042  
discipline under this section if a court of competent jurisdiction 55043  
has issued an order that either quashes a subpoena or permits the 55044  
individual to withhold the testimony or evidence in issue; 55045

(21) Failure to comply with any code of ethics established by 55046

the national commission for the certification of anesthesiologist assistants; 55047  
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(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants. 55049  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 55052  
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(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or ~~certificate~~ license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the ~~certificate~~ license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds. 55064  
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(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a 55075  
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judicial finding of guilt, or a judicial finding of eligibility 55079  
for intervention in lieu of conviction, the board issued a notice 55080  
of opportunity for a hearing prior to the court's order to seal 55081  
the records. The board shall not be required to seal, destroy, 55082  
redact, or otherwise modify its records to reflect the court's 55083  
sealing of conviction records. 55084

(F) For purposes of this division, any individual who holds a 55085  
~~certificate~~ license to practice issued under this chapter, or 55086  
applies for a ~~certificate~~ license to practice, shall be deemed to 55087  
have given consent to submit to a mental or physical examination 55088  
when directed to do so in writing by the board and to have waived 55089  
all objections to the admissibility of testimony or examination 55090  
reports that constitute a privileged communication. 55091

(1) In enforcing division (B)(5) of this section, the board, 55092  
on a showing of a possible violation, may compel any individual 55093  
who holds a ~~certificate~~ license to practice issued under this 55094  
chapter or who has applied for a ~~certificate~~ license to practice 55095  
pursuant to this chapter to submit to a mental or physical 55096  
examination, or both. A physical examination may include an HIV 55097  
test. The expense of the examination is the responsibility of the 55098  
individual compelled to be examined. Failure to submit to a mental 55099  
or physical examination or consent to an HIV test ordered by the 55100  
board constitutes an admission of the allegations against the 55101  
individual unless the failure is due to circumstances beyond the 55102  
individual's control, and a default and final order may be entered 55103  
without the taking of testimony or presentation of evidence. If 55104  
the board finds an anesthesiologist assistant unable to practice 55105  
because of the reasons set forth in division (B)(5) of this 55106  
section, the board shall require the anesthesiologist assistant to 55107  
submit to care, counseling, or treatment by physicians approved or 55108  
designated by the board, as a condition for an initial, continued, 55109  
reinstated, or renewed ~~certificate~~ license to practice. An 55110

individual affected by this division shall be afforded an 55111  
opportunity to demonstrate to the board the ability to resume 55112  
practicing in compliance with acceptable and prevailing standards 55113  
of care. 55114

(2) For purposes of division (B)(6) of this section, if the 55115  
board has reason to believe that any individual who holds a 55116  
~~certificate~~ license to practice issued under this chapter or any 55117  
applicant for a ~~certificate~~ license to practice suffers such 55118  
impairment, the board may compel the individual to submit to a 55119  
mental or physical examination, or both. The expense of the 55120  
examination is the responsibility of the individual compelled to 55121  
be examined. Any mental or physical examination required under 55122  
this division shall be undertaken by a treatment provider or 55123  
physician qualified to conduct such examination and chosen by the 55124  
board. 55125

Failure to submit to a mental or physical examination ordered 55126  
by the board constitutes an admission of the allegations against 55127  
the individual unless the failure is due to circumstances beyond 55128  
the individual's control, and a default and final order may be 55129  
entered without the taking of testimony or presentation of 55130  
evidence. If the board determines that the individual's ability to 55131  
practice is impaired, the board shall suspend the individual's 55132  
~~certificate~~ license or deny the individual's application and shall 55133  
require the individual, as a condition for an initial, continued, 55134  
reinstated, or renewed ~~certificate~~ license to practice, to submit 55135  
to treatment. 55136

Before being eligible to apply for reinstatement of a 55137  
~~certificate~~ license suspended under this division, the 55138  
anesthesiologist assistant shall demonstrate to the board the 55139  
ability to resume practice in compliance with acceptable and 55140  
prevailing standards of care. The demonstration shall include the 55141  
following: 55142

(a) Certification from a treatment provider approved under 55143  
section 4731.25 of the Revised Code that the individual has 55144  
successfully completed any required inpatient treatment; 55145

(b) Evidence of continuing full compliance with an aftercare 55146  
contract or consent agreement; 55147

(c) Two written reports indicating that the individual's 55148  
ability to practice has been assessed and that the individual has 55149  
been found capable of practicing according to acceptable and 55150  
prevailing standards of care. The reports shall be made by 55151  
individuals or providers approved by the board for making such 55152  
assessments and shall describe the basis for their determination. 55153

The board may reinstate a ~~certificate~~ license suspended under 55154  
this division after such demonstration and after the individual 55155  
has entered into a written consent agreement. 55156

When the impaired anesthesiologist assistant resumes 55157  
practice, the board shall require continued monitoring of the 55158  
anesthesiologist assistant. The monitoring shall include 55159  
monitoring of compliance with the written consent agreement 55160  
entered into before reinstatement or with conditions imposed by 55161  
board order after a hearing, and, on termination of the consent 55162  
agreement, submission to the board for at least two years of 55163  
annual written progress reports made under penalty of 55164  
falsification stating whether the anesthesiologist assistant has 55165  
maintained sobriety. 55166

(G) If the secretary and supervising member determine that 55167  
there is clear and convincing evidence that an anesthesiologist 55168  
assistant has violated division (B) of this section and that the 55169  
individual's continued practice presents a danger of immediate and 55170  
serious harm to the public, they may recommend that the board 55171  
suspend the individual's ~~certificate~~ license without a prior 55172  
hearing. Written allegations shall be prepared for consideration 55173

by the board. 55174

The board, on review of the allegations and by an affirmative 55175  
vote of not fewer than six of its members, excluding the secretary 55176  
and supervising member, may suspend a ~~certificate~~ license without 55177  
a prior hearing. A telephone conference call may be utilized for 55178  
reviewing the allegations and taking the vote on the summary 55179  
suspension. 55180

The board shall issue a written order of suspension by 55181  
certified mail or in person in accordance with section 119.07 of 55182  
the Revised Code. The order shall not be subject to suspension by 55183  
the court during pendency of any appeal filed under section 119.12 55184  
of the Revised Code. If the anesthesiologist assistant requests an 55185  
adjudicatory hearing by the board, the date set for the hearing 55186  
shall be within fifteen days, but not earlier than seven days, 55187  
after the anesthesiologist assistant requests the hearing, unless 55188  
otherwise agreed to by both the board and the ~~certificate~~ license 55189  
holder. 55190

A summary suspension imposed under this division shall remain 55191  
in effect, unless reversed on appeal, until a final adjudicative 55192  
order issued by the board pursuant to this section and Chapter 55193  
119. of the Revised Code becomes effective. The board shall issue 55194  
its final adjudicative order within sixty days after completion of 55195  
its hearing. Failure to issue the order within sixty days shall 55196  
result in dissolution of the summary suspension order, but shall 55197  
not invalidate any subsequent, final adjudicative order. 55198

(H) If the board takes action under division (B)(11), (13), 55199  
or (14) of this section, and the judicial finding of guilt, guilty 55200  
plea, or judicial finding of eligibility for intervention in lieu 55201  
of conviction is overturned on appeal, on exhaustion of the 55202  
criminal appeal, a petition for reconsideration of the order may 55203  
be filed with the board along with appropriate court documents. On 55204  
receipt of a petition and supporting court documents, the board 55205

shall reinstate the ~~certificate~~ license to practice. The board may 55206  
then hold an adjudication under Chapter 119. of the Revised Code 55207  
to determine whether the individual committed the act in question. 55208  
Notice of opportunity for hearing shall be given in accordance 55209  
with Chapter 119. of the Revised Code. If the board finds, 55210  
pursuant to an adjudication held under this division, that the 55211  
individual committed the act, or if no hearing is requested, it 55212  
may order any of the sanctions specified in division (B) of this 55213  
section. 55214

(I) The ~~certificate~~ license to practice of an 55215  
anesthesiologist assistant and the assistant's practice in this 55216  
state are automatically suspended as of the date the 55217  
anesthesiologist assistant pleads guilty to, is found by a judge 55218  
or jury to be guilty of, or is subject to a judicial finding of 55219  
eligibility for intervention in lieu of conviction in this state 55220  
or treatment of intervention in lieu of conviction in another 55221  
jurisdiction for any of the following criminal offenses in this 55222  
state or a substantially equivalent criminal offense in another 55223  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 55224  
felonious assault, kidnapping, rape, sexual battery, gross sexual 55225  
imposition, aggravated arson, aggravated robbery, or aggravated 55226  
burglary. Continued practice after the suspension shall be 55227  
considered practicing without a ~~certificate~~ license. 55228

The board shall notify the individual subject to the 55229  
suspension by certified mail or in person in accordance with 55230  
section 119.07 of the Revised Code. If an individual whose 55231  
~~certificate~~ license is suspended under this division fails to make 55232  
a timely request for an adjudication under Chapter 119. of the 55233  
Revised Code, the board shall enter a final order permanently 55234  
revoking the individual's ~~certificate~~ license to practice. 55235

(J) In any instance in which the board is required by Chapter 55236  
119. of the Revised Code to give notice of opportunity for hearing 55237

and the individual subject to the notice does not timely request a 55238  
hearing in accordance with section 119.07 of the Revised Code, the 55239  
board is not required to hold a hearing, but may adopt, by an 55240  
affirmative vote of not fewer than six of its members, a final 55241  
order that contains the board's findings. In the final order, the 55242  
board may order any of the sanctions identified under division (A) 55243  
or (B) of this section. 55244

(K) Any action taken by the board under division (B) of this 55245  
section resulting in a suspension shall be accompanied by a 55246  
written statement of the conditions under which the 55247  
anesthesiologist assistant's ~~certificate~~ license may be 55248  
reinstated. The board shall adopt rules in accordance with Chapter 55249  
119. of the Revised Code governing conditions to be imposed for 55250  
reinstatement. Reinstatement of a ~~certificate~~ license suspended 55251  
pursuant to division (B) of this section requires an affirmative 55252  
vote of not fewer than six members of the board. 55253

(L) When the board refuses to grant or issue a ~~certificate~~ 55254  
license to practice as an anesthesiologist assistant to an 55255  
applicant, revokes an individual's ~~certificate~~ license, refuses to 55256  
renew an individual's ~~certificate~~ license, or refuses to reinstate 55257  
an individual's ~~certificate~~ license, the board may specify that 55258  
its action is permanent. An individual subject to a permanent 55259  
action taken by the board is forever thereafter ineligible to hold 55260  
a ~~certificate~~ license to practice as an anesthesiologist assistant 55261  
and the board shall not accept an application for reinstatement of 55262  
the ~~certificate~~ license or for issuance of a new ~~certificate~~ 55263  
license. 55264

(M) Notwithstanding any other provision of the Revised Code, 55265  
all of the following apply: 55266

(1) The surrender of a ~~certificate~~ license to practice issued 55267  
under this chapter is not effective unless or until accepted by 55268  
the board. Reinstatement of a ~~certificate~~ license surrendered to 55269

the board requires an affirmative vote of not fewer than six 55270  
members of the board. 55271

(2) An application made under this chapter for a ~~certificate~~ 55272  
license to practice may not be withdrawn without approval of the 55273  
board. 55274

(3) Failure by an individual to renew a ~~certificate~~ license 55275  
to practice in accordance with section 4760.06 of the Revised Code 55276  
shall not remove or limit the board's jurisdiction to take 55277  
disciplinary action under this section against the individual. 55278

**Sec. 4760.131.** On receipt of a notice pursuant to section 55279  
3123.43 of the Revised Code, the state medical board shall comply 55280  
with sections 3123.41 to 3123.50 of the Revised Code and any 55281  
applicable rules adopted under section 3123.63 of the Revised Code 55282  
with respect to a ~~certificate~~ license to practice as an 55283  
anesthesiologist assistant issued pursuant to this chapter. 55284

**Sec. 4760.132.** If the state medical board has reason to 55285  
believe that any person who has been granted a ~~certificate~~ license 55286  
to practice as an anesthesiologist assistant under this chapter is 55287  
mentally ill or mentally incompetent, it may file in the probate 55288  
court of the county in which the person has a legal residence an 55289  
affidavit in the form prescribed in section 5122.11 of the Revised 55290  
Code and signed by the board secretary or a member of the board 55291  
secretary's staff, whereupon the same proceedings shall be had as 55292  
provided in Chapter 5122. of the Revised Code. The attorney 55293  
general may represent the board in any proceeding commenced under 55294  
this section. 55295

If any person who has been granted a ~~certificate~~ license to 55296  
practice is adjudged by a probate court to be mentally ill or 55297  
mentally incompetent, the person's ~~certificate~~ license shall be 55298  
automatically suspended until the person has filed with the state 55299

medical board a certified copy of an adjudication by a probate 55300  
court of the person's subsequent restoration to competency or has 55301  
submitted to the board proof, satisfactory to the board, that the 55302  
person has been discharged as having a restoration to competency 55303  
in the manner and form provided in section 5122.38 of the Revised 55304  
Code. The judge of the probate court shall forthwith notify the 55305  
state medical board of an adjudication of mental illness or mental 55306  
incompetence, and shall note any suspension of a ~~certificate~~ 55307  
license in the margin of the court's record of such ~~certificate~~ 55308  
license. 55309

**Sec. 4760.14.** (A) The state medical board shall investigate 55310  
evidence that appears to show that any person has violated this 55311  
chapter or the rules adopted under it. Any person may report to 55312  
the board in a signed writing any information the person has that 55313  
appears to show a violation of any provision of this chapter or 55314  
the rules adopted under it. In the absence of bad faith, a person 55315  
who reports such information or testifies before the board in an 55316  
adjudication conducted under Chapter 119. of the Revised Code 55317  
shall not be liable for civil damages as a result of reporting the 55318  
information or providing testimony. Each complaint or allegation 55319  
of a violation received by the board shall be assigned a case 55320  
number and be recorded by the board. 55321

(B) Investigations of alleged violations of this chapter or 55322  
rules adopted under it shall be supervised by the supervising 55323  
member elected by the board in accordance with section 4731.02 of 55324  
the Revised Code and by the secretary as provided in section 55325  
4760.15 of the Revised Code. The board's president may designate 55326  
another member of the board to supervise the investigation in 55327  
place of the supervising member. A member of the board who 55328  
supervises the investigation of a case shall not participate in 55329  
further adjudication of the case. 55330

(C) In investigating a possible violation of this chapter or 55331  
the rules adopted under it, the board may administer oaths, order 55332  
the taking of depositions, issue subpoenas, and compel the 55333  
attendance of witnesses and production of books, accounts, papers, 55334  
records, documents, and testimony, except that a subpoena for 55335  
patient record information shall not be issued without 55336  
consultation with the attorney general's office and approval of 55337  
the secretary and supervising member of the board. Before issuance 55338  
of a subpoena for patient record information, the secretary and 55339  
supervising member shall determine whether there is probable cause 55340  
to believe that the complaint filed alleges a violation of this 55341  
chapter or the rules adopted under it and that the records sought 55342  
are relevant to the alleged violation and material to the 55343  
investigation. The subpoena may apply only to records that cover a 55344  
reasonable period of time surrounding the alleged violation. 55345

On failure to comply with any subpoena issued by the board 55346  
and after reasonable notice to the person being subpoenaed, the 55347  
board may move for an order compelling the production of persons 55348  
or records pursuant to the Rules of Civil Procedure. 55349

A subpoena issued by the board may be served by a sheriff, 55350  
the sheriff's deputy, or a board employee designated by the board. 55351  
Service of a subpoena issued by the board may be made by 55352  
delivering a copy of the subpoena to the person named therein, 55353  
reading it to the person, or leaving it at the person's usual 55354  
place of residence. When the person being served is an 55355  
anesthesiologist assistant, service of the subpoena may be made by 55356  
certified mail, restricted delivery, return receipt requested, and 55357  
the subpoena shall be deemed served on the date delivery is made 55358  
or the date the person refuses to accept delivery. 55359

A sheriff's deputy who serves a subpoena shall receive the 55360  
same fees as a sheriff. Each witness who appears before the board 55361  
in obedience to a subpoena shall receive the fees and mileage 55362

provided for under section 119.094 of the Revised Code. 55363

(D) All hearings and investigations of the board shall be 55364  
considered civil actions for the purposes of section 2305.252 of 55365  
the Revised Code. 55366

(E) Information received by the board pursuant to an 55367  
investigation is confidential and not subject to discovery in any 55368  
civil action. 55369

The board shall conduct all investigations and proceedings in 55370  
a manner that protects the confidentiality of patients and persons 55371  
who file complaints with the board. The board shall not make 55372  
public the names or any other identifying information about 55373  
patients or complainants unless proper consent is given. 55374

The board may share any information it receives pursuant to 55375  
an investigation, including patient records and patient record 55376  
information, with law enforcement agencies, other licensing 55377  
boards, and other governmental agencies that are prosecuting, 55378  
adjudicating, or investigating alleged violations of statutes or 55379  
administrative rules. An agency or board that receives the 55380  
information shall comply with the same requirements regarding 55381  
confidentiality as those with which the state medical board must 55382  
comply, notwithstanding any conflicting provision of the Revised 55383  
Code or procedure of the agency or board that applies when it is 55384  
dealing with other information in its possession. In a judicial 55385  
proceeding, the information may be admitted into evidence only in 55386  
accordance with the Rules of Evidence, but the court shall require 55387  
that appropriate measures are taken to ensure that confidentiality 55388  
is maintained with respect to any part of the information that 55389  
contains names or other identifying information about patients or 55390  
complainants whose confidentiality was protected by the state 55391  
medical board when the information was in the board's possession. 55392  
Measures to ensure confidentiality that may be taken by the court 55393  
include sealing its records or deleting specific information from 55394

its records. 55395

(F) The state medical board shall develop requirements for 55396  
and provide appropriate initial training and continuing education 55397  
for investigators employed by the board to carry out its duties 55398  
under this chapter. The training and continuing education may 55399  
include enrollment in courses operated or approved by the Ohio 55400  
peace officer training commission that the board considers 55401  
appropriate under conditions set forth in section 109.79 of the 55402  
Revised Code. 55403

(G) On a quarterly basis, the board shall prepare a report 55404  
that documents the disposition of all cases during the preceding 55405  
three months. The report shall contain the following information 55406  
for each case with which the board has completed its activities: 55407

(1) The case number assigned to the complaint or alleged 55408  
violation; 55409

(2) The type of ~~certificate~~ license to practice, if any, held 55410  
by the individual against whom the complaint is directed; 55411

(3) A description of the allegations contained in the 55412  
complaint; 55413

(4) The disposition of the case. 55414

The report shall state how many cases are still pending, and 55415  
shall be prepared in a manner that protects the identity of each 55416  
person involved in each case. The report is a public record for 55417  
purposes of section 149.43 of the Revised Code. 55418

**Sec. 4760.15.** (A) As used in this section, "prosecutor" has 55419  
the same meaning as in section 2935.01 of the Revised Code. 55420

(B) Whenever any person holding a valid ~~certificate~~ license 55421  
issued pursuant to this chapter pleads guilty to, is subject to a 55422  
judicial finding of guilt of, or is subject to a judicial finding 55423  
of eligibility for intervention in lieu of conviction for a 55424

violation of Chapter 2907., 2925., or 3719. of the Revised Code or 55425  
of any substantively comparable ordinance of a municipal 55426  
corporation in connection with the person's practice, the 55427  
prosecutor in the case, on forms prescribed and provided by the 55428  
state medical board, shall promptly notify the board of the 55429  
conviction. Within thirty days of receipt of that information, the 55430  
board shall initiate action in accordance with Chapter 119. of the 55431  
Revised Code to determine whether to suspend or revoke the 55432  
~~certificate~~ license under section 4760.13 of the Revised Code. 55433

(C) The prosecutor in any case against any person holding a 55434  
valid ~~certificate~~ license to practice issued pursuant to this 55435  
chapter, on forms prescribed and provided by the state medical 55436  
board, shall notify the board of any of the following: 55437

(1) A plea of guilty to, a finding of guilt by a jury or 55438  
court of, or judicial finding of eligibility for intervention in 55439  
lieu of conviction for a felony, or a case in which the trial 55440  
court issues an order of dismissal upon technical or procedural 55441  
grounds of a felony charge; 55442

(2) A plea of guilty to, a finding of guilt by a jury or 55443  
court of, or judicial finding of eligibility for intervention in 55444  
lieu of conviction for a misdemeanor committed in the course of 55445  
practice, or a case in which the trial court issues an order of 55446  
dismissal upon technical or procedural grounds of a charge of a 55447  
misdemeanor, if the alleged act was committed in the course of 55448  
practice; 55449

(3) A plea of guilty to, a finding of guilt by a jury or 55450  
court of, or judicial finding of eligibility for intervention in 55451  
lieu of conviction for a misdemeanor involving moral turpitude, or 55452  
a case in which the trial court issues an order of dismissal upon 55453  
technical or procedural grounds of a charge of a misdemeanor 55454  
involving moral turpitude. 55455

The report shall include the name and address of the 55456  
eertificate license holder, the nature of the offense for which 55457  
the action was taken, and the certified court documents recording 55458  
the action. 55459

**Sec. 4760.16.** (A) Within sixty days after the imposition of 55460  
any formal disciplinary action taken by any health care facility, 55461  
including a hospital, health care facility operated by ~~an~~ a health 55462  
insuring corporation, ambulatory surgical facility, or similar 55463  
facility, against any individual holding a valid eertificate 55464  
license to practice as an anesthesiologist assistant, the chief 55465  
administrator or executive officer of the facility shall report to 55466  
the state medical board the name of the individual, the action 55467  
taken by the facility, and a summary of the underlying facts 55468  
leading to the action taken. On request, the board shall be 55469  
provided certified copies of the patient records that were the 55470  
basis for the facility's action. Prior to release to the board, 55471  
the summary shall be approved by the peer review committee that 55472  
reviewed the case or by the governing board of the facility. 55473

The filing of a report with the board or decision not to file 55474  
a report, investigation by the board, or any disciplinary action 55475  
taken by the board, does not preclude a health care facility from 55476  
taking disciplinary action against an anesthesiologist assistant. 55477

In the absence of fraud or bad faith, no individual or entity 55478  
that provides patient records to the board shall be liable in 55479  
damages to any person as a result of providing the records. 55480

(B)(1) Except as provided in division (B)(2) of this section, 55481  
an anesthesiologist assistant, professional association or society 55482  
of anesthesiologist assistants, physician, or professional 55483  
association or society of physicians that believes a violation of 55484  
any provision of this chapter, Chapter 4731. of the Revised Code, 55485  
or rule of the board has occurred shall report to the board the 55486

information on which the belief is based. 55487

(2) An anesthesiologist assistant, professional association 55488  
or society of anesthesiologist assistants, physician, or 55489  
professional association or society of physicians that believes 55490  
that a violation of division (B)(6) of section 4760.13 of the 55491  
Revised Code has occurred shall report the information upon which 55492  
the belief is based to the monitoring organization conducting the 55493  
program established by the board under section 4731.251 of the 55494  
Revised Code. If any such report is made to the board, it shall be 55495  
referred to the monitoring organization unless the board is aware 55496  
that the individual who is the subject of the report does not meet 55497  
the program eligibility requirements of section 4731.252 of the 55498  
Revised Code. 55499

(C) Any professional association or society composed 55500  
primarily of anesthesiologist assistants that suspends or revokes 55501  
an individual's membership for violations of professional ethics, 55502  
or for reasons of professional incompetence or professional 55503  
malpractice, within sixty days after a final decision, shall 55504  
report to the board, on forms prescribed and provided by the 55505  
board, the name of the individual, the action taken by the 55506  
professional organization, and a summary of the underlying facts 55507  
leading to the action taken. 55508

The filing of a report with the board or decision not to file 55509  
a report, investigation by the board, or any disciplinary action 55510  
taken by the board, does not preclude a professional organization 55511  
from taking disciplinary action against an anesthesiologist 55512  
assistant. 55513

(D) Any insurer providing professional liability insurance to 55514  
any person holding a valid ~~certificate~~ license to practice as an 55515  
anesthesiologist assistant or any other entity that seeks to 55516  
indemnify the professional liability of an anesthesiologist 55517  
assistant shall notify the board within thirty days after the 55518

final disposition of any written claim for damages where such 55519  
disposition results in a payment exceeding twenty-five thousand 55520  
dollars. The notice shall contain the following information: 55521

(1) The name and address of the person submitting the 55522  
notification; 55523

(2) The name and address of the insured who is the subject of 55524  
the claim; 55525

(3) The name of the person filing the written claim; 55526

(4) The date of final disposition; 55527

(5) If applicable, the identity of the court in which the 55528  
final disposition of the claim took place. 55529

(E) The board may investigate possible violations of this 55530  
chapter or the rules adopted under it that are brought to its 55531  
attention as a result of the reporting requirements of this 55532  
section, except that the board shall conduct an investigation if a 55533  
possible violation involves repeated malpractice. As used in this 55534  
division, "repeated malpractice" means three or more claims for 55535  
malpractice within the previous five-year period, each resulting 55536  
in a judgment or settlement in excess of twenty-five thousand 55537  
dollars in favor of the claimant, and each involving negligent 55538  
conduct by the anesthesiologist assistant. 55539

(F) All summaries, reports, and records received and 55540  
maintained by the board pursuant to this section shall be held in 55541  
confidence and shall not be subject to discovery or introduction 55542  
in evidence in any federal or state civil action involving an 55543  
anesthesiologist assistant, supervising physician, or health care 55544  
facility arising out of matters that are the subject of the 55545  
reporting required by this section. The board may use the 55546  
information obtained only as the basis for an investigation, as 55547  
evidence in a disciplinary hearing against an anesthesiologist 55548  
assistant or supervising physician, or in any subsequent trial or 55549

appeal of a board action or order. 55550

The board may disclose the summaries and reports it receives 55551  
under this section only to health care facility committees within 55552  
or outside this state that are involved in credentialing or 55553  
recredentialing an anesthesiologist assistant or supervising 55554  
physician or reviewing their privilege to practice within a 55555  
particular facility. The board shall indicate whether or not the 55556  
information has been verified. Information transmitted by the 55557  
board shall be subject to the same confidentiality provisions as 55558  
when maintained by the board. 55559

(G) Except for reports filed by an individual pursuant to 55560  
division (B) of this section, the board shall send a copy of any 55561  
reports or summaries it receives pursuant to this section to the 55562  
anesthesiologist assistant. The anesthesiologist assistant shall 55563  
have the right to file a statement with the board concerning the 55564  
correctness or relevance of the information. The statement shall 55565  
at all times accompany that part of the record in contention. 55566

(H) An individual or entity that reports to the board, 55567  
reports to the monitoring organization described in section 55568  
4731.251 of the Revised Code, or refers an impaired 55569  
anesthesiologist assistant to a treatment provider approved by the 55570  
board under section 4731.25 of the Revised Code shall not be 55571  
subject to suit for civil damages as a result of the report, 55572  
referral, or provision of the information. 55573

(I) In the absence of fraud or bad faith, a professional 55574  
association or society of anesthesiologist assistants that 55575  
sponsors a committee or program to provide peer assistance to an 55576  
anesthesiologist assistant with substance abuse problems, a 55577  
representative or agent of such a committee or program, a 55578  
representative or agent of the monitoring organization described 55579  
in section 4731.251 of the Revised Code, and a member of the state 55580  
medical board shall not be held liable in damages to any person by 55581

reason of actions taken to refer an anesthesiologist assistant to 55582  
a treatment provider approved under section 4731.25 of the Revised 55583  
Code for examination or treatment. 55584

**Sec. 4760.18.** The attorney general, the prosecuting attorney 55585  
of any county in which the offense was committed or the offender 55586  
resides, the state medical board, or any other person having 55587  
knowledge of a person engaged either directly or by complicity in 55588  
practicing as an anesthesiologist assistant without having first 55589  
obtained a ~~certificate~~ license to practice ~~pursuant to~~ issued 55590  
under this chapter, may, in accordance with provisions of the 55591  
Revised Code governing injunctions, maintain an action in the name 55592  
of the state to enjoin any person from engaging either directly or 55593  
by complicity in unlawfully practicing as an anesthesiologist 55594  
assistant by applying for an injunction in any court of competent 55595  
jurisdiction. 55596

Prior to application for an injunction, the secretary of the 55597  
state medical board shall notify the person allegedly engaged 55598  
either directly or by complicity in the unlawful practice by 55599  
registered mail that the secretary has received information 55600  
indicating that this person is so engaged. The person shall answer 55601  
the secretary within thirty days showing that the person is either 55602  
properly licensed for the stated activity or that the person is 55603  
not in violation of this chapter. If the answer is not forthcoming 55604  
within thirty days after notice by the secretary, the secretary 55605  
shall request that the attorney general, the prosecuting attorney 55606  
of the county in which the offense was committed or the offender 55607  
resides, or the state medical board proceed as authorized in this 55608  
section. 55609

Upon the filing of a verified petition in court, the court 55610  
shall conduct a hearing on the petition and shall give the same 55611  
preference to this proceeding as is given all proceedings under 55612

Chapter 119. of the Revised Code, irrespective of the position of 55613  
the proceeding on the calendar of the court. 55614

Injunction proceedings shall be in addition to, and not in 55615  
lieu of, all penalties and other remedies provided in this 55616  
chapter. 55617

**Sec. 4761.03.** (A) The state medical board shall regulate the 55618  
practice of respiratory care in this state and the persons to whom 55619  
the board issues licenses and limited permits under this chapter. 55620  
Rules adopted under this chapter that deal with the provision of 55621  
respiratory care in a hospital, other than rules regulating the 55622  
issuance of licenses or limited permits, shall be consistent with 55623  
the conditions for participation under medicare, Title XVIII of 55624  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, 55625  
as amended, and with the respiratory care accreditation standards 55626  
of the joint commission or the American osteopathic association. 55627

(B) The board shall adopt, and may rescind or amend, rules in 55628  
accordance with Chapter 119. of the Revised Code to carry out the 55629  
purposes of this chapter, including rules prescribing the 55630  
following: 55631

(1) The form and manner for filing applications under 55632  
sections 4761.05 and 4761.06 of the Revised Code; 55633

(2) Standards for the approval of examinations and 55634  
reexaminations administered by national organizations for 55635  
licensure, license renewal, and license reinstatement; 55636

(3) Standards for the approval of educational programs 55637  
required to qualify for licensure and approval of continuing 55638  
education programs required for license renewal; 55639

(4) Continuing education courses and the number of hour 55640  
requirements necessary for license renewal under section 4761.06 55641  
of the Revised Code, including rules providing for pro rata 55642

reductions by month of the number of hours of continuing education 55643  
that must be completed for license holders who are in their first 55644  
renewal period, have been disabled by illness or accident, or have 55645  
been absent from the country; 55646

(5) Procedures for the issuance and renewal of licenses and 55647  
limited permits, including the duties that may be fulfilled by the 55648  
board's executive director and other board employees; 55649

(6) Procedures for the limitation, suspension, and revocation 55650  
of licenses and limited permits, the refusal to issue, renew, or 55651  
reinstate licenses and limited permits, and the imposition of a 55652  
reprimand or probation under section 4761.09 of the Revised Code; 55653

(7) Standards of ethical conduct for the practice of 55654  
respiratory care; 55655

(8) The respiratory care tasks that may be performed by an 55656  
individual practicing as a polysomnographic technologist pursuant 55657  
to division (B)(3) of section 4761.10 of the Revised Code; 55658

(9) Requirements for criminal records checks of applicants 55659  
under section 4776.03 of the Revised Code. 55660

(C) The board shall determine the sufficiency of an 55661  
applicant's qualifications for admission to the licensing 55662  
examination or a reexamination, and for the issuance or renewal of 55663  
a license or limited permit. 55664

(D) The board shall determine the respiratory care 55665  
educational programs that are acceptable for fulfilling the 55666  
requirements of division (A) of section 4761.04 of the Revised 55667  
Code. 55668

(E)(1) The board shall investigate evidence that appears to 55669  
show that a person has violated any provision of this chapter or 55670  
any rule adopted under it. Any person may report to the board in a 55671  
signed writing any information that the person may have that 55672

appears to show a violation of any provision of this chapter or 55673  
any rule adopted under it. In the absence of bad faith, any person 55674  
who reports information of that nature or who testifies before the 55675  
board in any adjudication conducted under Chapter 119. of the 55676  
Revised Code shall not be liable in damages in a civil action as a 55677  
result of the report or testimony. Each complaint or allegation of 55678  
a violation received by the board shall be assigned a case number 55679  
and shall be recorded by the board. 55680

(2) Investigations of alleged violations of this chapter or 55681  
any rule adopted under it shall be supervised by the supervising 55682  
member elected by the board in accordance with section 4731.02 of 55683  
the Revised Code and by the secretary as provided in section 55684  
4761.012 of the Revised Code. The president may designate another 55685  
member of the board to supervise the investigation in place of the 55686  
supervising member. No member of the board who supervises the 55687  
investigation of a case shall participate in further adjudication 55688  
of the case. 55689

(3) In investigating a possible violation of this chapter or 55690  
any rule adopted under it, the board may issue subpoenas, 55691  
administer oaths, question witnesses, conduct interviews, order 55692  
the taking of depositions, inspect and copy any books, accounts, 55693  
papers, records, or documents, and compel the attendance of 55694  
witnesses and production of books, accounts, papers, records, 55695  
documents, and testimony, except that a subpoena for patient 55696  
record information shall not be issued without consultation with 55697  
the attorney general's office and approval of the secretary and 55698  
supervising member of the board. 55699

Before issuance of a subpoena for patient record information, 55700  
the secretary and supervising member shall determine whether there 55701  
is probable cause to believe that the complaint filed alleges a 55702  
violation of this chapter or any rule adopted under it and that 55703  
the records sought are relevant to the alleged violation and 55704

material to the investigation. The subpoena may apply only to 55705  
records that cover a reasonable period of time surrounding the 55706  
alleged violation. 55707

On failure to comply with any subpoena issued by the board 55708  
and after reasonable notice to the person being subpoenaed, the 55709  
board may move for an order compelling the production of persons 55710  
or records pursuant to the Rules of Civil Procedure. 55711

A subpoena issued by the board may be served by a sheriff, 55712  
the sheriff's deputy, or a board employee or agent designated by 55713  
the board. Service of a subpoena issued by the board may be made 55714  
by delivering a copy of the subpoena to the person named therein, 55715  
reading it to the person, or leaving it at the person's usual 55716  
place of residence, usual place of business, or address on file 55717  
with the board. When serving a subpoena to an applicant for or the 55718  
holder of a license or limited permit issued under this chapter, 55719  
service of the subpoena may be made by certified mail, return 55720  
receipt requested, and the subpoena shall be deemed served on the 55721  
date delivery is made or the date the person refuses to accept 55722  
delivery. If the person being served refuses to accept the 55723  
subpoena or is not located, service may be made to an attorney who 55724  
notifies the board that the attorney is representing the person. 55725

A sheriff's deputy who serves a subpoena shall receive the 55726  
same fees as a sheriff. Each witness who appears before the board 55727  
in obedience to a subpoena shall receive the fees and mileage 55728  
provided for under section 119.094 of the Revised Code. 55729

(4) All hearings, investigations, and inspections of the 55730  
board shall be considered civil actions for the purposes of 55731  
section 2305.252 of the Revised Code. 55732

(5) A report required to be submitted to the board under this 55733  
chapter, a complaint, or information received by the board 55734  
pursuant to an investigation is confidential and not subject to 55735

discovery in any civil action. 55736

The board shall conduct all investigations or inspections and 55737  
proceedings in a manner that protects the confidentiality of 55738  
patients and persons who file complaints with the board. The board 55739  
shall not make public the names or any other identifying 55740  
information about patients or complainants unless proper consent 55741  
is given. 55742

The board may share any information it receives pursuant to 55743  
an investigation or inspection, including patient records and 55744  
patient record information, with law enforcement agencies, other 55745  
licensing boards, and other governmental agencies that are 55746  
prosecuting, adjudicating, or investigating alleged violations of 55747  
statutes or administrative rules. An agency or board that receives 55748  
the information shall comply with the same requirements regarding 55749  
confidentiality as those with which the state medical board must 55750  
comply, notwithstanding any conflicting provision of the Revised 55751  
Code or procedure of the agency or board that applies when it is 55752  
dealing with other information in its possession. In a judicial 55753  
proceeding, the information may be admitted into evidence only in 55754  
accordance with the Rules of Evidence, but the court shall require 55755  
that appropriate measures are taken to ensure that confidentiality 55756  
is maintained with respect to any part of the information that 55757  
contains names or other identifying information about patients or 55758  
complainants whose confidentiality was protected by the state 55759  
medical board when the information was in the board's possession. 55760  
Measures to ensure confidentiality that may be taken by the court 55761  
include sealing its records or deleting specific information from 55762  
its records. 55763

(6) On a quarterly basis, the board shall prepare a report 55764  
that documents the disposition of all cases during the preceding 55765  
three months. The report shall contain the following information 55766  
for each case with which the board has completed its activities: 55767

(a) The case number assigned to the complaint or alleged violation;	55768 55769
(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed;	55770 55771
(c) A description of the allegations contained in the complaint;	55772 55773
(d) The disposition of the case.	55774
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	55775 55776 55777 55778
(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter.	55779 55780 55781
(G) The board shall maintain and publish on its internet web site all of the following:	55782 55783
(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;	55784 55785
(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care.	55786 55787 55788
<b>Sec. 4761.05.</b> (A) The state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care.	55789 55790 55791 55792 55793 55794
(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section	55795 55796

4761.04 of the Revised Code, files an application on a form 55797  
furnished by the board, pays the fee required under section 55798  
4761.07 of the Revised Code, and meets either of the following 55799  
requirements: 55800

(a) Is enrolled in and is in good standing in a respiratory 55801  
care educational program approved by the board that meets the 55802  
requirements of division (A)(2) of section 4761.04 of the Revised 55803  
Code leading to a degree or certificate of completion or is a 55804  
graduate of the program; 55805

(b) Is employed as a provider of respiratory care in this 55806  
state and was employed as a provider of respiratory care in this 55807  
state prior to March 14, 1989. 55808

(2) If no grounds apply under section 4761.09 of the Revised 55809  
Code for denying a limited permit to the applicant and the 55810  
applicant meets the requirements of division (B) of this section, 55811  
the board shall issue a limited permit to the applicant. 55812

~~The board shall maintain a register of all persons holding~~ 55813  
~~limited permits under this chapter.~~ The limited permit authorizes 55814  
the holder to provide respiratory care under the supervision of a 55815  
respiratory care professional. A person issued a limited permit 55816  
under division (B)(1)(a) of this section may practice respiratory 55817  
care under the limited permit for not more than three years after 55818  
the date the limited permit is issued, except that the limited 55819  
permit shall cease to be valid one year following the date of 55820  
receipt of a certificate of completion from a board-approved 55821  
respiratory care education program or immediately if the holder 55822  
discontinues participation in the educational program. 55823

The holder shall notify the board as soon as practicable when 55824  
the holder completes a board-approved respiratory care education 55825  
program or discontinues participation in the educational program. 55826

This division does not require a student enrolled in an 55827

educational program leading to a degree or certificate of 55828  
completion in respiratory care approved by the board to obtain a 55829  
limited permit to perform any duties that are part of the required 55830  
course of study. 55831

(3) A person issued a limited permit under division (B)(1)(b) 55832  
of this section may practice under a limited permit for not more 55833  
than three years, except that this restriction does not apply to a 55834  
permit holder who, on March 14, 1989, has been employed as a 55835  
provider of respiratory care for an average of not less than 55836  
twenty-five hours per week for a period of not less than five 55837  
years by a hospital. 55838

(4) During the three-year period in which a person may 55839  
practice under a limited permit, the person shall apply for 55840  
renewal on an annual basis in accordance with section 4761.06 of 55841  
the Revised Code. 55842

(5) The board may revoke a limited permit upon proof 55843  
satisfactory to the board that the permit holder has engaged in 55844  
practice in this state outside the scope of the permit, that the 55845  
holder has engaged in unethical conduct, or that there are grounds 55846  
for action against the holder under section 4761.09 of the Revised 55847  
Code. 55848

(C) The holder of a license or limited permit issued under 55849  
this section shall either provide verification of licensure or 55850  
permit status from the board's internet web site on request or 55851  
prominently display a wall certificate in the license holder's 55852  
office or place where the majority of the holder's practice is 55853  
conducted. 55854

**Sec. 4761.052.** (A) The state medical board shall issue, 55855  
without examination, an expedited license to practice respiratory 55856  
care by endorsement to an applicant who meets all of the 55857  
requirements of this section. 55858

(B) An individual who seeks an expedited license by endorsement under this section shall file with the board a written application on a form prescribed and supplied by the board. The applicant shall include in the application all of the information the board considers necessary to process it. 55859  
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(C) To be eligible to receive an expedited license by endorsement, an applicant shall provide evidence satisfactory to the board that the applicant meets all of the following requirements: 55864  
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(1) The applicant holds a valid license or certificate to practice respiratory care issued by any other state or jurisdiction. 55868  
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(2) The license or certificate is current, and the applicant is in good standing in the state or jurisdiction of licensure or certification. 55871  
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(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant. 55874  
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(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate. 55876  
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(5) The individual meets the requirements to receive a license as specified in sections 4761.04 and 4761.051 of the Revised Code. 55879  
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(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section. 55882  
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(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the 55885  
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board shall issue the license to the applicant. 55889

**Sec. 4761.06.** (A) Each license to practice respiratory care 55890  
shall ~~be renewed biennially~~ expire on or before the last day of 55891  
~~June of every even-numbered year~~ the date that is two years after 55892  
the date of issuance and may be renewed for additional two-year 55893  
periods. Each limited permit to practice respiratory care shall be 55894  
renewed annually. Each person ~~holding~~ seeking to renew a license 55895  
or limited permit to practice respiratory care shall apply to the 55896  
state medical board ~~on the form and according to the schedule in a~~ 55897  
manner prescribed by the board ~~for renewal of the license or~~ 55898  
~~limited permit.~~ Licenses and limited permits shall be renewed in 55899  
accordance with the standard renewal procedure of Chapter 4745. of 55900  
the Revised Code. The ~~state medical~~ board shall renew a license if 55901  
the holder pays the license renewal fee prescribed under section 55902  
4761.07 of the Revised Code and certifies that the holder has 55903  
completed the continuing education or reexamination requirements 55904  
of division (B) of this section. 55905

At least one month before a license expires, the board shall 55906  
provide to the license holder a renewal notice. Failure of any 55907  
~~person~~ license holder to receive a notice of renewal from the 55908  
board shall not excuse the ~~person~~ holder from the requirements 55909  
contained in this section. Each ~~person holding a~~ license holder 55910  
shall give notice to the board of a change in the ~~license~~ holder's 55911  
residence address, business address, or electronic mail address 55912  
not later than thirty days after the change occurs. 55913

The board shall renew a limited permit if the holder pays the 55914  
limited permit renewal fee prescribed under section 4761.07 of the 55915  
Revised Code and does either of the following: 55916

(1) If the limited permit was issued on the basis of division 55917  
(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 55918  
the holder is enrolled and in good standing in an educational 55919

program that meets the requirements of division (A)(2) of section 55920  
4761.04 of the Revised Code or has graduated from such a program; 55921

(2) If the limited permit was issued on the basis of division 55922  
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 55923  
the applicant is employed as a provider of respiratory care under 55924  
the supervision of a respiratory care professional. 55925

(B) On ~~and after March 14, 1991, and every year thereafter,~~ 55926  
~~on~~ or before the annual renewal date, the holder of a limited 55927  
permit issued under division (B)(1)(b) of section 4761.05 of the 55928  
Revised Code shall certify to the board that the holder has 55929  
satisfactorily completed the number of hours of continuing 55930  
education required by the board, which shall not be less than 55931  
three nor more than ten hours of continuing education acceptable 55932  
to the board. 55933

On or before the ~~biennial renewal~~ date a license expires, a 55934  
license holder shall certify to the board that the license holder 55935  
has satisfactorily completed the number of hours of continuing 55936  
education required by the board, which shall be not less than six 55937  
nor more than twenty hours of continuing education acceptable to 55938  
the board, or has passed a reexamination in accordance with the 55939  
board's renewal requirements. 55940

(C)(1) A license to practice respiratory care that is not 55941  
renewed on or before its expiration date is automatically 55942  
suspended on its expiration date. Continued practice after 55943  
suspension shall be considered as practicing in violation of 55944  
section 4761.10 of the Revised Code. 55945

(2) If a license has been suspended pursuant to division 55946  
(C)(1) of this section for two years or less, it may be 55947  
reinstated. The ~~state medical~~ board shall reinstate the license 55948  
upon the applicant's submission of a complete renewal application 55949  
and payment of a reinstatement fee of one hundred dollars. 55950

~~(3)(a)~~ If a license has been suspended pursuant to division 55951  
(C)(1) of this section for more than two years, it may be 55952  
restored. The Subject to section 4761.061 of the Revised Code, the 55953  
board may restore the license upon an applicant's submission of a 55954  
complete restoration application and a restoration fee of one 55955  
hundred twenty-five dollars and compliance with sections 4776.01 55956  
to 4776.04 of the Revised Code. The board shall not restore a 55957  
license unless the board, in its discretion, decides that the 55958  
results of the criminal records check do not make the applicant 55959  
ineligible for a license issued pursuant to division (A) of this 55960  
section. 55961

~~(b) The board may impose terms and conditions for the~~ 55962  
~~restoration, including any one or more of the following:~~ 55963

~~(i) Requiring the applicant to pass an oral or written~~ 55964  
~~examination, or both, to determine the applicant's present fitness~~ 55965  
~~to resume practice;~~ 55966

~~(ii) Requiring the applicant to obtain additional training~~ 55967  
~~and to pass an examination upon completion of such training;~~ 55968

~~(iii) Restricting or limiting the extent, scope, or type of~~ 55969  
~~practice of the applicant.~~ 55970

(D)(1) The board may require a random sample of limited 55971  
permit holders to submit materials documenting that the holder has 55972  
completed the number of hours of continuing education as described 55973  
in division (B) of this section. 55974

(2) The board may require a random sample of license holders 55975  
to submit materials documenting that the holder has completed the 55976  
number of hours of continuing education as described in division 55977  
(B) of this section or has passed a reexamination. 55978

(3) Division (D)(1) or (2) of this section does not limit the 55979  
board's authority to conduct investigations pursuant to section 55980  
4731.22 of the Revised Code. 55981

(E)(1) If, through a random sample conducted under division (D) of this section or any other means, the board finds that an individual who certified passing the reexamination or completion of the number of hours and type of continuing education required to renew, reinstate, or restore a limited permit or license did not pass the reexamination or complete the requisite continuing education, the board may do either of the following: 55982  
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(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 55989  
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(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 55992  
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(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 55995  
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(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 55999  
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**Sec. 4761.061.** (A) This section applies to both of the following: 56004  
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(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 56006  
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(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of respiratory care as either of the following: 56009  
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<u>(a) An active practitioner;</u>	56012
<u>(b) A student in an educational program as described in section 4761.04 of the Revised Code.</u>	56013 56014
<u>(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:</u>	56015 56016 56017 56018
<u>(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;</u>	56019 56020 56021
<u>(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;</u>	56022 56023
<u>(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care;</u>	56024 56025 56026 56027 56028
<u>(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;</u>	56029 56030
<u>(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;</u>	56031 56032 56033 56034
<u>(6) Restricting or limiting the extent, scope, or type of practice of the applicant.</u>	56035 56036
<u>The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.</u>	56037 56038 56039 56040 56041

Sec. 4762.02. (A) Except as provided in division (B), (C), or (D) of this section, no person shall do either of the following:

(1) Engage in the practice of oriental medicine unless the person holds a valid ~~certificate~~ license to practice as an oriental medicine practitioner issued by the state medical board under this chapter;

(2) Engage in the practice of acupuncture unless the person holds a valid ~~certificate~~ license to practice as an acupuncturist issued by the state medical board under this chapter.

(B) Division (A) of this section does not apply to a physician.

(C) Division (A)(1) of this section does not apply to the following:

(1) A person who engages in activities included in the practice of oriental medicine as part of a training program in oriental medicine, but only if both of the following conditions are met:

(a) The training program is operated by an educational institution that holds an effective certificate of authorization issued by the ~~Ohio board of regents~~ chancellor of higher education under section 1713.02 of the Revised Code or a school that holds an effective certificate of registration issued by the state board of career colleges and schools under section 3332.05 of the Revised Code.

(b) The person engages in the activities under the general supervision of an individual who holds a ~~certificate~~ license to practice as an oriental medicine practitioner issued under this chapter and is not practicing within the supervisory period required by section 4762.10 of the Revised Code.

(2) To the extent that acupuncture is a component of oriental medicine, an individual who holds a ~~certificate~~ license to practice as an acupuncturist issued under this chapter or a chiropractor who holds a certificate to practice acupuncture issued by the state chiropractic board under section 4734.283 of the Revised Code.

(D) Division (A)(2) of this section does not apply to the following:

(1) A person who performs acupuncture as part of a training program in acupuncture, but only if both of the following conditions are met:

(a) The training program is operated by an educational institution that holds an effective certificate of authorization issued by the ~~Ohio board of regents~~ chancellor of higher education under section 1713.02 of the Revised Code or a school that holds an effective certificate of registration issued by the state board of career colleges and schools under section 3332.05 of the Revised Code.

(b) The person performs the acupuncture under the general supervision of an acupuncturist who holds a ~~certificate~~ license to practice as an acupuncturist issued under this chapter and is not practicing within the supervisory period required by section 4762.10 of the Revised Code.

(2) An individual who holds a ~~certificate~~ license to practice as an oriental medicine practitioner issued under this chapter.

(3) A chiropractor who holds a certificate to practice acupuncture issued by the state chiropractic board under section 4734.283 of the Revised Code.

**Sec. 4762.03.** (A) An individual seeking a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~

license to practice as an acupuncturist shall file with the state 56102  
medical board a written application on a form prescribed and 56103  
supplied by the board. 56104

(B) To be eligible for the ~~certificate to practice~~ license, 56105  
an applicant shall meet all of the following conditions, as 56106  
applicable: 56107

(1) The applicant shall submit evidence satisfactory to the 56108  
board that the applicant is at least eighteen years of age and of 56109  
good moral character. 56110

(2) In the case of an applicant seeking a ~~certificate~~ license 56111  
to practice as an oriental medicine practitioner, the applicant 56112  
shall submit evidence satisfactory to the board of both of the 56113  
following: 56114

(a) That the applicant holds a current and active designation 56115  
from the national certification commission for acupuncture and 56116  
oriental medicine as either a diplomate in oriental medicine or 56117  
diplomate of acupuncture and Chinese herbology; 56118

(b) That the applicant has successfully completed, in the 56119  
two-year period immediately preceding application for the 56120  
~~certificate~~ license to practice, one course approved by the 56121  
commission on federal food and drug administration dispensary and 56122  
compounding guidelines and procedures. 56123

(3) In the case of an applicant seeking a ~~certificate~~ license 56124  
to practice as an acupuncturist, the applicant shall submit 56125  
evidence satisfactory to the board that the applicant holds a 56126  
current and active designation from the national certification 56127  
commission for acupuncture and oriental medicine as a diplomate in 56128  
acupuncture. 56129

(4) The applicant shall demonstrate to the board proficiency 56130  
in spoken English by satisfying one of the following requirements: 56131

(a) Passing the examination described in section 4731.142 of the Revised Code; 56132  
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(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture; 56134  
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(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine; 56140  
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(d) In the case of an applicant seeking a ~~certificate~~ license to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a ~~certificate~~ license to practice as an acupuncturist issued under ~~section 4762.04 of the Revised Code~~ this chapter. 56148  
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(5) The applicant shall submit to the board any other information the board requires. 56154  
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(6) The applicant shall pay to the board a fee of one hundred dollars, no part of which may be returned to the applicant. 56156  
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(C) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a ~~certificate to practice~~ license not later than sixty days after receiving a complete application. ~~The affirmative vote of not fewer than six members of the board is~~ 56158  
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~~required to determine that an applicant meets the requirements for~~ 56163  
~~a certificate.~~ 56164

**Sec. 4762.031.** In addition to any other eligibility 56165  
requirement set forth in this chapter, each applicant for a 56166  
~~certificate~~ license to practice as an oriental medicine 56167  
practitioner or ~~certificate~~ license to practice as an 56168  
acupuncturist shall comply with sections 4776.01 to 4776.04 of the 56169  
Revised Code. The state medical board shall not grant to an 56170  
applicant a ~~certificate~~ license to practice unless the board, in 56171  
its discretion, decides that the results of the criminal records 56172  
check do not make the applicant ineligible for a ~~certificate~~ 56173  
license issued pursuant to section 4762.04 of the Revised Code. 56174

**Sec. 4762.04.** If the state medical board determines under 56175  
section 4762.03 of the Revised Code that an applicant meets the 56176  
requirements for a ~~certificate~~ license to practice as an oriental 56177  
medicine practitioner or ~~certificate~~ license to practice as an 56178  
acupuncturist, the secretary of the board shall register the 56179  
applicant as an oriental medicine practitioner or acupuncturist, 56180  
as appropriate, and issue to the applicant the appropriate 56181  
~~certificate~~ license to practice. The ~~certificate~~ license shall be 56182  
valid for a two-year period unless revoked or suspended, shall 56183  
expire ~~biennially~~ on the date that is two years after the date of 56184  
issuance, and may be renewed for additional two-year periods in 56185  
accordance with section 4762.06 of the Revised Code. 56186

**Sec. 4762.041.** (A) The state medical board shall issue an 56187  
expedited license to practice as an oriental medicine practitioner 56188  
or acupuncturist by endorsement to an applicant who meets all of 56189  
the requirements of this section. 56190

(B) An individual who seeks an expedited license by 56191  
endorsement under this section shall file with the board a written 56192

application on a form prescribed and supplied by the board. The 56193  
applicant shall include in the application all of the information 56194  
the board considers necessary to process it. 56195

(C) To be eligible to receive an expedited license by 56196  
endorsement, an applicant shall provide evidence satisfactory to 56197  
the board that the applicant meets all of the following 56198  
requirements: 56199

(1) The applicant holds a valid license or certificate to 56200  
practice as an oriental medicine practitioner or acupuncturist 56201  
issued by any other state or jurisdiction. 56202

(2) The license or certificate is current, and the applicant 56203  
is in good standing in the state or jurisdiction of licensure or 56204  
certification. 56205

(3) One of the circumstances described in division (B)(3) of 56206  
section 4743.041 of the Revised Code applies to the applicant. 56207

(4) The applicant moved or will move to this state from the 56208  
state or jurisdiction in which the individual holds a current 56209  
license or certificate. 56210

(5) The individual meets the requirements to receive a 56211  
license as specified in sections 4762.03 and 4762.031 of the 56212  
Revised Code. 56213

(D) The board shall waive all fees associated with the 56214  
application for and issuance of an expedited license by 56215  
endorsement under this section. 56216

(E) The secretary and supervising member of the board shall 56217  
review all applications received under this section. If the 56218  
secretary and supervising member determine that an applicant meets 56219  
the requirements for an expedited license by endorsement, the 56220  
board shall issue the license to the applicant. 56221

**Sec. 4762.05.** Upon application by the holder of a certificate 56222

license to practice as an oriental medicine practitioner or 56223  
~~eertificate~~ license to practice as an acupuncturist, the state 56224  
medical board shall issue a duplicate ~~eertificate~~ license to 56225  
replace one that is missing or damaged, to reflect a name change, 56226  
or for any other reasonable cause. The fee for a duplicate 56227  
~~eertificate~~ license is thirty-five dollars. 56228

**Sec. 4762.06.** (A) A person seeking to renew a ~~eertificate~~ 56229  
license to practice as an oriental medicine practitioner or 56230  
~~eertificate~~ license to practice as an acupuncturist shall, on or 56231  
before the ~~thirty first day of January of each even numbered year~~ 56232  
license's expiration date, apply to the state medical board for 56233  
renewal of the ~~certificate~~. The ~~state medical~~ board shall provide 56234  
renewal notices to license holders at least one month prior to the 56235  
expiration date. 56236

Applications shall be submitted to the board in a manner 56237  
prescribed by the board. Each application shall be accompanied by 56238  
a biennial renewal fee of one hundred dollars. 56239

The applicant shall report any criminal offense that 56240  
constitutes grounds for refusing to issue a ~~eertificate~~ license 56241  
under section 4762.13 of the Revised Code to which the applicant 56242  
has pleaded guilty, of which the applicant has been found guilty, 56243  
or for which the applicant has been found eligible for 56244  
intervention in lieu of conviction, since last signing an 56245  
application for a ~~eertificate~~ license to practice as an oriental 56246  
medicine practitioner or ~~eertificate~~ license to practice as an 56247  
acupuncturist. 56248

(B)(1) To be eligible for renewal of a ~~eertificate~~ license to 56249  
practice as an oriental medicine practitioner, an applicant shall 56250  
certify to the board both of the following, as applicable: 56251

(a) That the applicant has maintained a current and active 56252  
designation from the national certification commission for 56253

acupuncture and oriental medicine as either a diplomate in 56254  
oriental medicine or diplomate of acupuncture and Chinese 56255  
herbology; 56256

(b) That the applicant has successfully completed one 56257  
six-hour course in herb and drug interaction approved by the 56258  
national certification commission for acupuncture and oriental 56259  
medicine in the four years immediately preceding the expiration 56260  
date of the applicant's current and active designation from the 56261  
commission as a diplomate in oriental medicine or diplomate of 56262  
acupuncture and Chinese herbology. 56263

(2) To be eligible for renewal of a ~~certificate~~ license to 56264  
practice as an acupuncturist, an applicant shall certify to the 56265  
board that the acupuncturist has maintained a current and active 56266  
designation from the national certification commission for 56267  
acupuncture and oriental medicine as a diplomate in acupuncture. 56268

(C) If an applicant submits a complete renewal application 56269  
and qualifies for renewal pursuant to division (B) of this 56270  
section, the board shall issue to the applicant a renewed 56271  
~~certificate~~ license to practice. 56272

(D) A ~~certificate~~ license to practice that is not renewed on 56273  
or before its expiration date is automatically suspended on its 56274  
expiration date. ~~If~~ 56275

If a ~~certificate~~ license has been suspended pursuant to this 56276  
division for two years or less, the board shall reinstate the 56277  
~~certificate~~ license upon an applicant's submission of a renewal 56278  
application, the biennial renewal fee, and the applicable monetary 56279  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 56280

If a ~~certificate~~ license has been suspended pursuant to this 56281  
division for more than two years, it may be restored. Subject to 56282  
section 4762.061 of the Revised Code, the board may restore the 56283  
license upon an applicant's submission of a restoration 56284

application, the biennial renewal fee, and the applicable monetary 56285  
penalty and compliance with sections 4776.01 to 4776.04 of the 56286  
Revised Code. The board shall not restore a ~~certificate to~~ 56287  
~~practice license~~ unless the board, in its discretion, decides that 56288  
the results of the criminal records check do not make the 56289  
applicant ineligible for a certificate issued pursuant to section 56290  
4762.04 of the Revised Code. The penalty for restoration is fifty 56291  
dollars. 56292

Sec. 4762.061. (A) This section applies to both of the 56293  
following: 56294

(1) An applicant seeking restoration of a license issued 56295  
under this chapter that has been in a suspended or inactive state 56296  
for any cause for more than two years; 56297

(2) An applicant seeking issuance of a license pursuant to 56298  
this chapter who for more than two years has not been engaged in 56299  
the practice of oriental medicine or acupuncture as either of the 56300  
following: 56301

(a) An active practitioner; 56302

(b) A participant in a training program as described in 56303  
section 4762.02 of the Revised Code. 56304

(B) Before issuing a license to an applicant subject to this 56305  
section or restoring a license to good standing for an applicant 56306  
subject to this section, the state medical board may impose terms 56307  
and conditions including any one or more of the following: 56308

(1) Requiring the applicant to pass an oral or written 56309  
examination, or both, to determine the applicant's present fitness 56310  
to resume practice; 56311

(2) Requiring the applicant to obtain additional training and 56312  
to pass an examination upon completion of such training; 56313

(3) Requiring an assessment of the applicant's physical 56314

skills for purposes of determining whether the applicant's 56315  
coordination, fine motor skills, and dexterity are sufficient for 56316  
performing evaluations and procedures in a manner that meets the 56317  
minimal standards of care; 56318

(4) Requiring an assessment of the applicant's skills in 56319  
recognizing and understanding diseases and conditions; 56320

(5) Requiring the applicant to undergo a comprehensive 56321  
physical examination, which may include an assessment of physical 56322  
abilities, evaluation of sensory capabilities, or screening for 56323  
the presence of neurological disorders; 56324

(6) Restricting or limiting the extent, scope, or type of 56325  
practice of the applicant. 56326

The board shall consider the moral background and the 56327  
activities of the applicant during the period of suspension or 56328  
inactivity. The board shall not issue or restore a license under 56329  
this section unless the applicant complies with sections 4776.01 56330  
to 4776.04 of the Revised Code. 56331

**Sec. 4762.08.** (A) A person who holds a ~~certificate~~ license to 56332  
practice as an oriental medicine practitioner issued under this 56333  
chapter may use the following titles, initials, or abbreviations, 56334  
or the equivalent of such titles, initials, or abbreviations, to 56335  
identify the person as an oriental medicine practitioner: 56336  
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 56337  
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 56338  
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 56339  
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 56340  
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 56341  
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 56342  
or "National Board Certified in Acupuncture and Chinese Herbology 56343  
(NCCAOM)." The person shall not use other titles, initials, or 56344  
abbreviations in conjunction with the person's practice of 56345

oriental medicine, including the title "doctor." 56346

(B) A person who holds a ~~certificate~~ license to practice as 56347  
an acupuncturist issued under this chapter may use the following 56348  
titles, initials, or abbreviations, or the equivalent of such 56349  
titles, initials, or abbreviations, to identify the person as an 56350  
acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," 56351  
"Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or 56352  
"National Board Certified in Acupuncture (NCCAOM)." The person 56353  
shall not use other titles, initials, or abbreviations in 56354  
conjunction with the person's practice of acupuncture, including 56355  
the title "doctor." 56356

**Sec. 4762.09.** An individual who holds a ~~certificate~~ license 56357  
to practice as an oriental medicine practitioner or ~~certificate~~ 56358  
license to practice as an acupuncturist issued under this chapter 56359  
shall conspicuously display at the individual's primary place of 56360  
business both of the following: 56361

(A) The individual's ~~certificate~~ license, as evidence that 56362  
the individual is authorized to practice in this state; 56363

(B) A notice specifying that the practice of oriental 56364  
medicine or acupuncture, as applicable, under the ~~certificate~~ 56365  
license is regulated by the state medical board and the address 56366  
and telephone number of the board's office. 56367

**Sec. 4762.10.** The following, as applicable, apply to an 56368  
individual who holds a ~~certificate~~ license to practice as an 56369  
oriental medicine practitioner or ~~certificate~~ license to practice 56370  
as an acupuncturist: 56371

(A) On receipt of an initial ~~certificate~~ license to practice, 56372  
the practice of the oriental medicine practitioner or 56373  
acupuncturist is subject to a supervisory period. The supervisory 56374  
period shall begin on the date the initial ~~certificate~~ license is 56375

granted and end one year thereafter, except that if the oriental 56376  
medicine practitioner or acupuncturist is subject during that year 56377  
to disciplinary action taken by the state medical board pursuant 56378  
to section 4762.13 of the Revised Code, the supervision shall 56379  
continue until the practitioner or acupuncturist has not been 56380  
subject to any disciplinary action for one year. 56381

(B) During the supervisory period, both of the following 56382  
apply to an oriental medicine practitioner's or acupuncturist's 56383  
practice in addition to the applicable requirements of divisions 56384  
(D) and (E) of this section: 56385

(1) An oriental medicine practitioner shall perform oriental 56386  
medicine or acupuncture for a patient only if the patient has 56387  
received a written referral or prescription for oriental medicine 56388  
or acupuncture from a physician or for acupuncture from a 56389  
chiropractor. An acupuncturist shall perform acupuncture for a 56390  
patient only if the patient has received a written referral or 56391  
prescription for acupuncture from a physician or chiropractor. As 56392  
specified in the referral or prescription, the oriental medicine 56393  
practitioner or acupuncturist shall provide reports to the 56394  
physician or chiropractor on the patient's condition or progress 56395  
in treatment and comply with the conditions or restrictions on the 56396  
practitioner's or acupuncturist's course of treatment. 56397

(2) The oriental medicine practitioner or acupuncturist shall 56398  
perform oriental medicine or acupuncture under the general 56399  
supervision of the patient's referring or prescribing physician or 56400  
chiropractor, except that an oriental medicine practitioner using 56401  
herbal therapy in the treatment of a patient shall not provide 56402  
herbal therapy under the general supervision of a chiropractor. 56403  
General supervision does not require that the oriental medicine 56404  
practitioner or acupuncturist and supervising physician or 56405  
chiropractor practice in the same office. 56406

(C) After the supervisory period has ended, both of the 56407

following apply to an oriental medicine practitioner's or 56408  
acupuncturist's practice in addition to the applicable 56409  
requirements of divisions (D) and (E) of this section: 56410

(1) Before treating a patient for a particular condition, an 56411  
oriental medicine practitioner or acupuncturist shall confirm 56412  
whether the patient has undergone within the past six months a 56413  
diagnostic examination that was related to the condition for which 56414  
the patient is seeking oriental medicine or acupuncture and was 56415  
performed by a physician or chiropractor acting within the 56416  
physician's or chiropractor's scope of practice. Confirmation that 56417  
the diagnostic examination was performed may be made by obtaining 56418  
from the patient a signed form stating that the patient has 56419  
undergone the examination. 56420

(2) If the patient does not provide the signed form specified 56421  
in division (C)(1) of this section or an oriental medicine 56422  
practitioner or acupuncturist otherwise determines that the 56423  
patient has not undergone the diagnostic examination specified in 56424  
that division, the practitioner or acupuncturist shall provide to 56425  
the patient a written recommendation to undergo a diagnostic 56426  
examination by a physician or chiropractor. 56427

(D) In an individual's practice of oriental medicine or 56428  
acupuncture pursuant to a ~~certificate~~ license to practice issued 56429  
under this chapter, all of the following apply: 56430

(1) Prior to treating a patient, the individual shall advise 56431  
the patient that oriental medicine or acupuncture, as applicable, 56432  
is not a substitute for conventional medical diagnosis and 56433  
treatment. 56434

(2) On initially meeting a patient in person, the individual 56435  
shall provide in writing the individual's name, business address, 56436  
and business telephone number, and information on oriental 56437  
medicine or acupuncture, as applicable, including the techniques 56438

that are used. 56439

(3) While treating a patient, the individual shall not make a 56440  
diagnosis. If a patient's condition is not improving or a patient 56441  
requires emergency medical treatment, the individual shall consult 56442  
promptly with a physician. 56443

(4) The individual shall maintain records for each patient 56444  
treated. The records shall be confidential and shall be retained 56445  
for not less than three years following termination of treatment. 56446  
The individual shall include in a patient's records the written 56447  
referral or prescription pursuant to which ~~the~~ the patient is 56448  
treated during a supervisory period and any written referral or 56449  
prescription for oriental medicine or acupuncture received for a 56450  
patient being treated after the supervisory period. 56451

(E) In an individual's practice of oriental medicine by using 56452  
herbal therapy in the treatment of a patient, all of the following 56453  
apply: 56454

(1) The oriental medicine practitioner shall provide to the 56455  
patient counseling and treatment instructions. The treatment 56456  
instructions shall do all of the following: 56457

(a) Explain the need for herbal therapy; 56458

(b) Instruct the patient how to take the herbal therapy; 56459

(c) Explain possible contraindications to the herbal therapy 56460  
and provide sources of care in case of an adverse reaction; 56461

(d) Instruct the patient to inform the patient's other health 56462  
care providers, including the patient's pharmacist, of the herbal 56463  
therapy that has been provided to the patient. 56464

(2) The oriental medicine practitioner shall document all of 56465  
the following in the patient's record: 56466

(a) The type, amount, and strength of herbal therapy 56467  
recommended for the patient's use; 56468

(b) The counseling and treatment instructions provided to the patient under division (E)(1) of this section;

(c) Any adverse reaction reported by the patient in conjunction with the use of herbal therapy.

(3) The oriental medicine practitioner shall report to the state medical board any adverse reactions reported by the patient under division (E)(2)(c) of this section.

**Sec. 4762.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the ~~certificate~~ license.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's ~~certificate~~ license to practice, refuse to issue a ~~certificate~~ license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or reprimand or place on probation the holder of a ~~certificate~~ license for any of the following reasons:

(1) Permitting the holder's name or ~~certificate~~ license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a ~~certificate~~ license to practice as an oriental medicine practitioner or ~~certificate~~ license to practice as an acupuncturist.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or a

thing of value by fraudulent misrepresentations in the course of 56530  
practice; 56531

(11) A plea of guilty to, a judicial finding of guilt of, or 56532  
a judicial finding of eligibility for intervention in lieu of 56533  
conviction for, a felony; 56534

(12) Commission of an act that constitutes a felony in this 56535  
state, regardless of the jurisdiction in which the act was 56536  
committed; 56537

(13) A plea of guilty to, a judicial finding of guilt of, or 56538  
a judicial finding of eligibility for intervention in lieu of 56539  
conviction for, a misdemeanor committed in the course of practice; 56540

(14) A plea of guilty to, a judicial finding of guilt of, or 56541  
a judicial finding of eligibility for intervention in lieu of 56542  
conviction for, a misdemeanor involving moral turpitude; 56543

(15) Commission of an act in the course of practice that 56544  
constitutes a misdemeanor in this state, regardless of the 56545  
jurisdiction in which the act was committed; 56546

(16) Commission of an act involving moral turpitude that 56547  
constitutes a misdemeanor in this state, regardless of the 56548  
jurisdiction in which the act was committed; 56549

(17) A plea of guilty to, a judicial finding of guilt of, or 56550  
a judicial finding of eligibility for intervention in lieu of 56551  
conviction for violating any state or federal law regulating the 56552  
possession, distribution, or use of any drug, including 56553  
trafficking in drugs; 56554

(18) Any of the following actions taken by the state agency 56555  
responsible for regulating the practice of oriental medicine or 56556  
acupuncture in another jurisdiction, for any reason other than the 56557  
nonpayment of fees: the limitation, revocation, or suspension of 56558  
an individual's license to practice; acceptance of an individual's 56559

license surrender; denial of a license; refusal to renew or	56560
reinstate a license; imposition of probation; or issuance of an	56561
order of censure or other reprimand;	56562
(19) Violation of the conditions placed by the board on a	56563
<del>certificate</del> <u>license</u> to practice as an oriental medicine	56564
practitioner or <del>certificate</del> <u>license</u> to practice as an	56565
acupuncturist;	56566
(20) Failure to use universal blood and body fluid	56567
precautions established by rules adopted under section 4731.051 of	56568
the Revised Code;	56569
(21) Failure to cooperate in an investigation conducted by	56570
the board under section 4762.14 of the Revised Code, including	56571
failure to comply with a subpoena or order issued by the board or	56572
failure to answer truthfully a question presented by the board at	56573
a deposition or in written interrogatories, except that failure to	56574
cooperate with an investigation shall not constitute grounds for	56575
discipline under this section if a court of competent jurisdiction	56576
has issued an order that either quashes a subpoena or permits the	56577
individual to withhold the testimony or evidence in issue;	56578
(22) Failure to comply with the standards of the national	56579
certification commission for acupuncture and oriental medicine	56580
regarding professional ethics, commitment to patients, commitment	56581
to the profession, and commitment to the public;	56582
(23) Failure to have adequate professional liability	56583
insurance coverage in accordance with section 4762.22 of the	56584
Revised Code;	56585
(24) Failure to maintain a current and active designation as	56586
a diplomate in oriental medicine, diplomate of acupuncture and	56587
Chinese herbology, or diplomate in acupuncture, as applicable,	56588
from the national certification commission for acupuncture and	56589
oriental medicine, including revocation by the commission of the	56590

individual's designation, failure by the individual to meet the 56591  
commission's requirements for redesignation, or failure to notify 56592  
the board that the appropriate designation has not been 56593  
maintained. 56594

(C) Disciplinary actions taken by the board under divisions 56595  
(A) and (B) of this section shall be taken pursuant to an 56596  
adjudication under Chapter 119. of the Revised Code, except that 56597  
in lieu of an adjudication, the board may enter into a consent 56598  
agreement with an oriental medicine practitioner or acupuncturist 56599  
or applicant to resolve an allegation of a violation of this 56600  
chapter or any rule adopted under it. A consent agreement, when 56601  
ratified by an affirmative vote of not fewer than six members of 56602  
the board, shall constitute the findings and order of the board 56603  
with respect to the matter addressed in the agreement. If the 56604  
board refuses to ratify a consent agreement, the admissions and 56605  
findings contained in the consent agreement shall be of no force 56606  
or effect. 56607

(D) For purposes of divisions (B)(12), (15), and (16) of this 56608  
section, the commission of the act may be established by a finding 56609  
by the board, pursuant to an adjudication under Chapter 119. of 56610  
the Revised Code, that the applicant or ~~certificate~~ license holder 56611  
committed the act in question. The board shall have no 56612  
jurisdiction under these divisions in cases where the trial court 56613  
renders a final judgment in the ~~certificate~~ license holder's favor 56614  
and that judgment is based upon an adjudication on the merits. The 56615  
board shall have jurisdiction under these divisions in cases where 56616  
the trial court issues an order of dismissal upon technical or 56617  
procedural grounds. 56618

(E) The sealing of conviction records by any court shall have 56619  
no effect upon a prior board order entered under the provisions of 56620  
this section or upon the board's jurisdiction to take action under 56621  
the provisions of this section if, based upon a plea of guilty, a 56622

judicial finding of guilt, or a judicial finding of eligibility 56623  
for intervention in lieu of conviction, the board issued a notice 56624  
of opportunity for a hearing or entered into a consent agreement 56625  
prior to the court's order to seal the records. The board shall 56626  
not be required to seal, destroy, redact, or otherwise modify its 56627  
records to reflect the court's sealing of conviction records. 56628

(F) For purposes of this division, any individual who holds a 56629  
~~certificate~~ license to practice issued under this chapter, or 56630  
applies for a ~~certificate~~ license to practice, shall be deemed to 56631  
have given consent to submit to a mental or physical examination 56632  
when directed to do so in writing by the board and to have waived 56633  
all objections to the admissibility of testimony or examination 56634  
reports that constitute a privileged communication. 56635

(1) In enforcing division (B)(5) of this section, the board, 56636  
upon a showing of a possible violation, may compel any individual 56637  
who holds a ~~certificate~~ license to practice issued under this 56638  
chapter or who has applied for a ~~certificate~~ license pursuant to 56639  
this chapter to submit to a mental examination, physical 56640  
examination, including an HIV test, or both a mental and physical 56641  
examination. The expense of the examination is the responsibility 56642  
of the individual compelled to be examined. Failure to submit to a 56643  
mental or physical examination or consent to an HIV test ordered 56644  
by the board constitutes an admission of the allegations against 56645  
the individual unless the failure is due to circumstances beyond 56646  
the individual's control, and a default and final order may be 56647  
entered without the taking of testimony or presentation of 56648  
evidence. If the board finds an oriental medicine practitioner or 56649  
acupuncturist unable to practice because of the reasons set forth 56650  
in division (B)(5) of this section, the board shall require the 56651  
individual to submit to care, counseling, or treatment by 56652  
physicians approved or designated by the board, as a condition for 56653  
an initial, continued, reinstated, or renewed ~~certificate~~ license 56654

to practice. An individual affected by this division shall be 56655  
afforded an opportunity to demonstrate to the board the ability to 56656  
resume practicing in compliance with acceptable and prevailing 56657  
standards of care. 56658

(2) For purposes of division (B)(6) of this section, if the 56659  
board has reason to believe that any individual who holds a 56660  
~~certificate~~ license to practice issued under this chapter or any 56661  
applicant for a ~~certificate~~ license suffers such impairment, the 56662  
board may compel the individual to submit to a mental or physical 56663  
examination, or both. The expense of the examination is the 56664  
responsibility of the individual compelled to be examined. Any 56665  
mental or physical examination required under this division shall 56666  
be undertaken by a treatment provider or physician qualified to 56667  
conduct such examination and chosen by the board. 56668

Failure to submit to a mental or physical examination ordered 56669  
by the board constitutes an admission of the allegations against 56670  
the individual unless the failure is due to circumstances beyond 56671  
the individual's control, and a default and final order may be 56672  
entered without the taking of testimony or presentation of 56673  
evidence. If the board determines that the individual's ability to 56674  
practice is impaired, the board shall suspend the individual's 56675  
~~certificate~~ license or deny the individual's application and shall 56676  
require the individual, as a condition for an initial, continued, 56677  
reinstated, or renewed ~~certificate~~ license, to submit to 56678  
treatment. 56679

Before being eligible to apply for reinstatement of a 56680  
~~certificate~~ license suspended under this division, the oriental 56681  
medicine practitioner or acupuncturist shall demonstrate to the 56682  
board the ability to resume practice in compliance with acceptable 56683  
and prevailing standards of care. The demonstration shall include 56684  
the following: 56685

(a) Certification from a treatment provider approved under 56686

section 4731.25 of the Revised Code that the individual has 56687  
successfully completed any required inpatient treatment; 56688

(b) Evidence of continuing full compliance with an aftercare 56689  
contract or consent agreement; 56690

(c) Two written reports indicating that the individual's 56691  
ability to practice has been assessed and that the individual has 56692  
been found capable of practicing according to acceptable and 56693  
prevailing standards of care. The reports shall be made by 56694  
individuals or providers approved by the board for making such 56695  
assessments and shall describe the basis for their determination. 56696

The board may reinstate a ~~certificate~~ license suspended under 56697  
this division after such demonstration and after the individual 56698  
has entered into a written consent agreement. 56699

When the impaired individual resumes practice, the board 56700  
shall require continued monitoring of the individual. The 56701  
monitoring shall include monitoring of compliance with the written 56702  
consent agreement entered into before reinstatement or with 56703  
conditions imposed by board order after a hearing, and, upon 56704  
termination of the consent agreement, submission to the board for 56705  
at least two years of annual written progress reports made under 56706  
penalty of falsification stating whether the individual has 56707  
maintained sobriety. 56708

(G) If the secretary and supervising member determine both of 56709  
the following, they may recommend that the board suspend an 56710  
individual's ~~certificate~~ license to practice without a prior 56711  
hearing: 56712

(1) That there is clear and convincing evidence that an 56713  
oriental medicine practitioner or acupuncturist has violated 56714  
division (B) of this section; 56715

(2) That the individual's continued practice presents a 56716  
danger of immediate and serious harm to the public. 56717

Written allegations shall be prepared for consideration by 56718  
the board. The board, upon review of the allegations and by an 56719  
affirmative vote of not fewer than six of its members, excluding 56720  
the secretary and supervising member, may suspend a ~~certificate~~ 56721  
license without a prior hearing. A telephone conference call may 56722  
be utilized for reviewing the allegations and taking the vote on 56723  
the summary suspension. 56724

The board shall issue a written order of suspension by 56725  
certified mail or in person in accordance with section 119.07 of 56726  
the Revised Code. The order shall not be subject to suspension by 56727  
the court during pendency of any appeal filed under section 119.12 56728  
of the Revised Code. If the oriental medicine practitioner or 56729  
acupuncturist requests an adjudicatory hearing by the board, the 56730  
date set for the hearing shall be within fifteen days, but not 56731  
earlier than seven days, after the hearing is requested, unless 56732  
otherwise agreed to by both the board and the ~~certificate~~ license 56733  
holder. 56734

A summary suspension imposed under this division shall remain 56735  
in effect, unless reversed on appeal, until a final adjudicative 56736  
order issued by the board pursuant to this section and Chapter 56737  
119. of the Revised Code becomes effective. The board shall issue 56738  
its final adjudicative order within sixty days after completion of 56739  
its hearing. Failure to issue the order within sixty days shall 56740  
result in dissolution of the summary suspension order, but shall 56741  
not invalidate any subsequent, final adjudicative order. 56742

(H) If the board takes action under division (B)(11), (13), 56743  
or (14) of this section, and the judicial finding of guilt, guilty 56744  
plea, or judicial finding of eligibility for intervention in lieu 56745  
of conviction is overturned on appeal, upon exhaustion of the 56746  
criminal appeal, a petition for reconsideration of the order may 56747  
be filed with the board along with appropriate court documents. 56748  
Upon receipt of a petition and supporting court documents, the 56749

board shall reinstate the ~~certificate to practice~~ license. The 56750  
board may then hold an adjudication under Chapter 119. of the 56751  
Revised Code to determine whether the individual committed the act 56752  
in question. Notice of opportunity for hearing shall be given in 56753  
accordance with Chapter 119. of the Revised Code. If the board 56754  
finds, pursuant to an adjudication held under this division, that 56755  
the individual committed the act, or if no hearing is requested, 56756  
it may order any of the sanctions specified in division (B) of 56757  
this section. 56758

(I) The ~~certificate~~ license to practice of an oriental 56759  
medicine practitioner or acupuncturist and the practitioner's or 56760  
acupuncturist's practice in this state are automatically suspended 56761  
as of the date the practitioner or acupuncturist pleads guilty to, 56762  
is found by a judge or jury to be guilty of, or is subject to a 56763  
judicial finding of eligibility for intervention in lieu of 56764  
conviction in this state or treatment or intervention in lieu of 56765  
conviction in another jurisdiction for any of the following 56766  
criminal offenses in this state or a substantially equivalent 56767  
criminal offense in another jurisdiction: aggravated murder, 56768  
murder, voluntary manslaughter, felonious assault, kidnapping, 56769  
rape, sexual battery, gross sexual imposition, aggravated arson, 56770  
aggravated robbery, or aggravated burglary. Continued practice 56771  
after the suspension shall be considered practicing without a 56772  
~~certificate~~ license. 56773

The board shall notify the individual subject to the 56774  
suspension by certified mail or in person in accordance with 56775  
section 119.07 of the Revised Code. If an individual whose 56776  
~~certificate~~ license is suspended under this division fails to make 56777  
a timely request for an adjudication under Chapter 119. of the 56778  
Revised Code, the board shall enter a final order permanently 56779  
revoking the individual's ~~certificate to practice~~ license. 56780

(J) In any instance in which the board is required by Chapter 56781

119. of the Revised Code to give notice of opportunity for hearing 56782  
and the individual subject to the notice does not timely request a 56783  
hearing in accordance with section 119.07 of the Revised Code, the 56784  
board is not required to hold a hearing, but may adopt, by an 56785  
affirmative vote of not fewer than six of its members, a final 56786  
order that contains the board's findings. In the final order, the 56787  
board may order any of the sanctions identified under division (A) 56788  
or (B) of this section. 56789

(K) Any action taken by the board under division (B) of this 56790  
section resulting in a suspension shall be accompanied by a 56791  
written statement of the conditions under which the ~~certificate to~~ 56792  
~~practice~~ license may be reinstated. The board shall adopt rules in 56793  
accordance with Chapter 119. of the Revised Code governing 56794  
conditions to be imposed for reinstatement. Reinstatement of a 56795  
~~certificate~~ license suspended pursuant to division (B) of this 56796  
section requires an affirmative vote of not fewer than six members 56797  
of the board. 56798

(L) When the board refuses to grant or issue a ~~certificate to~~ 56799  
~~practice~~ license to an applicant, revokes an individual's 56800  
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 56801  
license, or refuses to reinstate an individual's ~~certificate~~ 56802  
license, the board may specify that its action is permanent. An 56803  
individual subject to a permanent action taken by the board is 56804  
forever thereafter ineligible to hold a ~~certificate~~ license to 56805  
practice as an oriental medicine practitioner or ~~certificate~~ 56806  
license to practice as an acupuncturist and the board shall not 56807  
accept an application for reinstatement of the ~~certificate~~ license 56808  
or for issuance of a new ~~certificate~~ license. 56809

(M) Notwithstanding any other provision of the Revised Code, 56810  
all of the following apply: 56811

(1) The surrender of a ~~certificate~~ license to practice as an 56812  
oriental medicine practitioner or ~~certificate~~ license to practice 56813

as an acupuncturist issued under this chapter is not effective 56814  
unless or until accepted by the board. Reinstatement of a 56815  
~~certificate~~ license surrendered to the board requires an 56816  
affirmative vote of not fewer than six members of the board. 56817

(2) An application made under this chapter for a ~~certificate~~ 56818  
license may not be withdrawn without approval of the board. 56819

(3) Failure by an individual to renew a ~~certificate~~ license 56820  
in accordance with section 4762.06 of the Revised Code shall not 56821  
remove or limit the board's jurisdiction to take disciplinary 56822  
action under this section against the individual. 56823

**Sec. 4762.131.** On receipt of a notice pursuant to section 56824  
3123.43 of the Revised Code, the state medical board shall comply 56825  
with sections 3123.41 to 3123.50 of the Revised Code and any 56826  
applicable rules adopted under section 3123.63 of the Revised Code 56827  
with respect to a ~~certificate~~ license to practice as an oriental 56828  
medicine practitioner or ~~certificate~~ license to practice as an 56829  
acupuncturist issued pursuant to this chapter. 56830

**Sec. 4762.132.** If the state medical board has reason to 56831  
believe that any person who has been granted under this chapter a 56832  
~~certificate~~ license to practice as an oriental medicine 56833  
practitioner or ~~certificate~~ license to practice as an 56834  
acupuncturist is mentally ill or mentally incompetent, it may file 56835  
in the probate court of the county in which the person has a legal 56836  
residence an affidavit in the form prescribed in section 5122.11 56837  
of the Revised Code and signed by the board secretary or a member 56838  
of the board secretary's staff, whereupon the same proceedings 56839  
shall be had as provided in Chapter 5122. of the Revised Code. The 56840  
attorney general may represent the board in any proceeding 56841  
commenced under this section. 56842

If any person who has been granted a ~~certificate~~ license is 56843

adjudged by a probate court to be mentally ill or mentally 56844  
incompetent, the person's ~~certificate~~ license shall be 56845  
automatically suspended until the person has filed with the state 56846  
medical board a certified copy of an adjudication by a probate 56847  
court of the person's subsequent restoration to competency or has 56848  
submitted to the board proof, satisfactory to the board, that the 56849  
person has been discharged as having a restoration to competency 56850  
in the manner and form provided in section 5122.38 of the Revised 56851  
Code. The judge of the probate court shall forthwith notify the 56852  
state medical board of an adjudication of mental illness or mental 56853  
incompetence, and shall note any suspension of a ~~certificate~~ 56854  
license in the margin of the court's record of such ~~certificate~~ 56855  
license. 56856

**Sec. 4762.14.** (A) The state medical board shall investigate 56857  
evidence that appears to show that any person has violated this 56858  
chapter or the rules adopted under it. Any person may report to 56859  
the board in a signed writing any information the person has that 56860  
appears to show a violation of any provision of this chapter or 56861  
the rules adopted under it. In the absence of bad faith, a person 56862  
who reports such information or testifies before the board in an 56863  
adjudication conducted under Chapter 119. of the Revised Code 56864  
shall not be liable for civil damages as a result of reporting the 56865  
information or providing testimony. Each complaint or allegation 56866  
of a violation received by the board shall be assigned a case 56867  
number and be recorded by the board. 56868

(B) Investigations of alleged violations of this chapter or 56869  
rules adopted under it shall be supervised by the supervising 56870  
member elected by the board in accordance with section 4731.02 of 56871  
the Revised Code and by the secretary as provided in section 56872  
4762.17 of the Revised Code. The board's president may designate 56873  
another member of the board to supervise the investigation in 56874  
place of the supervising member. A member of the board who 56875

supervises the investigation of a case shall not participate in 56876  
further adjudication of the case. 56877

(C) In investigating a possible violation of this chapter or 56878  
the rules adopted under it, the board may administer oaths, order 56879  
the taking of depositions, issue subpoenas, and compel the 56880  
attendance of witnesses and production of books, accounts, papers, 56881  
records, documents, and testimony, except that a subpoena for 56882  
patient record information shall not be issued without 56883  
consultation with the attorney general's office and approval of 56884  
the secretary and supervising member of the board. Before issuance 56885  
of a subpoena for patient record information, the secretary and 56886  
supervising member shall determine whether there is probable cause 56887  
to believe that the complaint filed alleges a violation of this 56888  
chapter or the rules adopted under it and that the records sought 56889  
are relevant to the alleged violation and material to the 56890  
investigation. The subpoena may apply only to records that cover a 56891  
reasonable period of time surrounding the alleged violation. 56892

On failure to comply with any subpoena issued by the board 56893  
and after reasonable notice to the person being subpoenaed, the 56894  
board may move for an order compelling the production of persons 56895  
or records pursuant to the Rules of Civil Procedure. 56896

A subpoena issued by the board may be served by a sheriff, 56897  
the sheriff's deputy, or a board employee designated by the board. 56898  
Service of a subpoena issued by the board may be made by 56899  
delivering a copy of the subpoena to the person named therein, 56900  
reading it to the person, or leaving it at the person's usual 56901  
place of residence. When the person being served is an oriental 56902  
medicine practitioner or acupuncturist, service of the subpoena 56903  
may be made by certified mail, restricted delivery, return receipt 56904  
requested, and the subpoena shall be deemed served on the date 56905  
delivery is made or the date the person refuses to accept 56906  
delivery. 56907

A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(D) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(E) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state

medical board when the information was in the board's possession. 56940  
Measures to ensure confidentiality that may be taken by the court 56941  
include sealing its records or deleting specific information from 56942  
its records. 56943

(F) The state medical board shall develop requirements for 56944  
and provide appropriate initial training and continuing education 56945  
for investigators employed by the board to carry out its duties 56946  
under this chapter. The training and continuing education may 56947  
include enrollment in courses operated or approved by the Ohio 56948  
peace officer training commission that the board considers 56949  
appropriate under conditions set forth in section 109.79 of the 56950  
Revised Code. 56951

(G) On a quarterly basis, the board shall prepare a report 56952  
that documents the disposition of all cases during the preceding 56953  
three months. The report shall contain the following information 56954  
for each case with which the board has completed its activities: 56955

(1) The case number assigned to the complaint or alleged 56956  
violation; 56957

(2) The type of ~~certificate to practice~~ license, if any, held 56958  
by the individual against whom the complaint is directed; 56959

(3) A description of the allegations contained in the 56960  
complaint; 56961

(4) The disposition of the case. 56962

The report shall state how many cases are still pending, and 56963  
shall be prepared in a manner that protects the identity of each 56964  
person involved in each case. The report is a public record for 56965  
purposes of section 149.43 of the Revised Code. 56966

**Sec. 4762.15.** (A) As used in this section, "prosecutor" has 56967  
the same meaning as in section 2935.01 of the Revised Code. 56968

(B) Whenever any person holding a valid ~~certificate~~ license 56969

to practice as an oriental medicine practitioner or valid 56970  
~~certificate~~ license to practice as an acupuncturist issued 56971  
pursuant to this chapter pleads guilty to, is subject to a 56972  
judicial finding of guilt of, or is subject to a judicial finding 56973  
of eligibility for intervention in lieu of conviction for a 56974  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 56975  
of any substantively comparable ordinance of a municipal 56976  
corporation in connection with the person's practice, the 56977  
prosecutor in the case, on forms prescribed and provided by the 56978  
state medical board, shall promptly notify the board of the 56979  
conviction. Within thirty days of receipt of that information, the 56980  
board shall initiate action in accordance with Chapter 119. of the 56981  
Revised Code to determine whether to suspend or revoke the 56982  
~~certificate~~ license under section 4762.13 of the Revised Code. 56983

(C) The prosecutor in any case against any person holding a 56984  
valid ~~certificate to practice~~ license issued pursuant to this 56985  
chapter, on forms prescribed and provided by the state medical 56986  
board, shall notify the board of any of the following: 56987

(1) A plea of guilty to, a finding of guilt by a jury or 56988  
court of, or judicial finding of eligibility for intervention in 56989  
lieu of conviction for a felony, or a case in which the trial 56990  
court issues an order of dismissal upon technical or procedural 56991  
grounds of a felony charge; 56992

(2) A plea of guilty to, a finding of guilt by a jury or 56993  
court of, or judicial finding of eligibility for intervention in 56994  
lieu of conviction for a misdemeanor committed in the course of 56995  
practice, or a case in which the trial court issues an order of 56996  
dismissal upon technical or procedural grounds of a charge of a 56997  
misdemeanor, if the alleged act was committed in the course of 56998  
practice; 56999

(3) A plea of guilty to, a finding of guilt by a jury or 57000  
court of, or judicial finding of eligibility for intervention in 57001

lieu of conviction for a misdemeanor involving moral turpitude, or 57002  
a case in which the trial court issues an order of dismissal upon 57003  
technical or procedural grounds of a charge of a misdemeanor 57004  
involving moral turpitude. 57005

The report shall include the name and address of the 57006  
~~certificate~~ license holder, the nature of the offense for which 57007  
the action was taken, and the certified court documents recording 57008  
the action. 57009

**Sec. 4762.16.** (A) Within sixty days after the imposition of 57010  
any formal disciplinary action taken by any health care facility, 57011  
including a hospital, health care facility operated by a health 57012  
insuring corporation, ambulatory surgical center, or similar 57013  
facility, against any individual holding a valid ~~certificate~~ 57014  
license to practice as an oriental medicine practitioner or valid 57015  
~~certificate~~ license to practice as an acupuncturist, the chief 57016  
administrator or executive officer of the facility shall report to 57017  
the state medical board the name of the individual, the action 57018  
taken by the facility, and a summary of the underlying facts 57019  
leading to the action taken. Upon request, the board shall be 57020  
provided certified copies of the patient records that were the 57021  
basis for the facility's action. Prior to release to the board, 57022  
the summary shall be approved by the peer review committee that 57023  
reviewed the case or by the governing board of the facility. 57024

The filing of a report with the board or decision not to file 57025  
a report, investigation by the board, or any disciplinary action 57026  
taken by the board, does not preclude a health care facility from 57027  
taking disciplinary action against an oriental medicine 57028  
practitioner or acupuncturist. 57029

In the absence of fraud or bad faith, no individual or entity 57030  
that provides patient records to the board shall be liable in 57031  
damages to any person as a result of providing the records. 57032

(B)(1) Except as provided in division (B)(2) of this section, 57033  
an oriental medicine practitioner or acupuncturist, professional 57034  
association or society of oriental medicine practitioners or 57035  
acupuncturists, physician, or professional association or society 57036  
of physicians that believes a violation of any provision of this 57037  
chapter, Chapter 4731. of the Revised Code, or rule of the board 57038  
has occurred shall report to the board the information upon which 57039  
the belief is based. 57040

(2) An oriental medicine practitioner or acupuncturist, 57041  
professional association or society of oriental medicine 57042  
practitioners or acupuncturists, physician, or professional 57043  
association or society of physicians that believes a violation of 57044  
division (B)(6) of section 4762.13 of the Revised Code has 57045  
occurred shall report the information upon which the belief is 57046  
based to the monitoring organization conducting the program 57047  
established by the board under section 4731.251 of the Revised 57048  
Code. If any such report is made to the board, it shall be 57049  
referred to the monitoring organization unless the board is aware 57050  
that the individual who is the subject of the report does not meet 57051  
the program eligibility requirements of section 4731.252 of the 57052  
Revised Code. 57053

(C) Any professional association or society composed 57054  
primarily of oriental medicine practitioners or acupuncturists 57055  
that suspends or revokes an individual's membership for violations 57056  
of professional ethics, or for reasons of professional 57057  
incompetence or professional malpractice, within sixty days after 57058  
a final decision, shall report to the board, on forms prescribed 57059  
and provided by the board, the name of the individual, the action 57060  
taken by the professional organization, and a summary of the 57061  
underlying facts leading to the action taken. 57062

The filing of a report with the board or decision not to file 57063  
a report, investigation by the board, or any disciplinary action 57064

taken by the board, does not preclude a professional organization 57065  
from taking disciplinary action against an individual. 57066

(D) Any insurer providing professional liability insurance to 57067  
any person holding a valid ~~certificate~~ license to practice as an 57068  
oriental medicine practitioner or valid ~~certificate~~ license to 57069  
practice as an acupuncturist or any other entity that seeks to 57070  
indemnify the professional liability of an oriental medicine 57071  
practitioner or acupuncturist shall notify the board within thirty 57072  
days after the final disposition of any written claim for damages 57073  
where such disposition results in a payment exceeding twenty-five 57074  
thousand dollars. The notice shall contain the following 57075  
information: 57076

(1) The name and address of the person submitting the 57077  
notification; 57078

(2) The name and address of the insured who is the subject of 57079  
the claim; 57080

(3) The name of the person filing the written claim; 57081

(4) The date of final disposition; 57082

(5) If applicable, the identity of the court in which the 57083  
final disposition of the claim took place. 57084

(E) The board may investigate possible violations of this 57085  
chapter or the rules adopted under it that are brought to its 57086  
attention as a result of the reporting requirements of this 57087  
section, except that the board shall conduct an investigation if a 57088  
possible violation involves repeated malpractice. As used in this 57089  
division, "repeated malpractice" means three or more claims for 57090  
malpractice within the previous five-year period, each resulting 57091  
in a judgment or settlement in excess of twenty-five thousand 57092  
dollars in favor of the claimant, and each involving negligent 57093  
conduct by the oriental medicine practitioner or acupuncturist. 57094

(F) All summaries, reports, and records received and 57095  
maintained by the board pursuant to this section shall be held in 57096  
confidence and shall not be subject to discovery or introduction 57097  
in evidence in any federal or state civil action involving an 57098  
oriental medicine practitioner, acupuncturist, supervising 57099  
physician, or health care facility arising out of matters that are 57100  
the subject of the reporting required by this section. The board 57101  
may use the information obtained only as the basis for an 57102  
investigation, as evidence in a disciplinary hearing against an 57103  
oriental medicine practitioner, acupuncturist, or supervising 57104  
physician, or in any subsequent trial or appeal of a board action 57105  
or order. 57106

The board may disclose the summaries and reports it receives 57107  
under this section only to health care facility committees within 57108  
or outside this state that are involved in credentialing or 57109  
recredentialing an oriental medicine practitioner, acupuncturist, 57110  
or supervising physician or reviewing their privilege to practice 57111  
within a particular facility. The board shall indicate whether or 57112  
not the information has been verified. Information transmitted by 57113  
the board shall be subject to the same confidentiality provisions 57114  
as when maintained by the board. 57115

(G) Except for reports filed by an individual pursuant to 57116  
division (B) of this section, the board shall send a copy of any 57117  
reports or summaries it receives pursuant to this section to the 57118  
acupuncturist. The oriental medicine practitioner or acupuncturist 57119  
shall have the right to file a statement with the board concerning 57120  
the correctness or relevance of the information. The statement 57121  
shall at all times accompany that part of the record in 57122  
contention. 57123

(H) An individual or entity that reports to the board, 57124  
reports to the monitoring organization described in section 57125  
4731.251 of the Revised Code, or refers an impaired oriental 57126

medicine practitioner or impaired acupuncturist to a treatment 57127  
provider approved by the board under section 4731.25 of the 57128  
Revised Code shall not be subject to suit for civil damages as a 57129  
result of the report, referral, or provision of the information. 57130

(I) In the absence of fraud or bad faith, a professional 57131  
association or society of oriental medicine practitioners or 57132  
acupuncturists that sponsors a committee or program to provide 57133  
peer assistance to an oriental medicine practitioner or 57134  
acupuncturist with substance abuse problems, a representative or 57135  
agent of such a committee or program, a representative or agent of 57136  
the monitoring organization described in section 4731.251 of the 57137  
Revised Code, and a member of the state medical board shall not be 57138  
held liable in damages to any person by reason of actions taken to 57139  
refer an oriental medicine practitioner or acupuncturist to a 57140  
treatment provider approved under section 4731.25 of the Revised 57141  
Code for examination or treatment. 57142

**Sec. 4762.18.** (A) Subject to division (E) of this section, 57143  
the attorney general, the prosecuting attorney of any county in 57144  
which the offense was committed or the offender resides, the state 57145  
medical board, or any other person having knowledge of a person 57146  
engaged either directly or by complicity in the practice of 57147  
oriental medicine or acupuncture without having first obtained a 57148  
~~certificate~~ license to do so pursuant to this chapter, may, in 57149  
accord with provisions of the Revised Code governing injunctions, 57150  
maintain an action in the name of the state to enjoin any person 57151  
from engaging either directly or by complicity in the unlawful 57152  
practice of oriental medicine or acupuncture by applying for an 57153  
injunction in any court of competent jurisdiction. 57154

(B) Prior to application for an injunction under division (A) 57155  
of this section, the secretary of the state medical board shall 57156  
notify the person allegedly engaged either directly or by 57157

complicity in the unlawful practice of oriental medicine or 57158  
acupuncture by registered mail that the secretary has received 57159  
information indicating that this person is so engaged. The person 57160  
shall answer the secretary within thirty days showing that the 57161  
person is either properly licensed for the stated activity or that 57162  
the person is not in violation of this chapter. If the answer is 57163  
not forthcoming within thirty days after notice by the secretary, 57164  
the secretary shall request that the attorney general, the 57165  
prosecuting attorney of the county in which the offense was 57166  
committed or the offender resides, or the state medical board 57167  
proceed as authorized in this section. 57168

(C) Upon the filing of a verified petition in court, the 57169  
court shall conduct a hearing on the petition and shall give the 57170  
same preference to this proceeding as is given all proceedings 57171  
under Chapter 119. of the Revised Code, irrespective of the 57172  
position of the proceeding on the calendar of the court. 57173

(D) Injunction proceedings as authorized by this section 57174  
shall be in addition to, and not in lieu of, all penalties and 57175  
other remedies provided in this chapter. 57176

(E) An injunction proceeding permitted by division (A) of 57177  
this section may not be maintained against a person described in 57178  
division (B) of section 4762.02 of the Revised Code or a 57179  
chiropractor who holds a valid certificate to practice acupuncture 57180  
issued under section 4734.283 of the Revised Code. 57181

**Sec. 4762.22.** An individual who holds a ~~certificate~~ license 57182  
to practice as an oriental medicine practitioner or ~~certificate~~ 57183  
license to practice as an acupuncturist issued under this chapter 57184  
shall have professional liability insurance coverage in an amount 57185  
that is not less than five hundred thousand dollars. 57186

**Sec. 4763.16.** (A) The real estate appraiser recovery fund is 57187

hereby created in the state treasury, to be administered by the 57188  
superintendent of real estate. The treasurer of state shall credit 57189  
to the fund amounts collected by the superintendent as prescribed 57190  
in this section and interest earned on the assets of the fund. The 57191  
superintendent shall ascertain the balance of the fund as of the 57192  
first day of October of each year. If that balance is less than 57193  
~~five~~ two hundred thousand dollars at any time, the director of 57194  
budget and management, upon the request of the superintendent and 57195  
approval of the controlling board, may transfer from the real 57196  
estate appraiser operating fund to the real estate appraiser 57197  
recovery fund a sum as will bring the real estate appraiser 57198  
recovery fund to that amount. 57199

(B) When any person obtains a final judgment in any court of 57200  
competent jurisdiction against a certificate holder, registrant, 57201  
or licensee, based upon conduct that is in violation of this 57202  
chapter or the rules adopted under it, which conduct occurred on 57203  
or after the date of their certification, registration, or 57204  
licensure, and that is associated with an act or transaction of a 57205  
certificate holder, registrant, or licensee specified in this 57206  
chapter, that person may file a verified complaint, as described 57207  
in this division, in the Franklin county court of common pleas for 57208  
an order directing payment out of the real estate appraiser 57209  
recovery fund of the portion of the judgment that remains unpaid 57210  
and that represents the actual and direct loss of the person for 57211  
the act or transaction upon which the underlying judgment was 57212  
based, and court costs, if awarded in the underlying judgment, 57213  
provided that no person shall receive more than ten thousand 57214  
dollars from the fund for any one judgment. A bonding or insurance 57215  
company or any partnership, corporation, or association that uses 57216  
any tool to develop a valuation of real property for purposes of a 57217  
loan or that employs, retains, or engages as an independent 57218  
contractor a person licensed, registered, or certified as a real 57219  
estate appraiser in its usual or occasional operations may not 57220

seek an order directing, and is not eligible for, payment out of 57221  
the fund. Punitive or exemplary damages are not recoverable from 57222  
the fund. 57223

The complaint shall specify the nature of the act or 57224  
transaction upon which the underlying judgment was based, the 57225  
activities of the applicant in pursuit of remedies available under 57226  
law for the collection of judgments, and the amount of the fee 57227  
paid by the applicant to the certificate holder, registrant, or 57228  
licensee. The applicant shall attach to the complaint a copy of 57229  
each pleading and order in the underlying court action. 57230

The Franklin county court of common pleas shall order the 57231  
superintendent to make payments out of the fund when the person 57232  
seeking the order has shown all of the following: 57233

(1) The person has obtained a judgment, as provided in this 57234  
division; 57235

(2) All appeals from the judgment have been exhausted and the 57236  
person has given notice to the superintendent, as required by 57237  
division (C) of this section; 57238

(3) The person is not a spouse of the certificate holder, 57239  
registrant, or licensee, or the personal representative of the 57240  
spouse; 57241

(4) The person has diligently pursued the person's remedies 57242  
against all the certificate holders, registrants, licensees, and 57243  
all other persons liable to the person in the transaction for 57244  
which the person seeks recovery from the fund; 57245

(5) The person is making a complaint not more than one year 57246  
after termination of all proceedings, including appeals, in 57247  
connection with the judgment. 57248

(C) A person who applies to the Franklin county court of 57249  
common pleas for an order directing payment out of the fund shall 57250

file notice of the complaint with the superintendent. The 57251  
superintendent shall send notice to the affected certificate 57252  
holder, registrant, or licensee, where possible. The 57253  
superintendent may defend the action on behalf of the fund and 57254  
shall have recourse to all appropriate means of defense and 57255  
review, including examination of witnesses. The superintendent may 57256  
move the court at any time to dismiss the complaint when it 57257  
appears there are no triable issues and the complaint is without 57258  
merit. The motion may be supported by affidavit of any person 57259  
having knowledge of the facts and may be made on the basis that 57260  
the complaint, including the judgment referred to in the 57261  
complaint, does not form the basis for a meritorious recovery 57262  
claim. The superintendent may, subject to court approval, 57263  
compromise a claim based upon the complaint of an aggrieved party. 57264  
The superintendent is not bound by any prior compromise or 57265  
stipulation of the certificate holder, registrant, or licensee. 57266  
Upon petition of the superintendent, the court may require all 57267  
claimants and prospective claimants against one certificate 57268  
holder, registrant, or licensee to be joined in one action, to the 57269  
end that the respective rights of all such claimants to the fund 57270  
may be equitably adjudicated and settled. 57271

(D) If the superintendent pays from the fund any amount in 57272  
settlement of a claim or toward satisfaction of a judgment against 57273  
a certificate holder, registrant, or licensee, the certificate, 57274  
registration, or license of the certificate holder, registrant, or 57275  
licensee automatically is suspended upon the date of payment from 57276  
the fund. No certificate, registration, or license that has been 57277  
suspended pursuant to this division shall be reinstated until the 57278  
certificate holder, registrant, or licensee has repaid in full, 57279  
plus interest per annum at the rate specified in division (A) of 57280  
section 1343.03 of the Revised Code, the amount paid from the fund 57281  
on the certificate holder's, registrant's, or licensee's account. 57282  
A discharge in bankruptcy does not relieve a person from the 57283

suspension and requirements for reinstatement provided in this 57284  
section. 57285

(E) If, at any time, the money deposited in the fund is 57286  
insufficient to satisfy any duly authorized claim or portion of a 57287  
claim, the superintendent shall, when sufficient money has been 57288  
deposited in the fund, satisfy the unpaid claims or portions, in 57289  
the order that the claims or portions were originally filed, plus 57290  
accumulated interest per annum at the rate specified in division 57291  
(A) of section 1343.03 of the Revised Code. 57292

(F) When, upon the order of the court, the superintendent has 57293  
paid from the fund any sum to the judgment creditor, the 57294  
superintendent is subrogated to all of the rights of the judgment 57295  
creditor to the extent of the amount so paid, and the judgment 57296  
creditor shall assign all of the judgment creditor's right, title, 57297  
and interest in the judgment to the superintendent to the extent 57298  
of the amount so paid. The superintendent shall deposit in the 57299  
fund any amount and interest so recovered by the superintendent on 57300  
the judgment. 57301

(G) Nothing contained in this section shall limit the 57302  
authority of the real estate appraiser board to take disciplinary 57303  
action against a certificate holder, registrant, or licensee under 57304  
other provisions of this chapter. The repayment in full of all 57305  
obligations to the fund by a certificate holder, registrant, or 57306  
licensee does not nullify or modify the effect of any other 57307  
disciplinary proceeding brought pursuant to this chapter, unless 57308  
repayment is imposed as a condition in that proceeding. 57309

(H) The superintendent shall collect from the fund a service 57310  
fee in an amount equivalent to the interest rate specified in 57311  
division (A) of section 1343.03 of the Revised Code multiplied by 57312  
the annual interest earned on the assets of the fund, to defray 57313  
the expenses incurred in the administration of the fund. 57314

**Sec. 4766.17.** An air medical service organization licensed 57315  
under this chapter that uses a rotorcraft or fixed wing air 57316  
ambulance shall do both of the following: 57317

(A) Use at a minimum a physician who holds a current, valid 57318  
license issued under Chapter 4731. of the Revised Code or 57319  
registered nurse who holds a current, valid license issued under 57320  
Chapter 4723. of the Revised Code, and a paramedic or one other 57321  
person, designated by the medical director of the air medical 57322  
service organization, who holds a current, valid certificate or 57323  
license to practice a health care profession in this state; 57324

(B) Employ as a medical director an individual who holds a 57325  
current, valid ~~certificate~~ license issued under Chapter 4731. of 57326  
the Revised Code authorizing the practice of medicine and surgery 57327  
or osteopathic medicine and surgery. 57328

**Sec. 4768.09.** (A) ~~Except within the first thirty days after~~ 57329  
~~an appraiser is first added to the appraiser panel of an appraisal~~ 57330  
~~management company, an~~ An appraisal management company shall not 57331  
remove the appraiser from its appraiser panel or otherwise refuse 57332  
to assign requests for real estate appraisal services to the 57333  
appraiser without first doing both of the following: 57334

(1) Notifying the appraiser in writing of the reasons the 57335  
appraiser is being removed from the appraiser panel or is refused 57336  
assignment requests for appraisal services; 57337

(2) Providing the appraiser with an opportunity to respond to 57338  
that notification, in writing, within ten business days after the 57339  
appraisal management company sends the removal notification. 57340

(B) The notice described in division (A)(1) of this section 57341  
shall be sent by a delivery system that delivers letters, 57342  
packages, and other materials in its ordinary course of business 57343  
with traceable delivery and signature receipt. An appraisal 57344

management company that sends such notice shall keep a copy of the 57345  
notice for at least five years from the date the notice is sent to 57346  
the appraiser. 57347

(C) Nothing in this section prohibits an appraisal management 57348  
company from suspending an appraiser from receiving assignment 57349  
requests during the period described in division (A)(2) of this 57350  
section. 57351

**Sec. 4773.01.** As used in this chapter: 57352

(A) "General x-ray machine operator" means an individual who 57353  
~~performs~~ operates ionizing radiation-generating equipment in order 57354  
to perform standard, ~~diagnostic, radiologic~~ radiology procedures; 57355  
whose performance of ~~radiologic~~ such procedures is limited to 57356  
specific body sites; and who does not, to any significant degree, 57357  
determine procedure positioning or the ~~site or~~ dosage of radiation 57358  
to which a patient is exposed. 57359

(B) "Chiropractor" means an individual licensed under Chapter 57360  
4734. of the Revised Code to practice chiropractic. 57361

(C) "Ionizing radiation" means any electromagnetic or 57362  
particulate radiation that interacts with atoms to produce 57363  
ionization in matter, including x-rays, gamma rays, alpha and beta 57364  
particles, high speed electrons, neutrons, and other nuclear 57365  
particles. 57366

(D) "Physician" means an individual ~~who holds a certificate~~ 57367  
~~issued~~ authorized under Chapter 4731. of the Revised Code 57368  
~~authorizing the individual~~ to practice medicine and surgery or 57369  
osteopathic medicine and surgery. 57370

(E) "Podiatrist" means an individual ~~who holds a certificate~~ 57371  
~~issued~~ authorized under Chapter 4731. of the Revised Code 57372  
~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine 57373  
and surgery. 57374

(F) "Nuclear medicine technologist" means an individual who 57375  
prepares and administers radio-pharmaceuticals to human beings and 57376  
conducts in vivo or in vitro detection and measurement of 57377  
radioactivity for medical purposes. 57378

(G) "Radiation therapy technologist" means an individual who 57379  
utilizes ionizing radiation-generating equipment, including 57380  
therapy simulator radiation-generating equipment, for therapeutic 57381  
purposes on human ~~subjects~~ beings. 57382

"Radiation therapy technologist" is the same as a radiation 57383  
therapist. 57384

(H) "Radiographer" means an individual who ~~performs~~ operates 57385  
ionizing radiation-generating equipment, administers contrast, and 57386  
determines procedure positioning and the dosage of ionizing 57387  
radiation in order to perform a comprehensive scope of ~~diagnostic~~ 57388  
~~radiologic~~ radiology procedures ~~employing equipment that emits~~ 57389  
~~ionizing radiation, exposes radiographs, and performs other~~ 57390  
~~procedures that contribute significantly to determining the site~~ 57391  
~~or dosage of ionizing radiation to which a patient is exposed on~~ 57392  
human beings. 57393

(I) "Mechanotherapist" means an individual who holds a 57394  
certificate issued under section 4731.15 of the Revised Code 57395  
authorizing the individual to practice mechanotherapy. 57396

**Sec. 4773.02.** (A) Except as provided in division (B) of this 57397  
section, no person shall practice or hold ~~himself~~ self out as a 57398  
general x-ray machine operator, radiographer, radiation therapy 57399  
technologist, or nuclear medicine technologist without a valid 57400  
license issued under this chapter for ~~his~~ the person's area of 57401  
practice. 57402

(B) Division (A) of this section does not apply to any of the 57403  
following: 57404

(1) A physician, podiatrist, mechanotherapist, or 57405  
chiropractor; 57406

(2) An individual licensed under Chapter 4715. of the Revised 57407  
Code to practice dentistry, to practice as a dental hygienist, or 57408  
to practice as a dental x-ray machine operator; 57409

(3) As specified in 42 C.F.R. 75, radiologic personnel 57410  
employed by the federal government or serving in a branch of the 57411  
armed forces of the United States; 57412

(4) Students engaging in any of the activities performed by 57413  
basic x-ray machine operators, radiographers, radiation therapy 57414  
technologists, and nuclear medicine technologists as an integral 57415  
part of a program of study leading to receipt of a license issued 57416  
under this chapter, or Chapter 4715., 4731., or Chapter 4734. of 57417  
the Revised Code; or a certificate issued under Chapter 4731. of 57418  
the Revised Code. 57419

Sec. 4773.061. Subject to section 4773.06 of the Revised 57420  
Code, a radiation therapy technologist or nuclear medicine 57421  
technologist may perform computed tomography procedures if the 57422  
technologist is certified in computed tomography by a national 57423  
certifying organization approved by the director of health under 57424  
section 4773.08 of the Revised Code. 57425

When performing computed tomography procedures, the radiation 57426  
therapy technologist or nuclear medicine technologist shall act in 57427  
accordance with rules adopted under section 4773.08 of the Revised 57428  
Code. 57429

**Sec. 4773.07.** (A) Each person seeking accreditation for an 57430  
educational program or approval for a continuing education program 57431  
in general x-ray machine operation, ~~radiography~~ radiology, 57432  
radiation therapy technology, or nuclear medicine technology shall 57433  
apply to the department of health on a form the department shall 57434

prescribe and provide. The application shall be accompanied by the accreditation or approval fee established in rules adopted under section 4773.08 of the Revised Code.

(B) The department shall accredit educational programs and approve continuing education programs that meet the standards established in rules adopted under section 4773.08 of the Revised Code. The accreditation or approval shall be valid until surrendered by the program or suspended or revoked by the department. A program's accreditation or approval may be suspended or revoked if the program does not comply with applicable requirements of this chapter or rules adopted under it.

**Sec. 4773.08.** The director of health shall adopt rules to implement and administer this chapter. In adopting the rules, the director shall consider any recommendations made by the radiation advisory council created under section ~~3701.93~~ 3748.20 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall not be less stringent than any applicable standards specified in 42 C.F.R. 75. The rules shall establish all of the following:

(A) Standards for licensing general x-ray machine operators, radiographers, radiation therapy technologists, and nuclear medicine technologists;

(B) Application, renewal, and reinstatement fees for licenses issued under this chapter that do not exceed the cost incurred in issuing, renewing, and reinstating the licenses;

(C) Standards for accreditation of educational programs and approval of continuing education programs in general x-ray machine operation, ~~radiography~~ radiology, radiation therapy technology, and nuclear medicine technology;

(D) Fees for accrediting educational programs and approving

continuing education programs in general x-ray machine operation, 57465  
~~radiography~~ radiology, radiation therapy technology, and nuclear 57466  
medicine technology that do not exceed the cost incurred in 57467  
accrediting the educational programs; 57468

(E) Fees for issuing conditional licenses under section 57469  
4773.05 of the Revised Code that do not exceed the cost incurred 57470  
in issuing the licenses; 57471

(F) Continuing education requirements that must be met to 57472  
have a license renewed or reinstated under section 4773.03 of the 57473  
Revised Code; 57474

(G) Continuing education requirements that the holder of a 57475  
conditional license must meet to receive a license issued under 57476  
section 4773.03 of the Revised Code; 57477

(H) Standards for approving national certifying organizations 57478  
that certify nuclear medicine technologists or radiation therapy 57479  
technologists to perform computed tomography; 57480

(I) Standards for performing computed tomography procedures; 57481

(J) Any other rules necessary for the implementation or 57482  
administration of this chapter. 57483

**Sec. 4774.02.** (A)(1) Except as provided in division (B) of 57484  
this section, no person shall practice as a radiologist assistant 57485  
unless the person holds a current, valid ~~certificate~~ license to 57486  
practice as a radiologist assistant issued under this chapter. 57487

(2) No person shall use the title "radiologist assistant" or 57488  
otherwise hold the person out as a radiologist assistant, unless 57489  
the person holds a current, valid ~~certificate~~ license to practice 57490  
as a radiologist assistant issued under this chapter. 57491

(B) Division (A)(1) of this section does not apply to either 57492  
of the following: 57493

(1) A student participating in an advanced academic program 57494  
that must be completed to receive a ~~certificate~~ license to 57495  
practice as a radiologist assistant, as those programs are 57496  
described in division (B)(3) of section 4774.03 of the Revised 57497  
Code; 57498

(2) A person who is otherwise authorized to perform any of 57499  
the activities that a radiologist assistant is authorized to 57500  
perform, either pursuant to another provision of the Revised Code 57501  
or pursuant to the rules adopted by the state medical board under 57502  
section 4731.053 of the Revised Code governing physician 57503  
delegation of medical tasks. 57504

**Sec. 4774.03.** (A) An individual seeking a ~~certificate~~ license 57505  
to practice as a radiologist assistant shall file with the state 57506  
medical board a written application on a form prescribed and 57507  
supplied by the board. The application shall include all the 57508  
information the board considers necessary to process the 57509  
application, including evidence satisfactory to the board that the 57510  
applicant meets the requirements specified in division (B) of this 57511  
section. 57512

At the time an application is submitted, the applicant shall 57513  
pay the board the application fee specified by the board in rules 57514  
adopted under section 4774.11 of the Revised Code. No part of the 57515  
fee shall be returned. 57516

(B) To be eligible to receive a ~~certificate~~ license to 57517  
practice as a radiologist assistant, an applicant shall meet all 57518  
of the following requirements: 57519

(1) Be at least eighteen years of age and of good moral 57520  
character; 57521

(2) Hold a current, valid license as a radiographer under 57522  
Chapter 4773. of the Revised Code; 57523

(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship;

(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice;

(5) Hold current certification in advanced cardiac life support.

(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a ~~certificate~~ license to practice as a radiologist assistant. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for a certificate to practice as a radiologist assistant.~~

**Sec. 4774.031.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a ~~certificate~~ license to practice as a radiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a ~~certificate~~ license to practice as a radiologist assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a ~~certificate~~ license issued pursuant to section 4774.04 of the Revised Code.

**Sec. 4774.04.** If the state medical board determines under 57555  
section 4774.03 of the Revised Code that an applicant meets the 57556  
requirements for a ~~certificate~~ license to practice as a 57557  
radiologist assistant, the secretary of the board shall register 57558  
the applicant as a radiologist assistant and issue to the 57559  
applicant a ~~certificate~~ license to practice as a radiologist 57560  
assistant. The ~~certificate~~ license shall be valid for a two-year 57561  
period unless revoked or suspended, shall expire biennially on the 57562  
date that is two years after the date of issuance, and may be 57563  
renewed for additional two-year periods in accordance with section 57564  
4774.06 of the Revised Code. 57565

**Sec. 4774.041.** (A) The state medical board shall issue an 57566  
expedited license to practice as a radiologist assistant by 57567  
endorsement to an applicant who meets all of the requirements of 57568  
this section. 57569

(B) An individual who seeks an expedited license by 57570  
endorsement under this section shall file with the board a written 57571  
application on a form prescribed and supplied by the board. The 57572  
applicant shall include in the application all of the information 57573  
the board considers necessary to process it. 57574

(C) To be eligible to receive an expedited license by 57575  
endorsement, an applicant shall provide evidence satisfactory to 57576  
the board that the applicant meets all of the following 57577  
requirements: 57578

(1) The applicant holds a valid license or certificate to 57579  
practice as a radiologist assistant issued by any other state or 57580  
jurisdiction. 57581

(2) The license or certificate is current, and the applicant 57582  
is in good standing in the state or jurisdiction of licensure or 57583  
certification. 57584

(3) One of the circumstances described in division (B)(3) of section 4743.041 of the Revised Code applies to the applicant. 57585  
57586

(4) The applicant moved or will move to this state from the state or jurisdiction in which the individual holds a current license or certificate. 57587  
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(5) The individual meets the requirements to receive a license as specified in sections 4774.03 and 4774.031 of the Revised Code. 57590  
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(D) The board shall waive all fees associated with the application for and issuance of an expedited license by endorsement under this section. 57593  
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(E) The secretary and supervising member of the board shall review all applications received under this section. If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant. 57596  
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**Sec. 4774.05.** On application by the holder of a ~~certificate~~ license to practice as a radiologist assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license is thirty-five dollars. 57601  
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**Sec. 4774.06.** (A) An individual seeking to renew a ~~certificate~~ license to practice as a radiologist assistant shall, on or before the ~~thirty first day of January of each even-numbered year~~ license's expiration date, apply to the state medical board for renewal ~~of the certificate~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date. 57607  
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Renewal applications shall be submitted to the board in a 57614

manner prescribed by the board. Each application shall be 57615  
accompanied by a biennial renewal fee specified by the board in 57616  
rules adopted under section 4774.11 of the Revised Code. 57617

The applicant shall report any criminal offense that 57618  
constitutes grounds for refusing to issue a ~~certificate~~ license 57619  
under section 4774.13 of the Revised Code to which the applicant 57620  
has pleaded guilty, of which the applicant has been found guilty, 57621  
or for which the applicant has been found eligible for 57622  
intervention in lieu of conviction, since last signing an 57623  
application for a ~~certificate~~ license to practice as a radiologist 57624  
assistant. 57625

(B) To be eligible for renewal, a radiologist assistant shall 57626  
certify to the board that the assistant has maintained both of the 57627  
following: 57628

(1) A license as a radiographer under Chapter 4773. of the 57629  
Revised Code; 57630

(2) Certification as a registered radiologist assistant from 57631  
the American registry of radiologic technologists by meeting the 57632  
registry's requirements for annual registration, including 57633  
completion of the continuing education requirements established by 57634  
the registry. 57635

(C) If an applicant submits a renewal application that the 57636  
board considers to be complete and qualifies for renewal pursuant 57637  
to division (B) of this section, the board shall issue to the 57638  
applicant a renewed ~~certificate~~ license to practice as a 57639  
radiologist assistant. 57640

(D) A ~~certificate to practice~~ license that is not renewed on 57641  
or before its expiration date is automatically suspended on its 57642  
expiration date, subject to the provisions of section 119.06 of 57643  
the Revised Code specifying that an applicant who appropriately 57644  
files a renewal application is not required to discontinue 57645

practicing merely because the board has failed to act on the 57646  
application. ~~If~~ 57647

If a ~~certificate~~ license has been suspended pursuant to this 57648  
division for two years or less, the board shall reinstate the 57649  
~~certificate~~ license upon an applicant's submission of a renewal 57650  
application, the biennial renewal fee, and the applicable monetary 57651  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 57652

If a ~~certificate~~ license has been suspended pursuant to this 57653  
division for more than two years, it may be restored. Subject to 57654  
section 4774.061 of the Revised Code, the board may restore the 57655  
license upon an applicant's submission of a restoration 57656  
application, the biennial renewal fee, and the applicable monetary 57657  
penalty and compliance with sections 4776.01 to 4776.04 of the 57658  
Revised Code. The board shall not restore a ~~certificate~~ license 57659  
unless the board, in its discretion, decides that the results of 57660  
the criminal records check do not make the applicant ineligible 57661  
for a certificate issued pursuant to section 4774.04 of the 57662  
Revised Code. The penalty for restoration is fifty dollars. 57663

**Sec. 4774.061.** (A) This section applies to both of the 57664  
following: 57665

(1) An applicant seeking restoration of a license issued 57666  
under this chapter that has been in a suspended or inactive state 57667  
for any cause for more than two years; 57668

(2) An applicant seeking issuance of a license pursuant to 57669  
this chapter who for more than two years has not been practicing 57670  
as a radiologist assistant as either of the following: 57671

(a) An active practitioner; 57672

(b) A student in an academic program as described in section 57673  
4774.03 of the Revised Code. 57674

(B) Before issuing a license to an applicant subject to this 57675

section or restoring a license to good standing for an applicant 57676  
subject to this section, the state medical board may impose terms 57677  
and conditions including any one or more of the following: 57678

(1) Requiring the applicant to pass an oral or written 57679  
examination, or both, to determine the applicant's present fitness 57680  
to resume practice; 57681

(2) Requiring the applicant to obtain additional training and 57682  
to pass an examination upon completion of such training; 57683

(3) Requiring an assessment of the applicant's physical 57684  
skills for purposes of determining whether the applicant's 57685  
coordination, fine motor skills, and dexterity are sufficient for 57686  
performing evaluations and procedures in a manner that meets the 57687  
minimal standards of care; 57688

(4) Requiring an assessment of the applicant's skills in 57689  
recognizing and understanding diseases and conditions; 57690

(5) Requiring the applicant to undergo a comprehensive 57691  
physical examination, which may include an assessment of physical 57692  
abilities, evaluation of sensory capabilities, or screening for 57693  
the presence of neurological disorders; 57694

(6) Restricting or limiting the extent, scope, or type of 57695  
practice of the applicant. 57696

The board shall consider the moral background and the 57697  
activities of the applicant during the period of suspension or 57698  
inactivity. The board shall not issue or restore a license under 57699  
this section unless the applicant complies with sections 4776.01 57700  
to 4776.04 of the Revised Code. 57701

**Sec. 4774.09.** At all times when an individual who is a 57702  
radiologist assistant is providing direct patient care, the 57703  
individual shall display in an appropriate manner the title 57704  
"radiologist assistant" as a means of identifying the individual's 57705

authority to practice under this chapter. 57706

In the case of an individual who is a student participating 57707  
in an advanced academic program that must be completed to receive 57708  
a ~~certificate~~ license to practice as a radiologist assistant, as 57709  
those programs are described in division (B)(3) of section 4774.03 57710  
of the Revised Code, when the individual is providing direct 57711  
patient care or is otherwise involved with direct patient care 57712  
under the program, the individual shall display in an appropriate 57713  
manner the title "student radiologist assistant" or another 57714  
appropriate designation as a means of identifying the individual 57715  
as a student participating in the program. 57716

**Sec. 4774.11.** (A) The state medical board shall adopt rules 57717  
in accordance with Chapter 119. of the Revised Code to implement 57718  
and administer this chapter. In adopting the rules, the board 57719  
shall take into consideration the guidelines adopted by the 57720  
American college of radiology, the American society of radiologic 57721  
technologists, and the American registry of radiologic 57722  
technologists. 57723

(B) The rules adopted under this section shall include all of 57724  
the following: 57725

(1) Standards and procedures for issuing and renewing 57726  
~~certificates~~ licenses to practice as a radiologist assistant; 57727

(2) Application fees for an initial or renewed ~~certificate to~~ 57728  
~~practice~~ license; 57729

(3) Any additional radiologic procedures that radiologist 57730  
assistants may perform pursuant to division (A)(5) of section 57731  
4774.08 of the Revised Code and the level of supervision that the 57732  
supervising radiologist is required to provide pursuant to section 57733  
4774.10 of the Revised Code; 57734

(4) Definitions of "general anesthesia," "deep sedation," 57735

"moderate sedation," and "minimal sedation"; 57736

(5) Any other standards and procedures the board considers 57737  
necessary to govern the practice of radiologist assistants, the 57738  
supervisory relationship between radiologist assistants and 57739  
supervising radiologists, and the administration and enforcement 57740  
of this chapter. 57741

**Sec. 4774.13.** (A) The state medical board, by an affirmative 57742  
vote of not fewer than six members, may revoke or may refuse to 57743  
grant a ~~certificate~~ license to practice as a radiologist assistant 57744  
to an individual found by the board to have committed fraud, 57745  
misrepresentation, or deception in applying for or securing the 57746  
~~certificate~~ license. 57747

(B) The board, by an affirmative vote of not fewer than six 57748  
members, shall, to the extent permitted by law, limit, revoke, or 57749  
suspend an individual's ~~certificate~~ license to practice as a 57750  
radiologist assistant, refuse to issue a ~~certificate~~ license to an 57751  
applicant, refuse to renew a ~~certificate~~ license, refuse to 57752  
reinstate a ~~certificate~~ license, or reprimand or place on 57753  
probation the holder of a ~~certificate~~ license for any of the 57754  
following reasons: 57755

(1) Permitting the holder's name or ~~certificate~~ license to be 57756  
used by another person; 57757

(2) Failure to comply with the requirements of this chapter, 57758  
Chapter 4731. of the Revised Code, or any rules adopted by the 57759  
board; 57760

(3) Violating or attempting to violate, directly or 57761  
indirectly, or assisting in or abetting the violation of, or 57762  
conspiring to violate, any provision of this chapter, Chapter 57763  
4731. of the Revised Code, or the rules adopted by the board; 57764

(4) A departure from, or failure to conform to, minimal 57765

standards of care of similar practitioners under the same or 57766  
similar circumstances whether or not actual injury to the patient 57767  
is established; 57768

(5) Inability to practice according to acceptable and 57769  
prevailing standards of care by reason of mental illness or 57770  
physical illness, including physical deterioration that adversely 57771  
affects cognitive, motor, or perceptive skills; 57772

(6) Impairment of ability to practice according to acceptable 57773  
and prevailing standards of care because of habitual or excessive 57774  
use or abuse of drugs, alcohol, or other substances that impair 57775  
ability to practice; 57776

(7) Willfully betraying a professional confidence; 57777

(8) Making a false, fraudulent, deceptive, or misleading 57778  
statement in securing or attempting to secure a ~~certificate~~ 57779  
license to practice as a radiologist assistant. 57780

As used in this division, "false, fraudulent, deceptive, or 57781  
misleading statement" means a statement that includes a 57782  
misrepresentation of fact, is likely to mislead or deceive because 57783  
of a failure to disclose material facts, is intended or is likely 57784  
to create false or unjustified expectations of favorable results, 57785  
or includes representations or implications that in reasonable 57786  
probability will cause an ordinarily prudent person to 57787  
misunderstand or be deceived. 57788

(9) The obtaining of, or attempting to obtain, money or a 57789  
thing of value by fraudulent misrepresentations in the course of 57790  
practice; 57791

(10) A plea of guilty to, a judicial finding of guilt of, or 57792  
a judicial finding of eligibility for intervention in lieu of 57793  
conviction for, a felony; 57794

(11) Commission of an act that constitutes a felony in this 57795

state, regardless of the jurisdiction in which the act was committed;	57796 57797
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	57798 57799 57800
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	57801 57802 57803
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	57804 57805 57806
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	57807 57808 57809
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	57810 57811 57812 57813 57814
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	57815 57816 57817 57818 57819 57820 57821 57822
(18) Violation of the conditions placed by the board on a <del>certificate</del> <u>license</u> to practice as a radiologist assistant;	57823 57824
(19) Failure to use universal blood and body fluid	57825

precautions established by rules adopted under section 4731.051 of 57826  
the Revised Code; 57827

(20) Failure to cooperate in an investigation conducted by 57828  
the board under section 4774.14 of the Revised Code, including 57829  
failure to comply with a subpoena or order issued by the board or 57830  
failure to answer truthfully a question presented by the board at 57831  
a deposition or in written interrogatories, except that failure to 57832  
cooperate with an investigation shall not constitute grounds for 57833  
discipline under this section if a court of competent jurisdiction 57834  
has issued an order that either quashes a subpoena or permits the 57835  
individual to withhold the testimony or evidence in issue; 57836

(21) Failure to maintain a license as a radiographer under 57837  
Chapter 4773. of the Revised Code; 57838

(22) Failure to maintain certification as a registered 57839  
radiologist assistant from the American registry of radiologic 57840  
technologists, including revocation by the registry of the 57841  
assistant's certification or failure by the assistant to meet the 57842  
registry's requirements for annual registration, or failure to 57843  
notify the board that the certification as a registered 57844  
radiologist assistant has not been maintained; 57845

(23) Failure to comply with any of the rules of ethics 57846  
included in the standards of ethics established by the American 57847  
registry of radiologic technologists, as those rules apply to an 57848  
individual who holds the registry's certification as a registered 57849  
radiologist assistant. 57850

(C) Disciplinary actions taken by the board under divisions 57851  
(A) and (B) of this section shall be taken pursuant to an 57852  
adjudication under Chapter 119. of the Revised Code, except that 57853  
in lieu of an adjudication, the board may enter into a consent 57854  
agreement with a radiologist assistant or applicant to resolve an 57855  
allegation of a violation of this chapter or any rule adopted 57856

under it. A consent agreement, when ratified by an affirmative 57857  
vote of not fewer than six members of the board, shall constitute 57858  
the findings and order of the board with respect to the matter 57859  
addressed in the agreement. If the board refuses to ratify a 57860  
consent agreement, the admissions and findings contained in the 57861  
consent agreement shall be of no force or effect. 57862

(D) For purposes of divisions (B)(11), (14), and (15) of this 57863  
section, the commission of the act may be established by a finding 57864  
by the board, pursuant to an adjudication under Chapter 119. of 57865  
the Revised Code, that the applicant or ~~certificate~~ license holder 57866  
committed the act in question. The board shall have no 57867  
jurisdiction under these divisions in cases where the trial court 57868  
renders a final judgment in the ~~certificate~~ license holder's favor 57869  
and that judgment is based upon an adjudication on the merits. The 57870  
board shall have jurisdiction under these divisions in cases where 57871  
the trial court issues an order of dismissal on technical or 57872  
procedural grounds. 57873

(E) The sealing of conviction records by any court shall have 57874  
no effect on a prior board order entered under the provisions of 57875  
this section or on the board's jurisdiction to take action under 57876  
the provisions of this section if, based upon a plea of guilty, a 57877  
judicial finding of guilt, or a judicial finding of eligibility 57878  
for intervention in lieu of conviction, the board issued a notice 57879  
of opportunity for a hearing prior to the court's order to seal 57880  
the records. The board shall not be required to seal, destroy, 57881  
redact, or otherwise modify its records to reflect the court's 57882  
sealing of conviction records. 57883

(F) For purposes of this division, any individual who holds a 57884  
~~certificate~~ license to practice as a radiologist assistant issued 57885  
under this chapter, or applies for a ~~certificate to practice~~ 57886  
license, shall be deemed to have given consent to submit to a 57887  
mental or physical examination when directed to do so in writing 57888

by the board and to have waived all objections to the 57889  
admissibility of testimony or examination reports that constitute 57890  
a privileged communication. 57891

(1) In enforcing division (B)(5) of this section, the board, 57892  
on a showing of a possible violation, may compel any individual 57893  
who holds a ~~certificate~~ license to practice as a radiologist 57894  
assistant issued under this chapter or who has applied for a 57895  
~~certificate to practice~~ license to submit to a mental or physical 57896  
examination, or both. A physical examination may include an HIV 57897  
test. The expense of the examination is the responsibility of the 57898  
individual compelled to be examined. Failure to submit to a mental 57899  
or physical examination or consent to an HIV test ordered by the 57900  
board constitutes an admission of the allegations against the 57901  
individual unless the failure is due to circumstances beyond the 57902  
individual's control, and a default and final order may be entered 57903  
without the taking of testimony or presentation of evidence. If 57904  
the board finds a radiologist assistant unable to practice because 57905  
of the reasons set forth in division (B)(5) of this section, the 57906  
board shall require the radiologist assistant to submit to care, 57907  
counseling, or treatment by physicians approved or designated by 57908  
the board, as a condition for an initial, continued, reinstated, 57909  
or renewed ~~certificate to practice~~ license. An individual affected 57910  
by this division shall be afforded an opportunity to demonstrate 57911  
to the board the ability to resume practicing in compliance with 57912  
acceptable and prevailing standards of care. 57913

(2) For purposes of division (B)(6) of this section, if the 57914  
board has reason to believe that any individual who holds a 57915  
~~certificate~~ license to practice as a radiologist assistant issued 57916  
under this chapter or any applicant for a ~~certificate to practice~~ 57917  
license suffers such impairment, the board may compel the 57918  
individual to submit to a mental or physical examination, or both. 57919  
The expense of the examination is the responsibility of the 57920

individual compelled to be examined. Any mental or physical 57921  
examination required under this division shall be undertaken by a 57922  
treatment provider or physician qualified to conduct such 57923  
examination and chosen by the board. 57924

Failure to submit to a mental or physical examination ordered 57925  
by the board constitutes an admission of the allegations against 57926  
the individual unless the failure is due to circumstances beyond 57927  
the individual's control, and a default and final order may be 57928  
entered without the taking of testimony or presentation of 57929  
evidence. If the board determines that the individual's ability to 57930  
practice is impaired, the board shall suspend the individual's 57931  
~~certificate~~ license or deny the individual's application and shall 57932  
require the individual, as a condition for an initial, continued, 57933  
reinstated, or renewed ~~certificate~~ license to practice, to submit 57934  
to treatment. 57935

Before being eligible to apply for reinstatement of a 57936  
~~certificate~~ license suspended under this division, the radiologist 57937  
assistant shall demonstrate to the board the ability to resume 57938  
practice in compliance with acceptable and prevailing standards of 57939  
care. The demonstration shall include the following: 57940

(a) Certification from a treatment provider approved under 57941  
section 4731.25 of the Revised Code that the individual has 57942  
successfully completed any required inpatient treatment; 57943

(b) Evidence of continuing full compliance with an aftercare 57944  
contract or consent agreement; 57945

(c) Two written reports indicating that the individual's 57946  
ability to practice has been assessed and that the individual has 57947  
been found capable of practicing according to acceptable and 57948  
prevailing standards of care. The reports shall be made by 57949  
individuals or providers approved by the board for making such 57950  
assessments and shall describe the basis for their determination. 57951

The board may reinstate a ~~certificate~~ license suspended under 57952  
this division after such demonstration and after the individual 57953  
has entered into a written consent agreement. 57954

When the impaired radiologist assistant resumes practice, the 57955  
board shall require continued monitoring of the radiologist 57956  
assistant. The monitoring shall include monitoring of compliance 57957  
with the written consent agreement entered into before 57958  
reinstatement or with conditions imposed by board order after a 57959  
hearing, and, on termination of the consent agreement, submission 57960  
to the board for at least two years of annual written progress 57961  
reports made under penalty of falsification stating whether the 57962  
radiologist assistant has maintained sobriety. 57963

(G) If the secretary and supervising member determine that 57964  
there is clear and convincing evidence that a radiologist 57965  
assistant has violated division (B) of this section and that the 57966  
individual's continued practice presents a danger of immediate and 57967  
serious harm to the public, they may recommend that the board 57968  
suspend the individual's ~~certificate~~ license to practice without a 57969  
prior hearing. Written allegations shall be prepared for 57970  
consideration by the board. 57971

The board, on review of the allegations and by an affirmative 57972  
vote of not fewer than six of its members, excluding the secretary 57973  
and supervising member, may suspend a ~~certificate~~ license without 57974  
a prior hearing. A telephone conference call may be utilized for 57975  
reviewing the allegations and taking the vote on the summary 57976  
suspension. 57977

The board shall issue a written order of suspension by 57978  
certified mail or in person in accordance with section 119.07 of 57979  
the Revised Code. The order shall not be subject to suspension by 57980  
the court during pendency of any appeal filed under section 119.12 57981  
of the Revised Code. If the radiologist assistant requests an 57982  
adjudicatory hearing by the board, the date set for the hearing 57983

shall be within fifteen days, but not earlier than seven days, 57984  
after the radiologist assistant requests the hearing, unless 57985  
otherwise agreed to by both the board and the ~~certificate~~ license 57986  
holder. 57987

A summary suspension imposed under this division shall remain 57988  
in effect, unless reversed on appeal, until a final adjudicative 57989  
order issued by the board pursuant to this section and Chapter 57990  
119. of the Revised Code becomes effective. The board shall issue 57991  
its final adjudicative order within sixty days after completion of 57992  
its hearing. Failure to issue the order within sixty days shall 57993  
result in dissolution of the summary suspension order, but shall 57994  
not invalidate any subsequent, final adjudicative order. 57995

(H) If the board takes action under division (B)(10), (12), 57996  
or (13) of this section, and the judicial finding of guilt, guilty 57997  
plea, or judicial finding of eligibility for intervention in lieu 57998  
of conviction is overturned on appeal, on exhaustion of the 57999  
criminal appeal, a petition for reconsideration of the order may 58000  
be filed with the board along with appropriate court documents. On 58001  
receipt of a petition and supporting court documents, the board 58002  
shall reinstate the ~~certificate~~ license to practice as a 58003  
radiologist assistant. The board may then hold an adjudication 58004  
under Chapter 119. of the Revised Code to determine whether the 58005  
individual committed the act in question. Notice of opportunity 58006  
for hearing shall be given in accordance with Chapter 119. of the 58007  
Revised Code. If the board finds, pursuant to an adjudication held 58008  
under this division, that the individual committed the act, or if 58009  
no hearing is requested, it may order any of the sanctions 58010  
specified in division (B) of this section. 58011

(I) The ~~certificate~~ license to practice of a radiologist 58012  
assistant and the assistant's practice in this state are 58013  
automatically suspended as of the date the radiologist assistant 58014  
pleads guilty to, is found by a judge or jury to be guilty of, or 58015

is subject to a judicial finding of eligibility for intervention 58016  
in lieu of conviction in this state or treatment of intervention 58017  
in lieu of conviction in another jurisdiction for any of the 58018  
following criminal offenses in this state or a substantially 58019  
equivalent criminal offense in another jurisdiction: aggravated 58020  
murder, murder, voluntary manslaughter, felonious assault, 58021  
kidnapping, rape, sexual battery, gross sexual imposition, 58022  
aggravated arson, aggravated robbery, or aggravated burglary. 58023  
Continued practice after the suspension shall be considered 58024  
practicing without a ~~certificate~~ license. 58025

The board shall notify the individual subject to the 58026  
suspension by certified mail or in person in accordance with 58027  
section 119.07 of the Revised Code. If an individual whose 58028  
~~certificate~~ license is suspended under this division fails to make 58029  
a timely request for an adjudication under Chapter 119. of the 58030  
Revised Code, the board shall enter a final order permanently 58031  
revoking the individual's ~~certificate to practice~~ license. 58032

(J) In any instance in which the board is required by Chapter 58033  
119. of the Revised Code to give notice of opportunity for hearing 58034  
and the individual subject to the notice does not timely request a 58035  
hearing in accordance with section 119.07 of the Revised Code, the 58036  
board is not required to hold a hearing, but may adopt, by an 58037  
affirmative vote of not fewer than six of its members, a final 58038  
order that contains the board's findings. In the final order, the 58039  
board may order any of the sanctions identified under division (A) 58040  
or (B) of this section. 58041

(K) Any action taken by the board under division (B) of this 58042  
section resulting in a suspension shall be accompanied by a 58043  
written statement of the conditions under which the radiologist 58044  
assistant's ~~certificate~~ license may be reinstated. The board shall 58045  
adopt rules in accordance with Chapter 119. of the Revised Code 58046  
governing conditions to be imposed for reinstatement. 58047

Reinstatement of a ~~certificate~~ license suspended pursuant to 58048  
division (B) of this section requires an affirmative vote of not 58049  
fewer than six members of the board. 58050

(L) When the board refuses to grant or issue a ~~certificate~~ 58051  
license to practice as a radiologist assistant to an applicant, 58052  
revokes an individual's ~~certificate~~ license, refuses to renew an 58053  
individual's ~~certificate~~ license, or refuses to reinstate an 58054  
individual's ~~certificate~~ license, the board may specify that its 58055  
action is permanent. An individual subject to a permanent action 58056  
taken by the board is forever thereafter ineligible to hold a 58057  
~~certificate~~ license to practice as a radiologist assistant and the 58058  
board shall not accept an application for reinstatement of the 58059  
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 58060

(M) Notwithstanding any other provision of the Revised Code, 58061  
all of the following apply: 58062

(1) The surrender of a ~~certificate~~ license to practice as a 58063  
radiologist assistant issued under this chapter is not effective 58064  
unless or until accepted by the board. Reinstatement of a 58065  
~~certificate~~ license surrendered to the board requires an 58066  
affirmative vote of not fewer than six members of the board. 58067

(2) An application made under this chapter for a ~~certificate~~ 58068  
license to practice may not be withdrawn without approval of the 58069  
board. 58070

(3) Failure by an individual to renew a ~~certificate~~ license 58071  
to practice in accordance with section 4774.06 of the Revised Code 58072  
shall not remove or limit the board's jurisdiction to take 58073  
disciplinary action under this section against the individual. 58074

**Sec. 4774.131.** On receipt of a notice pursuant to section 58075  
3123.43 of the Revised Code, the state medical board shall comply 58076  
with sections 3123.41 to 3123.50 of the Revised Code and any 58077

applicable rules adopted under section 3123.63 of the Revised Code 58078  
with respect to a ~~certificate~~ license to practice as a radiologist 58079  
assistant issued under this chapter. 58080

**Sec. 4774.132.** If the state medical board has reason to 58081  
believe that any person who has been granted a ~~certificate~~ license 58082  
to practice as a radiologist assistant under this chapter is 58083  
mentally ill or mentally incompetent, it may file in the probate 58084  
court of the county in which the person has a legal residence an 58085  
affidavit in the form prescribed in section 5122.11 of the Revised 58086  
Code and signed by the board secretary or a member of the board 58087  
secretary's staff, whereupon the same proceedings shall be had as 58088  
provided in Chapter 5122. of the Revised Code. The attorney 58089  
general may represent the board in any proceeding commenced under 58090  
this section. 58091

If any person who has been granted a ~~certificate to practice~~ 58092  
license is adjudged by a probate court to be mentally ill or 58093  
mentally incompetent, the person's ~~certificate~~ license shall be 58094  
automatically suspended until the person has filed with the state 58095  
medical board a certified copy of an adjudication by a probate 58096  
court of the person's subsequent restoration to competency or has 58097  
submitted to the board proof, satisfactory to the board, that the 58098  
person has been discharged as having a restoration to competency 58099  
in the manner and form provided in section 5122.38 of the Revised 58100  
Code. The judge of the probate court shall forthwith notify the 58101  
state medical board of an adjudication of mental illness or mental 58102  
incompetence, and shall note any suspension of a ~~certificate~~ 58103  
license in the margin of the court's record of such ~~certificate~~ 58104  
license. 58105

**Sec. 4774.14.** (A) The state medical board shall investigate 58106  
evidence that appears to show that any person has violated this 58107  
chapter or the rules adopted under it. Any person may report to 58108

the board in a signed writing any information the person has that 58109  
appears to show a violation of any provision of this chapter or 58110  
the rules adopted under it. In the absence of bad faith, a person 58111  
who reports such information or testifies before the board in an 58112  
adjudication conducted under Chapter 119. of the Revised Code 58113  
shall not be liable for civil damages as a result of reporting the 58114  
information or providing testimony. Each complaint or allegation 58115  
of a violation received by the board shall be assigned a case 58116  
number and be recorded by the board. 58117

(B) Investigations of alleged violations of this chapter or 58118  
rules adopted under it shall be supervised by the supervising 58119  
member elected by the board in accordance with section 4731.02 of 58120  
the Revised Code and by the secretary as provided in section 58121  
4774.17 of the Revised Code. The board's president may designate 58122  
another member of the board to supervise the investigation in 58123  
place of the supervising member. A member of the board who 58124  
supervises the investigation of a case shall not participate in 58125  
further adjudication of the case. 58126

(C) In investigating a possible violation of this chapter or 58127  
the rules adopted under it, the board may administer oaths, order 58128  
the taking of depositions, issue subpoenas, and compel the 58129  
attendance of witnesses and production of books, accounts, papers, 58130  
records, documents, and testimony, except that a subpoena for 58131  
patient record information shall not be issued without 58132  
consultation with the attorney general's office and approval of 58133  
the secretary and supervising member of the board. Before issuance 58134  
of a subpoena for patient record information, the secretary and 58135  
supervising member shall determine whether there is probable cause 58136  
to believe that the complaint filed alleges a violation of this 58137  
chapter or the rules adopted under it and that the records sought 58138  
are relevant to the alleged violation and material to the 58139  
investigation. The subpoena may apply only to records that cover a 58140

reasonable period of time surrounding the alleged violation. 58141

On failure to comply with any subpoena issued by the board 58142  
and after reasonable notice to the person being subpoenaed, the 58143  
board may move for an order compelling the production of persons 58144  
or records pursuant to the Rules of Civil Procedure. 58145

A subpoena issued by the board may be served by a sheriff, 58146  
the sheriff's deputy, or a board employee designated by the board. 58147  
Service of a subpoena issued by the board may be made by 58148  
delivering a copy of the subpoena to the person named therein, 58149  
reading it to the person, or leaving it at the person's usual 58150  
place of residence. When the person being served is a radiologist 58151  
assistant, service of the subpoena may be made by certified mail, 58152  
restricted delivery, return receipt requested, and the subpoena 58153  
shall be deemed served on the date delivery is made or the date 58154  
the person refuses to accept delivery. 58155

A sheriff's deputy who serves a subpoena shall receive the 58156  
same fees as a sheriff. Each witness who appears before the board 58157  
in obedience to a subpoena shall receive the fees and mileage 58158  
provided for witnesses in civil cases in the courts of common 58159  
pleas. 58160

(D) All hearings and investigations of the board shall be 58161  
considered civil actions for the purposes of section 2305.252 of 58162  
the Revised Code. 58163

(E) Information received by the board pursuant to an 58164  
investigation is confidential and not subject to discovery in any 58165  
civil action. 58166

The board shall conduct all investigations and proceedings in 58167  
a manner that protects the confidentiality of patients and persons 58168  
who file complaints with the board. The board shall not make 58169  
public the names or any other identifying information about 58170  
patients or complainants unless proper consent is given. 58171

The board may share any information it receives pursuant to 58172  
an investigation, including patient records and patient record 58173  
information, with law enforcement agencies, other licensing 58174  
boards, and other governmental agencies that are prosecuting, 58175  
adjudicating, or investigating alleged violations of statutes or 58176  
administrative rules. An agency or board that receives the 58177  
information shall comply with the same requirements regarding 58178  
confidentiality as those with which the state medical board must 58179  
comply, notwithstanding any conflicting provision of the Revised 58180  
Code or procedure of the agency or board that applies when it is 58181  
dealing with other information in its possession. In a judicial 58182  
proceeding, the information may be admitted into evidence only in 58183  
accordance with the Rules of Evidence, but the court shall require 58184  
that appropriate measures are taken to ensure that confidentiality 58185  
is maintained with respect to any part of the information that 58186  
contains names or other identifying information about patients or 58187  
complainants whose confidentiality was protected by the state 58188  
medical board when the information was in the board's possession. 58189  
Measures to ensure confidentiality that may be taken by the court 58190  
include sealing its records or deleting specific information from 58191  
its records. 58192

(F) The state medical board shall develop requirements for 58193  
and provide appropriate initial training and continuing education 58194  
for investigators employed by the board to carry out its duties 58195  
under this chapter. The training and continuing education may 58196  
include enrollment in courses operated or approved by the Ohio 58197  
peace officer training commission that the board considers 58198  
appropriate under conditions set forth in section 109.79 of the 58199  
Revised Code. 58200

(G) On a quarterly basis, the board shall prepare a report 58201  
that documents the disposition of all cases during the preceding 58202  
three months. The report shall contain the following information 58203

for each case with which the board has completed its activities:	58204
(1) The case number assigned to the complaint or alleged violation;	58205 58206
(2) The type of <del>certificate</del> <u>license</u> , if any, held by the individual against whom the complaint is directed;	58207 58208
(3) A description of the allegations contained in the complaint;	58209 58210
(4) The disposition of the case.	58211
The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.	58212 58213 58214 58215
<b>Sec. 4774.15.</b> (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	58216 58217
(B) Whenever any person holding a valid <del>certificate</del> <u>license</u> to practice as a radiologist assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the <del>certificate</del> <u>license</u> under section 4774.13 of the Revised Code.	58218 58219 58220 58221 58222 58223 58224 58225 58226 58227 58228 58229 58230 58231
(C) The prosecutor in any case against any person holding a valid <del>certificate to practice</del> <u>license</u> issued under this chapter,	58232 58233

on forms prescribed and provided by the state medical board, shall 58234  
notify the board of any of the following: 58235

(1) A plea of guilty to, a finding of guilt by a jury or 58236  
court of, or judicial finding of eligibility for intervention in 58237  
lieu of conviction for a felony, or a case in which the trial 58238  
court issues an order of dismissal upon technical or procedural 58239  
grounds of a felony charge; 58240

(2) A plea of guilty to, a finding of guilt by a jury or 58241  
court of, or judicial finding of eligibility for intervention in 58242  
lieu of conviction for a misdemeanor committed in the course of 58243  
practice, or a case in which the trial court issues an order of 58244  
dismissal upon technical or procedural grounds of a charge of a 58245  
misdemeanor, if the alleged act was committed in the course of 58246  
practice; 58247

(3) A plea of guilty to, a finding of guilt by a jury or 58248  
court of, or judicial finding of eligibility for intervention in 58249  
lieu of conviction for a misdemeanor involving moral turpitude, or 58250  
a case in which the trial court issues an order of dismissal upon 58251  
technical or procedural grounds of a charge of a misdemeanor 58252  
involving moral turpitude. 58253

The report shall include the name and address of the 58254  
~~certificate~~ license holder, the nature of the offense for which 58255  
the action was taken, and the certified court documents recording 58256  
the action. 58257

**Sec. 4774.16.** (A) Within sixty days after the imposition of 58258  
any formal disciplinary action taken by any health care facility, 58259  
including a hospital, health care facility operated by a health 58260  
insuring corporation, ambulatory surgical facility, or similar 58261  
facility, against any individual holding a valid ~~certificate~~ 58262  
license to practice as a radiologist assistant, the chief 58263  
administrator or executive officer of the facility shall report to 58264

the state medical board the name of the individual, the action 58265  
taken by the facility, and a summary of the underlying facts 58266  
leading to the action taken. On request, the board shall be 58267  
provided certified copies of the patient records that were the 58268  
basis for the facility's action. Prior to release to the board, 58269  
the summary shall be approved by the peer review committee that 58270  
reviewed the case or by the governing board of the facility. 58271

The filing of a report with the board or decision not to file 58272  
a report, investigation by the board, or any disciplinary action 58273  
taken by the board, does not preclude a health care facility from 58274  
taking disciplinary action against a radiologist assistant. 58275

In the absence of fraud or bad faith, no individual or entity 58276  
that provides patient records to the board shall be liable in 58277  
damages to any person as a result of providing the records. 58278

(B)(1) Except as provided in division (B)(2) of this section, 58279  
a radiologist assistant, professional association or society of 58280  
radiologist assistants, physician, or professional association or 58281  
society of physicians that believes a violation of any provision 58282  
of this chapter, Chapter 4731. of the Revised Code, or rule of the 58283  
board has occurred shall report to the board the information on 58284  
which the belief is based. 58285

(2) A radiologist assistant, professional association or 58286  
society of radiologist assistants, physician, or professional 58287  
association or society of physicians that believes a violation of 58288  
division (B)(6) of section 4774.13 of the Revised Code has 58289  
occurred shall report the information upon which the belief is 58290  
based to the monitoring organization conducting the program 58291  
established by the board under section 4731.251 of the Revised 58292  
Code. If any such report is made to the board, it shall be 58293  
referred to the monitoring organization unless the board is aware 58294  
that the individual who is the subject of the report does not meet 58295

the program eligibility requirements of section 4731.252 of the Revised Code. 58296  
58297

(C) Any professional association or society composed primarily of radiologist assistants that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision, shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken. 58298  
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The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against a radiologist assistant. 58307  
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(D) Any insurer providing professional liability insurance to any person holding a valid ~~certificate~~ license to practice as a radiologist assistant or any other entity that seeks to indemnify the professional liability of a radiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information: 58311  
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(1) The name and address of the person submitting the notification; 58319  
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(2) The name and address of the insured who is the subject of the claim; 58321  
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(3) The name of the person filing the written claim; 58323

(4) The date of final disposition; 58324

(5) If applicable, the identity of the court in which the 58325

final disposition of the claim took place. 58326

(E) The board may investigate possible violations of this 58327  
chapter or the rules adopted under it that are brought to its 58328  
attention as a result of the reporting requirements of this 58329  
section, except that the board shall conduct an investigation if a 58330  
possible violation involves repeated malpractice. As used in this 58331  
division, "repeated malpractice" means three or more claims for 58332  
malpractice within the previous five-year period, each resulting 58333  
in a judgment or settlement in excess of twenty-five thousand 58334  
dollars in favor of the claimant, and each involving negligent 58335  
conduct by the radiologist assistant. 58336

(F) All summaries, reports, and records received and 58337  
maintained by the board pursuant to this section shall be held in 58338  
confidence and shall not be subject to discovery or introduction 58339  
in evidence in any federal or state civil action involving a 58340  
radiologist assistant, supervising physician, or health care 58341  
facility arising out of matters that are the subject of the 58342  
reporting required by this section. The board may use the 58343  
information obtained only as the basis for an investigation, as 58344  
evidence in a disciplinary hearing against a radiologist assistant 58345  
or supervising radiologist, or in any subsequent trial or appeal 58346  
of a board action or order. 58347

The board may disclose the summaries and reports it receives 58348  
under this section only to health care facility committees within 58349  
or outside this state that are involved in credentialing or 58350  
recredentialing a radiologist assistant or supervising radiologist 58351  
or reviewing their privilege to practice within a particular 58352  
facility. The board shall indicate whether or not the information 58353  
has been verified. Information transmitted by the board shall be 58354  
subject to the same confidentiality provisions as when maintained 58355  
by the board. 58356

(G) Except for reports filed by an individual pursuant to 58357

division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the radiologist assistant. The radiologist assistant shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that reports to the board, reports to the monitoring organization described in section 4731.251 of the Revised Code, or refers an impaired radiologist assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, a professional association or society of radiologist assistants that sponsors a committee or program to provide peer assistance to a radiologist assistant with substance abuse problems, a representative or agent of such a committee or program, a representative or agent of the monitoring organization described in section 4731.251 of the Revised Code, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer a radiologist assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

**Sec. 4774.18.** The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as a radiologist assistant without having first obtained under this chapter a ~~certificate~~ license to practice as a radiologist assistant, may, in accordance with provisions of the

Revised Code governing injunctions, maintain an action in the name 58389  
of the state to enjoin any person from engaging either directly or 58390  
by complicity in unlawfully practicing as a radiologist assistant 58391  
by applying for an injunction in any court of competent 58392  
jurisdiction. 58393

Prior to application for an injunction, the secretary of the 58394  
state medical board shall notify the person allegedly engaged 58395  
either directly or by complicity in the unlawful practice by 58396  
registered mail that the secretary has received information 58397  
indicating that this person is so engaged. The person shall answer 58398  
the secretary within thirty days showing that the person is either 58399  
properly licensed for the stated activity or that the person is 58400  
not in violation of this chapter. If the answer is not forthcoming 58401  
within thirty days after notice by the secretary, the secretary 58402  
shall request that the attorney general, the prosecuting attorney 58403  
of the county in which the offense was committed or the offender 58404  
resides, or the state medical board proceed as authorized in this 58405  
section. 58406

Upon the filing of a verified petition in court, the court 58407  
shall conduct a hearing on the petition and shall give the same 58408  
preference to this proceeding as is given all proceedings under 58409  
Chapter 119. of the Revised Code, irrespective of the position of 58410  
the proceeding on the calendar of the court. 58411

Injunction proceedings shall be in addition to, and not in 58412  
lieu of, all penalties and other remedies provided in this 58413  
chapter. 58414

**Sec. 4776.01.** As used in this chapter: 58415

(A) "License" means an authorization evidenced by a license, 58416  
certificate, registration, permit, card, or other authority that 58417  
is issued or conferred by a licensing agency to a licensee or to 58418  
an applicant for an initial license by which the licensee or 58419

initial license applicant has or claims the privilege to engage in 58420  
a profession, occupation, or occupational activity, or, except in 58421  
the case of the state dental board, to have control of and operate 58422  
certain specific equipment, machinery, or premises, over which the 58423  
licensing agency has jurisdiction. 58424

(B) Except as provided in section 4776.20 of the Revised 58425  
Code, "licensee" means the person to whom the license is issued by 58426  
a licensing agency. "Licensee" includes a person who, for purposes 58427  
of section 3796.13 of the Revised Code, has complied with sections 58428  
4776.01 to 4776.04 of the Revised Code and has been determined by 58429  
the department of commerce or state board of pharmacy, as the 58430  
applicable licensing agency, to meet the requirements for 58431  
employment. 58432

(C) Except as provided in section 4776.20 of the Revised 58433  
Code, "licensing agency" means any of the following: 58434

(1) The board authorized by Chapters 4701., 4717., 4725., 58435  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 58436  
4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 58437  
4783. of the Revised Code to issue a license to engage in a 58438  
specific profession, occupation, or occupational activity, or to 58439  
have charge of and operate certain specific equipment, machinery, 58440  
or premises. 58441

(2) The state dental board, relative to its authority to 58442  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 58443  
4715.27 of the Revised Code; 58444

(3) The department of commerce or state board of pharmacy, 58445  
relative to its authority under Chapter 3796. of the Revised Code 58446  
and any rules adopted under that chapter with respect to a person 58447  
who is subject to section 3796.13 of the Revised Code. 58448

(D) "Applicant for an initial license" includes persons 58449  
seeking a license for the first time and persons seeking a license 58450

by reciprocity, endorsement, or similar manner of a license issued 58451  
in another state. "Applicant for an initial license" also includes 58452  
a person who, for purposes of section 3796.13 of the Revised Code, 58453  
is required to comply with sections 4776.01 to 4776.04 of the 58454  
Revised Code. 58455

(E) "Applicant for a restored license" includes persons 58456  
seeking restoration of a license under section 4730.14, 4730.28, 58457  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 58458  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 58459  
or 4778.071 of the Revised Code. 58460

(F) "Criminal records check" has the same meaning as in 58461  
section 109.572 of the Revised Code. 58462

**Sec. 4778.03.** (A) An individual seeking a license to practice 58463  
as a genetic counselor shall file with the state medical board an 58464  
application in a manner prescribed by the board. The application 58465  
shall include all the information the board considers necessary to 58466  
process the application, including evidence satisfactory to the 58467  
board that the applicant meets the requirements specified in 58468  
division (B) of this section. 58469

At the time an application is submitted, the applicant shall 58470  
pay the board an application fee of two hundred dollars. No part 58471  
of the fee shall be returned to the applicant or transferred for 58472  
purposes of another application. 58473

(B)(1) To be eligible to receive a license to practice as a 58474  
genetic counselor, an applicant shall demonstrate to the board 58475  
that the applicant meets all of the following requirements: 58476

(a) Is at least eighteen years of age and of good moral 58477  
character; 58478

(b) Except as provided in division (B)(2) of this section, 58479  
has attained a master's degree or higher degree from a genetic 58480

counseling graduate program accredited by the American board of genetic counseling, inc.;

(c) Is a certified genetic counselor;

(d) Has satisfied any other requirements established by the board in rules adopted under section 4778.12 of the Revised Code.

(2) In the case of an applicant who files an application not later than December 31, 2013, and meets all eligibility requirements other than the requirement specified in division (B)(1)(b) of this section, the applicant is eligible for a license to practice as a genetic counselor if the applicant has attained a master's or higher degree in education or in a field that the state medical board considers to be closely related to genetic counseling.

(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application it considers complete, the board shall determine whether the applicant meets the requirements for a license to practice as a genetic counselor. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for the license.~~

**Sec. 4778.05.** If the state medical board determines under section 4778.03 of the Revised Code that an applicant meets the requirements for a license to practice as a genetic counselor, the secretary of the board shall issue the license to the applicant. The license shall be valid for a two-year period unless revoked or suspended, shall expire biennially on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4778.06 of the Revised Code.

**Sec. 4778.051.** (A) The state medical board shall issue an

expedited license to practice as a genetic counselor by 58511  
endorsement to an applicant who meets all of the requirements of 58512  
this section. 58513

(B) An individual who seeks an expedited license by 58514  
endorsement under this section shall file with the board a written 58515  
application on a form prescribed and supplied by the board. The 58516  
applicant shall include in the application all of the information 58517  
the board considers necessary to process it. 58518

(C) To be eligible to receive an expedited license by 58519  
endorsement, an applicant shall provide evidence satisfactory to 58520  
the board that the applicant meets all of the following 58521  
requirements: 58522

(1) The applicant holds a valid license or certificate to 58523  
practice as a genetic counselor issued by any other state or 58524  
jurisdiction. 58525

(2) The license or certificate is current, and the applicant 58526  
is in good standing in the state or jurisdiction of licensure or 58527  
certification. 58528

(3) One of the circumstances described in division (B)(3) of 58529  
section 4743.041 of the Revised Code applies to the applicant. 58530

(4) The applicant moved or will move to this state from the 58531  
state or jurisdiction in which the individual holds a current 58532  
license or certificate. 58533

(5) The individual meets the requirements to receive a 58534  
license as specified in sections 4778.03 and 4778.04 of the 58535  
Revised Code. 58536

(D) The board shall waive all fees associated with the 58537  
application for and issuance of an expedited license by 58538  
endorsement under this section. 58539

(E) The secretary and supervising member of the board shall 58540

review all applications received under this section. If the 58541  
secretary and supervising member determine that an applicant meets 58542  
the requirements for an expedited license by endorsement, the 58543  
board shall issue the license to the applicant. 58544

**Sec. 4778.06.** (A) An individual seeking to renew a license to 58545  
practice as a genetic counselor shall, on or before the 58546  
~~thirty first day of January of each even numbered year~~ license's 58547  
expiration date, apply to the state medical board for renewal ~~of~~ 58548  
the license. The ~~state medical~~ board shall provide renewal notices 58549  
to license holders at least one month prior to the expiration 58550  
date. 58551

Renewal applications shall be submitted to the board in a 58552  
manner prescribed by the board. Each application shall be 58553  
accompanied by a biennial renewal fee of one hundred fifty 58554  
dollars. 58555

The applicant shall report any criminal offense to which the 58556  
applicant has pleaded guilty, of which the applicant has been 58557  
found guilty, or for which the applicant has been found eligible 58558  
for intervention in lieu of conviction, since last signing an 58559  
application for a license to practice as a genetic counselor. 58560

(B) To be eligible for renewal, a genetic counselor shall 58561  
certify to the board that the counselor has done both of the 58562  
following: 58563

(1) Maintained the counselor's status as a certified genetic 58564  
counselor; 58565

(2) Completed at least thirty hours of continuing education 58566  
in genetic counseling that has been approved by the national 58567  
society of genetic counselors or American board of genetic 58568  
counseling. 58569

(C) If an applicant submits a renewal application that the 58570

board considers to be complete and qualifies for renewal pursuant 58571  
to division (B) of this section, the board shall issue to the 58572  
applicant a renewed license to practice as a genetic counselor. 58573

(D) The board may require a random sample of genetic 58574  
counselors to submit materials documenting that their status as 58575  
certified genetic counselors has been maintained and that the 58576  
number of hours of continuing education required under division 58577  
(B)(2) of this section has been completed. This division does not 58578  
limit the board's authority to conduct investigations pursuant to 58579  
section 4778.14 of the Revised Code. 58580

(E)(1) If, through a random sample conducted under division 58581  
(D) of this section or any other means, the board finds that an 58582  
individual who certified completion of the number of hours and 58583  
type of continuing education required to renew, reinstate, or 58584  
restore a license to practice did not complete the requisite 58585  
continuing education, the board may do either of the following: 58586

(a) Take disciplinary action against the individual under 58587  
section 4778.14 of the Revised Code, impose a civil penalty, or 58588  
both; 58589

(b) Permit the individual to agree in writing to complete the 58590  
continuing education and pay a civil penalty. 58591

(2) The board's finding in any disciplinary action taken 58592  
under division (E)(1)(a) of this section shall be made pursuant to 58593  
an adjudication under Chapter 119. of the Revised Code and by an 58594  
affirmative vote of not fewer than six of its members. 58595

(3) A civil penalty imposed under division (E)(1)(a) of this 58596  
section or paid under division (E)(1)(b) of this section shall be 58597  
in an amount specified by the board of not more than five thousand 58598  
dollars. The board shall deposit civil penalties in accordance 58599  
with section 4731.24 of the Revised Code. 58600

~~If a genetic counselor certifies that the genetic counselor~~ 58601

~~has completed the number of hours and type of continuing education 58602  
required for renewal of a license, and the board finds through the 58603  
random sample or any other means that the genetic counselor did 58604  
not complete the requisite continuing education, the board may 58605  
impose a civil penalty of not more than five thousand dollars. If 58606  
a civil penalty is imposed in addition to any other action the 58607  
board takes under section 4778.14 of the Revised Code, the board's 58608  
finding shall be made pursuant to an adjudication under Chapter 58609  
119. of the Revised Code and by an affirmative vote of not fewer 58610  
than six members. A civil penalty imposed under this division may 58611  
be in addition to or in lieu of any other action the board may 58612  
take under section 4778.14 of the Revised Code. The board shall 58613  
deposit civil penalties in accordance with section 4731.24 of the 58614  
Revised Code. 58615~~

**Sec. 4778.07.** (A) A license to practice as a genetic 58616  
counselor issued under ~~section 4778.05 of the Revised Code~~ this 58617  
chapter that is not renewed on or before its expiration date is 58618  
automatically suspended on its expiration date. Continued practice 58619  
after suspension shall be considered as practicing in violation of 58620  
section 4778.02 of the Revised Code. 58621

(B) If a license has been suspended pursuant to this section 58622  
for two years or less, ~~the board shall reinstate the license it~~ 58623  
may be reinstated upon an applicant's submission of a complete 58624  
renewal application, the biennial renewal fee, and a monetary 58625  
penalty of twenty-five dollars. 58626

(C)~~(1)~~ If a license has been suspended pursuant to this 58627  
section for more than two years, it may be restored. Subject to 58628  
section 4778.071 of the Revised Code, the board may restore the 58629  
license upon an applicant's submission of a complete restoration 58630  
application, the biennial renewal fee, and a monetary penalty of 58631  
fifty dollars and compliance with sections 4776.01 to 4776.04 of 58632

the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4778.05 of the Revised Code.

~~(2) The board may impose terms and conditions for the restoration, including the following:~~

~~(a) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;~~

~~(b) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;~~

~~(c) Restricting or limiting the extent, scope, or type of practice of the applicant.~~

Sec. 4778.071. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been practicing as a genetic counselor as either of the following:

(a) An active practitioner;

(b) A student in a graduate program as described in section 4778.03 of the Revised Code.

(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written

examination, or both, to determine the applicant's present fitness 58662  
to resume practice; 58663

(2) Requiring the applicant to obtain additional training and 58664  
to pass an examination upon completion of such training; 58665

(3) Requiring an assessment of the applicant's physical 58666  
skills for purposes of determining whether the applicant's 58667  
coordination, fine motor skills, and dexterity are sufficient for 58668  
performing evaluations and procedures in a manner that meets the 58669  
minimal standards of care; 58670

(4) Requiring an assessment of the applicant's skills in 58671  
recognizing and understanding diseases and conditions; 58672

(5) Requiring the applicant to undergo a comprehensive 58673  
physical examination, which may include an assessment of physical 58674  
abilities, evaluation of sensory capabilities, or screening for 58675  
the presence of neurological disorders; 58676

(6) Restricting or limiting the extent, scope, or type of 58677  
practice of the applicant. 58678

The board shall consider the moral background and the 58679  
activities of the applicant during the period of suspension or 58680  
inactivity. The board shall not issue or restore a license under 58681  
this section unless the applicant complies with sections 4776.01 58682  
to 4776.04 of the Revised Code. 58683

**Sec. 4778.08.** (A) The state medical board may issue to an 58684  
applicant under section 4778.03 of the Revised Code a license to 58685  
practice as a genetic counselor, designated as a supervised 58686  
practice license, if both of the following apply: 58687

(1) The applicant meets the requirements specified in section 58688  
4778.03 of the Revised Code other than being a certified genetic 58689  
counselor; 58690

(2) The applicant is in active candidate status with the 58691

American board of genetic counseling. 58692

(B) A supervised practice license authorizes the holder to 58693  
engage in the activities authorized by section 4778.11 of the 58694  
Revised Code while the holder is under the general supervision of 58695  
a genetic counselor licensed under ~~section 4778.05 of the Revised~~ 58696  
~~Code~~ this chapter or a physician. General supervision does not 58697  
require the supervising licensed genetic counselor or physician to 58698  
be present while the holder engages in such activities, but does 58699  
require the licensed genetic counselor or physician to have 58700  
professional responsibility for the holder and be readily 58701  
accessible to the holder for professional consultation and 58702  
assistance. 58703

A supervised practice license is valid from the date of 58704  
issuance until the earlier of one year from that date or the date 58705  
a license is issued under section 4778.05 or 4778.051 of the 58706  
Revised Code. A supervised practice license may not be renewed. 58707

**Sec. 4778.081.** (A) The state medical board shall issue an 58708  
expedited genetic counselor supervised practice license by 58709  
endorsement to an applicant who meets all of the requirements of 58710  
this section. 58711

(B) An individual who seeks an expedited license by 58712  
endorsement under this section shall file with the board a written 58713  
application on a form prescribed and supplied by the board. The 58714  
applicant shall include in the application all of the information 58715  
the board considers necessary to process it. 58716

(C) To be eligible to receive an expedited license by 58717  
endorsement, an applicant shall provide evidence satisfactory to 58718  
the board that the applicant meets all of the following 58719  
requirements: 58720

(1) The applicant holds a valid license or certificate to 58721

practice as a genetic counselor under supervision issued by any 58722  
other state or jurisdiction. 58723

(2) The license or certificate is current, and the applicant 58724  
is in good standing in the state or jurisdiction of licensure or 58725  
certification. 58726

(3) One of the circumstances described in division (B)(3) of 58727  
section 4743.041 of the Revised Code applies to the applicant. 58728

(4) The applicant moved or will move to this state from the 58729  
state or jurisdiction in which the individual holds a current 58730  
license or certificate. 58731

(5) The individual meets the requirements to receive a 58732  
license as specified in section 4778.08 of the Revised Code. 58733

(D) The board shall waive all fees associated with the 58734  
application for and issuance of an expedited license by 58735  
endorsement under this section. 58736

(E) The secretary and supervising member of the board shall 58737  
review all applications received under this section. If the 58738  
secretary and supervising member determine that an applicant meets 58739  
the requirements for an expedited license by endorsement, the 58740  
board shall issue the license to the applicant. 58741

**Sec. 4779.02.** (A) Except as provided in division (B) or (C) 58742  
of this section, no person shall practice or represent that the 58743  
person is authorized to practice orthotics, prosthetics, or 58744  
pedorthics unless the person holds a current, valid license issued 58745  
or renewed under this chapter. 58746

(B) Division (A) of this section does not apply to any of the 58747  
following: 58748

(1) An individual who holds a current, valid license, 58749  
certificate, or registration issued under Chapter 4723., 4729., 58750  
4730., 4731., 4734., or 4755. of the Revised Code and is 58751

practicing within the individual's scope of practice under 58752  
statutes and rules regulating the individual's profession; 58753

(2) An individual who practices orthotics, prosthetics, or 58754  
pedorthics as an employee of the federal government and is engaged 58755  
in the performance of duties prescribed by statutes and 58756  
regulations of the United States; 58757

(3) An individual who provides orthotic, prosthetic, or 58758  
pedorthic services under the supervision of a licensed orthotist, 58759  
prosthetist, or pedorthist in accordance with section 4779.04 of 58760  
the Revised Code; 58761

(4) An individual who provides orthotic, prosthetic, or 58762  
pedorthic services as part of an educational, certification, or 58763  
residency program approved by the Ohio occupational therapy, 58764  
physical therapy, and athletic trainers board under sections 58765  
4779.25 to 4779.27 of the Revised Code; 58766

(5) An individual who provides orthotic, prosthetic, or 58767  
pedorthic services under the direct supervision of an individual 58768  
authorized under Chapter 4731. of the Revised Code to practice 58769  
medicine and surgery or osteopathic medicine and surgery. 58770

(C) Division (A) of this section does not prohibit an 58771  
individual who is not licensed under this chapter to practice 58772  
prosthetics or orthotics and prosthetics from engaging in the 3-D 58773  
printing of open-source prosthetic kits if the individual has been 58774  
granted the authority to engage in that activity by the Ohio 58775  
occupational therapy, physical therapy, and athletic trainers 58776  
board under section 4779.40 of the Revised Code. Such an 58777  
individual shall not represent that the individual is authorized 58778  
to practice prosthetics or orthotics and prosthetics under this 58779  
chapter. 58780

**Sec. 4779.08.** (A) The Ohio occupational therapy, physical 58781

therapy, and athletic trainers board shall adopt rules in	58782
accordance with Chapter 119. of the Revised Code to carry out the	58783
purposes of this chapter, including rules prescribing all of the	58784
following:	58785
(1) The form and manner of filing of applications to be	58786
admitted to examinations and for licensure and license renewal;	58787
(2) Standards and procedures for formulating, evaluating,	58788
approving, and administering licensing examinations or recognizing	58789
other entities that conduct examinations;	58790
(3) The form, scoring, and scheduling of licensing	58791
examinations;	58792
(4) Fees for examinations and applications for licensure and	58793
license renewal;	58794
(5) Fees for approval of continuing education courses;	58795
(6) Procedures for issuance, renewal, suspension, and	58796
revocation of licenses and the conduct of disciplinary hearings;	58797
(7) The schedule to be used for biennial renewal of licenses;	58798
(8) Standards of ethical and professional conduct in the	58799
practice of orthotics, prosthetics, and pedorthics;	58800
(9) Standards for approving national certification	58801
organizations in orthotics, prosthetics, and pedorthics;	58802
(10) Fines for violations of this chapter;	58803
(11) Standards for the recognition and approval of	58804
educational programs required for licensure, including standards	58805
for approving foreign educational credentials;	58806
(12) Standards for continuing education programs required for	58807
license renewal;	58808
(13) The amount, scope, and nature of continuing education	58809

activities required for license renewal, including waivers of the continuing education requirements;	58810 58811
(14) Provisions for making available the information described in section 4779.22 of the Revised Code;	58812 58813
(15) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	58814 58815
<u>(16) Requirements for an individual who is not licensed under this chapter to practice prosthetics or orthotics and prosthetics to engage in the 3-D printing of open-source prosthetic kits.</u>	58816 58817 58818
(B) The board may adopt any other rules necessary for the administration of this chapter.	58819 58820
(C) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	58821 58822 58823 58824
<u>Sec. 4779.40. An individual who is not licensed to practice prosthetics or orthotics and prosthetics under section 4779.09 of the Revised Code may apply to the Ohio occupational therapy, physical therapy, and athletic trainers board for the authority to engage in the 3-D printing of open-source prosthetic kits. The board shall prescribe an application form for this purpose.</u>	58825 58826 58827 58828 58829 58830
<u>The board shall grant the authority described in this section if the individual meets the requirements specified in rules adopted under section 4779.08 of the Revised Code.</u>	58831 58832 58833
<b>Sec. 4928.143.</b> (A) For the purpose of complying with section 4928.141 of the Revised Code, an electric distribution utility may file an application for public utilities commission approval of an electric security plan as prescribed under division (B) of this section. The utility may file that application prior to the	58834 58835 58836 58837 58838

effective date of any rules the commission may adopt for the 58839  
purpose of this section, and, as the commission determines 58840  
necessary, the utility immediately shall conform its filing to 58841  
those rules upon their taking effect. 58842

(B) Notwithstanding any other provision of Title XLIX of the 58843  
Revised Code to the contrary except division (D) of this section, 58844  
divisions (I), (J), and (K) of section 4928.20, division (E) of 58845  
section 4928.64, and section 4928.69 of the Revised Code: 58846

(1) An electric security plan shall include provisions 58847  
relating to the supply and pricing of electric generation service. 58848  
In addition, if the proposed electric security plan has a term 58849  
longer than three years, it may include provisions in the plan to 58850  
permit the commission to test the plan pursuant to division (E) of 58851  
this section and any transitional conditions that should be 58852  
adopted by the commission if the commission terminates the plan as 58853  
authorized under that division. 58854

(2) The plan may provide for or include, without limitation, 58855  
any of the following: 58856

(a) Automatic recovery of any of the following costs of the 58857  
electric distribution utility, provided the cost is prudently 58858  
incurred: the cost of fuel used to generate the electricity 58859  
supplied under the offer; the cost of purchased power supplied 58860  
under the offer, including the cost of energy and capacity, and 58861  
including purchased power acquired from an affiliate; the cost of 58862  
emission allowances; and the cost of federally mandated carbon or 58863  
energy taxes; 58864

(b) A reasonable allowance for construction work in progress 58865  
for any of the electric distribution utility's cost of 58866  
constructing an electric generating facility or for an 58867  
environmental expenditure for any electric generating facility of 58868  
the electric distribution utility, provided the cost is incurred 58869

or the expenditure occurs on or after January 1, 2009. Any such 58870  
allowance shall be subject to the construction work in progress 58871  
allowance limitations of division (A) of section 4909.15 of the 58872  
Revised Code, except that the commission may authorize such an 58873  
allowance upon the incurrence of the cost or occurrence of the 58874  
expenditure. No such allowance for generating facility 58875  
construction shall be authorized, however, unless the commission 58876  
first determines in the proceeding that there is need for the 58877  
facility based on resource planning projections submitted by the 58878  
electric distribution utility. Further, no such allowance shall be 58879  
authorized unless the facility's construction was sourced through 58880  
a competitive bid process, regarding which process the commission 58881  
may adopt rules. An allowance approved under division (B)(2)(b) of 58882  
this section shall be established as a nonbypassable surcharge for 58883  
the life of the facility. 58884

(c) The establishment of a nonbypassable surcharge for the 58885  
life of an electric generating facility that is owned or operated 58886  
by the electric distribution utility, was sourced through a 58887  
competitive bid process subject to any such rules as the 58888  
commission adopts under division (B)(2)(b) of this section, and is 58889  
newly used and useful on or after January 1, 2009, which surcharge 58890  
shall cover all costs of the utility specified in the application, 58891  
excluding costs recovered through a surcharge under division 58892  
(B)(2)(b) of this section. However, no surcharge shall be 58893  
authorized unless the commission first determines in the 58894  
proceeding that there is need for the facility based on resource 58895  
planning projections submitted by the electric distribution 58896  
utility. Additionally, if a surcharge is authorized for a facility 58897  
pursuant to plan approval under division (C) of this section and 58898  
as a condition of the continuation of the surcharge, the electric 58899  
distribution utility shall dedicate to Ohio consumers the capacity 58900  
and energy and the rate associated with the cost of that facility. 58901  
Before the commission authorizes any surcharge pursuant to this 58902

division, it may consider, as applicable, the effects of any 58903  
decommissioning, deratings, and retirements. 58904

(d) Terms, conditions, or charges relating to limitations on 58905  
customer shopping for retail electric generation service, 58906  
bypassability, standby, back-up, or supplemental power service, 58907  
default service, carrying costs, amortization periods, and 58908  
accounting or deferrals, including future recovery of such 58909  
deferrals, as would have the effect of stabilizing or providing 58910  
certainty regarding retail electric service; 58911

(e) Automatic increases or decreases in any component of the 58912  
standard service offer price; 58913

(f) Consistent with sections 4928.23 to 4928.2318 of the 58914  
Revised Code, both of the following: 58915

(i) Provisions for the electric distribution utility to 58916  
securitize any phase-in, inclusive of carrying charges, of the 58917  
utility's standard service offer price, which phase-in is 58918  
authorized in accordance with section 4928.144 of the Revised 58919  
Code; 58920

(ii) Provisions for the recovery of the utility's cost of 58921  
securitization. 58922

(g) Provisions relating to transmission, ancillary, 58923  
congestion, or any related service required for the standard 58924  
service offer, including provisions for the recovery of any cost 58925  
of such service that the electric distribution utility incurs on 58926  
or after that date pursuant to the standard service offer; 58927

(h) Provisions regarding the utility's distribution service, 58928  
including, without limitation and notwithstanding any provision of 58929  
Title XLIX of the Revised Code to the contrary, provisions 58930  
regarding single issue ratemaking, a revenue decoupling mechanism 58931  
or any other incentive ratemaking, and provisions regarding 58932  
distribution infrastructure and modernization incentives for the 58933

electric distribution utility. The latter may include a long-term 58934  
energy delivery infrastructure modernization plan for that utility 58935  
or any plan providing for the utility's recovery of costs, 58936  
including lost revenue, shared savings, and avoided costs, and a 58937  
just and reasonable rate of return on such infrastructure 58938  
modernization. As part of its determination as to whether to allow 58939  
in an electric distribution utility's electric security plan 58940  
inclusion of any provision described in division (B)(2)(h) of this 58941  
section, the commission shall examine the reliability of the 58942  
electric distribution utility's distribution system and ensure 58943  
that customers' and the electric distribution utility's 58944  
expectations are aligned and that the electric distribution 58945  
utility is placing sufficient emphasis on and dedicating 58946  
sufficient resources to the reliability of its distribution 58947  
system. 58948

(i) Provisions under which the electric distribution utility 58949  
may implement economic development, job retention, and energy 58950  
efficiency programs, which provisions may allocate program costs 58951  
across all classes of customers of the utility and those of 58952  
electric distribution utilities in the same holding company 58953  
system. 58954

(C)(1) The burden of proof in the proceeding shall be on the 58955  
electric distribution utility. The commission shall issue an order 58956  
under this division for an initial application under this section 58957  
not later than one hundred fifty days after the application's 58958  
filing date and, for any subsequent application by the utility 58959  
under this section, not later than two hundred seventy-five days 58960  
after the application's filing date. Subject to division (D) of 58961  
this section, the commission by order shall approve or modify and 58962  
approve an application filed under division (A) of this section if 58963  
it finds that the electric security plan so approved, including 58964  
its pricing and all other terms and conditions, including any 58965

deferrals and any future recovery of deferrals, is more favorable 58966  
in the aggregate as compared to the expected results that would 58967  
otherwise apply under section 4928.142 of the Revised Code. 58968  
Additionally, if the commission so approves an application that 58969  
contains a surcharge under division (B)(2)(b) or (c) of this 58970  
section, the commission shall ensure that the benefits derived for 58971  
any purpose for which the surcharge is established are reserved 58972  
and made available to those that bear the surcharge. Otherwise, 58973  
the commission by order shall disapprove the application. 58974

(2)(a) If the commission modifies and approves an application 58975  
under division (C)(1) of this section, the electric distribution 58976  
utility may withdraw the application, thereby terminating it, and 58977  
may file a new standard service offer under this section or a 58978  
standard service offer under section 4928.142 of the Revised Code. 58979

(b) If the utility terminates an application pursuant to 58980  
division (C)(2)(a) of this section or if the commission 58981  
disapproves an application under division (C)(1) of this section, 58982  
the commission shall issue such order as is necessary to continue 58983  
the provisions, terms, and conditions of the utility's most recent 58984  
standard service offer, along with any expected increases or 58985  
decreases in fuel costs from those contained in that offer, until 58986  
a subsequent offer is authorized pursuant to this section or 58987  
section 4928.142 of the Revised Code, respectively. 58988

(D) Regarding the rate plan requirement of division (A) of 58989  
section 4928.141 of the Revised Code, if an electric distribution 58990  
utility that has a rate plan that extends beyond December 31, 58991  
2008, files an application under this section for the purpose of 58992  
its compliance with division (A) of section 4928.141 of the 58993  
Revised Code, that rate plan and its terms and conditions are 58994  
hereby incorporated into its proposed electric security plan and 58995  
shall continue in effect until the date scheduled under the rate 58996  
plan for its expiration, and that portion of the electric security 58997

plan shall not be subject to commission approval or disapproval 58998  
under division (C) of this section, and the earnings test provided 58999  
for in division (F) of this section shall not apply until after 59000  
the expiration of the rate plan. However, that utility may include 59001  
in its electric security plan under this section, and the 59002  
commission may approve, modify and approve, or disapprove subject 59003  
to division (C) of this section, provisions for the incremental 59004  
recovery or the deferral of any costs that are not being recovered 59005  
under the rate plan and that the utility incurs during that 59006  
continuation period to comply with section 4928.141, division (B) 59007  
of section 4928.64, or division (A) of section 4928.66 of the 59008  
Revised Code. 59009

(E) If an electric security plan approved under division (C) 59010  
of this section, except one withdrawn by the utility as authorized 59011  
under that division, has a term, exclusive of phase-ins or 59012  
deferrals, that exceeds three years from the effective date of the 59013  
plan, the commission shall test the plan in the fourth year, and 59014  
if applicable, every fourth year thereafter, to determine whether 59015  
the plan, including its then-existing pricing and all other terms 59016  
and conditions, including any deferrals and any future recovery of 59017  
deferrals, continues to be more favorable in the aggregate and 59018  
during the remaining term of the plan as compared to the expected 59019  
results that would otherwise apply under section 4928.142 of the 59020  
Revised Code. The commission shall also determine the prospective 59021  
effect of the electric security plan to determine if that effect 59022  
is substantially likely to provide the electric distribution 59023  
utility with a return on common equity that is significantly in 59024  
excess of the return on common equity that is likely to be earned 59025  
by publicly traded companies, including utilities, that face 59026  
comparable business and financial risk, with such adjustments for 59027  
capital structure as may be appropriate. The burden of proof for 59028  
demonstrating that significantly excessive earnings will not occur 59029  
shall be on the electric distribution utility. For affiliated Ohio 59030

electric distribution utilities that operate under a joint 59031  
electric security plan, their total earned return on common equity 59032  
shall be used for purposes of assessing significantly excessive 59033  
earnings. If the test results are in the negative or the 59034  
commission finds that continuation of the electric security plan 59035  
will result in a return on equity that is significantly in excess 59036  
of the return on common equity that is likely to be earned by 59037  
publicly traded companies, including utilities, that will face 59038  
comparable business and financial risk, with such adjustments for 59039  
capital structure as may be appropriate, during the balance of the 59040  
plan, the commission may terminate the electric security plan, but 59041  
not until it shall have provided interested parties with notice 59042  
and an opportunity to be heard. The commission may impose such 59043  
conditions on the plan's termination as it considers reasonable 59044  
and necessary to accommodate the transition from an approved plan 59045  
to the more advantageous alternative. In the event of an electric 59046  
security plan's termination pursuant to this division, the 59047  
commission shall permit the continued deferral and phase-in of any 59048  
amounts that occurred prior to that termination and the recovery 59049  
of those amounts as contemplated under that electric security 59050  
plan. 59051

(F) With regard to the provisions that are included in an 59052  
electric security plan under this section, the commission shall 59053  
consider, following the end of each annual period of the plan, if 59054  
any such adjustments resulted in excessive earnings as measured by 59055  
whether the earned return on common equity of the electric 59056  
distribution utility is significantly in excess of the return on 59057  
common equity that was earned during the same period by publicly 59058  
traded companies, including utilities, that face comparable 59059  
business and financial risk, with such adjustments for capital 59060  
structure as may be appropriate. In making its determination of 59061  
significantly excessive earnings under this division, the 59062  
commission shall, for affiliated Ohio electric distribution 59063

utilities that operate under a joint electric security plan, use 59064  
the total of the utilities' earned return on common equity. 59065  
Consideration also shall be given to the capital requirements of 59066  
future committed investments in this state. The burden of proof 59067  
for demonstrating that significantly excessive earnings did not 59068  
occur shall be on the electric distribution utility. If the 59069  
commission finds that such adjustments, in the aggregate, did 59070  
result in significantly excessive earnings, it shall require the 59071  
electric distribution utility to return to consumers the amount of 59072  
the excess by prospective adjustments; provided that, upon making 59073  
such prospective adjustments, the electric distribution utility 59074  
shall have the right to terminate the plan and immediately file an 59075  
application pursuant to section 4928.142 of the Revised Code. Upon 59076  
termination of a plan under this division, rates shall be set on 59077  
the same basis as specified in division (C)(2)(b) of this section, 59078  
and the commission shall permit the continued deferral and 59079  
phase-in of any amounts that occurred prior to that termination 59080  
and the recovery of those amounts as contemplated under that 59081  
electric security plan. In making its determination of 59082  
significantly excessive earnings under this division, the 59083  
commission shall not consider, directly or indirectly, the 59084  
revenue, expenses, or earnings of any affiliate that is not an 59085  
Ohio electric distribution utility or parent company. 59086

**Sec. 4929.18.** (A) As used in this section, "biologically 59087  
derived methane gas" has the same meaning as in section 5713.30 of 59088  
the Revised Code. 59089

(B) Any property, equipment, or facilities installed or 59090  
constructed by a natural gas company to enable interconnection 59091  
with or receipt from any property, equipment, or facilities used 59092  
to generate, collect, gather, or transport biologically derived 59093  
methane gas, or to enable the supply of biologically derived 59094  
methane gas to consumers within this state, may be treated as 59095

instrumentalities and facilities for distribution service if the 59096  
public utilities commission determines that treatment is just and 59097  
reasonable. If the commission makes that determination, the 59098  
property, equipment, or facilities shall be considered used and 59099  
useful in rendering public utility service for purposes of section 59100  
4909.15 of the Revised Code. 59101

**Sec. 4937.01.** As used in sections 4937.01 to 4937.05 of the 59102  
Revised Code: 59103

(A) "Hazard" has the same meaning as in section 5502.21 of 59104  
the Revised Code. 59105

(B) "Member agency" means the state agency of which a member 59106  
of the utility radiological safety board is an officer. 59107

(C) "Nuclear electric facility" means any facility operated 59108  
by a nuclear electric utility using nuclear energy to produce 59109  
electricity and any facility for the storage of spent nuclear fuel 59110  
arising from such production. 59111

(D) "Nuclear electric facility incident" means any hazard 59112  
within the state which is associated with a nuclear electric 59113  
facility and requires, pursuant to sections 5502.21 to 5502.51 of 59114  
the Revised Code, emergency management to mitigate its effects. 59115

(E) "Nuclear electric utility" includes every person, their 59116  
agents, assignees, or trustees, within this state engaged in the 59117  
business of producing electricity using nuclear energy, or in the 59118  
storage of spent nuclear fuel arising from such production. 59119

(F) "Nuclear electric utility holding company" means any 59120  
company that holds an equity interest in a nuclear electric 59121  
utility and is part of an electric utility holding company system 59122  
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 59123  
Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 59124  
regulations adopted under the act. 59125

Sec. 4937.05. (A) Subject to division (B) of this section, 59126  
the utility radiological safety board may apportion among and 59127  
assess against each nuclear electric utility in this state against 59128  
which an assessment may be made under section 4905.10 of the 59129  
Revised Code an amount no greater than the maximums specified in 59130  
the applicable main operating appropriations act. The assessment 59131  
shall be made in proportion to the intrastate gross receipts of 59132  
the utility, excluding receipts from sales to other public 59133  
utilities for resale, for the calendar year next preceding that in 59134  
which the assessments are made, or be made based upon the 59135  
utility's decommissioning budget for the year of the assessment, 59136  
if the utility is not engaged in the business of producing 59137  
electricity using nuclear energy. On or before the first day of 59138  
October in each year, the board shall notify each such utility of 59139  
the sum assessed against it, whereupon payment shall be made to 59140  
the board. The board shall deposit the payment into any nuclear 59141  
safety fund for which a maximum is specified, for the purposes of 59142  
this section, in the applicable main operating appropriations act. 59143  
Any assessments so deposited which are not expended shall be 59144  
credited ratably to each nuclear electric utility that paid them, 59145  
according to the respective portions of the amount assessable 59146  
against the utility for the ensuing calendar year. The assessments 59147  
for such calendar year shall be adjusted accordingly. 59148

(B) The board shall assess an amount against the nuclear 59149  
electric utilities pursuant to division (A) of this section only 59150  
in accordance with this division and subject to the conditions it 59151  
specifies. 59152

(1) Nuclear electric utilities and, separately, the 59153  
environmental protection agency, the department of health, the 59154  
department of agriculture, and the emergency management agency of 59155  
the department of public safety, as member agencies of the board, 59156  
shall negotiate, in good faith, amounts to be given as grants by 59157

the nuclear electric utilities pursuant to this division for 59158  
funding the member agency for a fiscal biennium. Any such grant 59159  
shall cover all costs related to the statutory requirements or 59160  
agreements specified in division (B)(4) of this section, but shall 59161  
not be required to cover any costs of activities not directly 59162  
related to those statutory requirements or agreements. 59163

(2)(a) If any of the member agencies specified in division 59164  
(B)(1) of this section disagrees, before the first day of 59165  
September of the first year of a fiscal biennium, with the nuclear 59166  
electric utilities on a grant amount under that division for the 59167  
agency's funding for that biennium and the agency is requesting a 59168  
specified amount not exceeding seventy-five per cent of the 59169  
maximum specified in the applicable main operating appropriations 59170  
act, the agency shall make a written directive to the board for an 59171  
assessment against the nuclear electric utilities for that 59172  
specified amount and shall notify the controlling board, the 59173  
director of budget and management, and the nuclear electric 59174  
utilities in writing of that directive. Upon receipt of the 59175  
directive, the utility radiological safety board shall assess the 59176  
specified amount against the nuclear electric utilities as 59177  
provided in division (A) of this section, notwithstanding any 59178  
provision of that division to the contrary, provided the amount 59179  
assessed does not exceed the maximum specified in the applicable 59180  
main operating appropriations act. 59181

(b) If any of the member agencies specified in division 59182  
(B)(1) of this section disagrees, before the first day of 59183  
September of the first year of a fiscal biennium, with the nuclear 59184  
electric utilities on a grant amount under that division for the 59185  
agency's funding for that biennium and the agency is requesting a 59186  
specified amount that exceeds seventy-five per cent of the maximum 59187  
specified for that agency in the applicable main operating 59188  
appropriations act, the agency may request that the controlling 59189

board approve an assessment against the electric utilities in the 59190  
specified amount. The controlling board shall not approve an 59191  
assessment so requested if it exceeds that maximum or will not be 59192  
used for the purposes specified in division (B)(4) of this 59193  
section. If the controlling board approves the request, the 59194  
utility radiological safety board shall impose an assessment in 59195  
the approved amount against the nuclear electric utilities as 59196  
provided in division (A) of this section, notwithstanding any 59197  
provision of that division to the contrary. 59198

(c) The board shall not assess against the nuclear electric 59199  
utilities pursuant to division (A) of this section in any fiscal 59200  
biennium for which each member agency and the nuclear electric 59201  
utilities agree on grant amounts pursuant to division (B)(1) of 59202  
this section. 59203

(3) Revenues received pursuant to grants or assessments under 59204  
division (B)(1) or (2) of this section shall be deposited into the 59205  
requesting agency's nuclear safety fund, as such fund is specified 59206  
in the applicable main operating appropriations act. 59207

(4) Funding provided under this division to a member agency 59208  
shall be for the purpose of enabling a member agency to fulfill 59209  
its authority and duties under the statutes related to nuclear 59210  
safety or the utility safety radiological board, or under 59211  
agreements with the nuclear regulatory commission. 59212

(5) If a nuclear electric utility makes any recommendation to 59213  
render the nuclear safety programs of member agencies of the 59214  
utility radiological safety board more cost effective, the member 59215  
agencies shall implement the recommendation or provide to the 59216  
utility a written statement explaining why the recommendation will 59217  
not be implemented or will be implemented with substantial 59218  
modification. 59219

**Sec. 5101.061.** (A) There is hereby established in the 59220

department of job and family services the office of human services 59221  
innovation. The office shall develop recommendations, as described 59222  
in division (B) of this section, regarding the coordination and 59223  
reform of state programs to assist the residents of this state in 59224  
preparing for life and the dignity of work and to promote 59225  
individual responsibility and work opportunity. 59226

The director of job and family services shall establish the 59227  
office's organizational structure, may reassign the department's 59228  
staff and resources as necessary to support the office's 59229  
activities, and is responsible for the office's operations. The 59230  
superintendent of public instruction, chancellor of ~~the Ohio board~~ 59231  
~~of regents~~ higher education, and director of the governor's office 59232  
of workforce transformation, ~~and director of the governor's office~~ 59233  
~~of health transformation~~ shall assist the director of job and 59234  
family services with leadership and organizational support for the 59235  
office. 59236

(B) Not later than January 1, 2015, the office shall submit 59237  
to the governor recommendations for all of the following: 59238

(1) Coordinating services across all public assistance 59239  
programs to help individuals find employment, succeed at work, and 59240  
stay out of poverty; 59241

(2) Revising incentives for public assistance programs to 59242  
foster person-centered case management; 59243

(3) Standardizing and automating eligibility determination 59244  
policies and processes for public assistance programs; 59245

(4) Other matters the office considers appropriate. 59246

(C) Not later than three months after ~~the effective date of~~ 59247  
~~this section~~ September 15, 2014, the office shall establish clear 59248  
principles to guide the development of its recommendations, shall 59249  
identify in detail the problems to be addressed in the 59250

recommendations, and shall make an inventory of all state and 59251  
other resources that the office considers relevant to the 59252  
recommendations. 59253

(D) The office shall convene the directors and staff of the 59254  
departments, agencies, offices, boards, commissions, and 59255  
institutions of the executive branch of the state as necessary to 59256  
develop the office's recommendations. The departments, agencies, 59257  
offices, boards, commissions, and institutions shall comply with 59258  
all requests and directives that the office makes, subject to the 59259  
supervision of the directors of the departments, agencies, 59260  
offices, boards, commissions, and institutions. The office also 59261  
shall convene other individuals interested in the issues that the 59262  
office addresses in the development of the recommendations to 59263  
obtain their input on, and support for, the recommendations. 59264

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1414 59265  
of the Revised Code: 59266

(1) "Adopted young adult" means a person: 59267

(a) Who was in the temporary or permanent custody of a public 59268  
children services agency; 59269

(b) Who was adopted at the age of sixteen or seventeen and 59270  
attained the age of sixteen before a Title IV-E adoption 59271  
assistance agreement became effective; 59272

(c) Who has attained the age of eighteen; and 59273

(d) Who has not yet attained the age of twenty-one. 59274

(2) "Child" ~~includes~~ means any of the following: 59275

(a) A person who meets the requirements of division (A)(1) 59276  
(B)(3) of section 5101.1411 5153.01 of the Revised Code ~~or an~~ 59277  
~~adopted person who meets the requirements applicable to such a~~ 59278  
~~person under division (B)(1) of section 5101.1411 of the Revised~~ 59279  
~~Code.~~ 59280

~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~ 59281  
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(b) An adopted young adult; 59284

(c) An emancipated young adult. 59285

(3) "Emancipated young adult" means a person: 59286

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services; 59287  
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(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and 59292  
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(c) Who has not yet attained the age of twenty-one. 59294

(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section. 59295  
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(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 59298  
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child 59300  
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placing agencies and private noncustodial agencies and rules 59311  
establishing eligibility, program participation, and other 59312  
requirements concerning Title IV-E shall be adopted in accordance 59313  
with Chapter 119. of the Revised Code. A public children services 59314  
agency to which the department distributes Title IV-E funds shall 59315  
administer the funds in accordance with those rules. 59316

(2) If the state plan is amended under divisions (A) and (B) 59317  
of section 5101.1411 of the Revised Code, both of the following 59318  
shall apply: 59319

(a) Implementation of the amendments to the plan shall begin 59320  
fifteen months after September 13, 2016, the effective date of 59321  
H.B. 50 of the 131st general assembly, if both of the following 59322  
apply: 59323

(i) The plan as amended is approved by the secretary of 59324  
health and human services; 59325

(ii) The general assembly has appropriated sufficient funds 59326  
to operate the program required under the plan as amended. 59327

(b) The department shall have, exercise, and perform all new 59328  
duties required under the plan as amended. In doing so, the 59329  
department may contract with another person to carry out those new 59330  
duties, to the extent permitted under Title IV-E. 59331

(C)(1) The Except with regard to the new duties imposed on 59332  
the department or its contractor under division (B)(2)(b) of this 59333  
section that are not imposed on the county, the county, on behalf 59334  
of each child eligible for foster care maintenance payments under 59335  
Title IV-E, shall make payments to cover the cost of providing all 59336  
of the following: 59337

(a) The child's food, clothing, shelter, daily supervision, 59338  
and school supplies; 59339

(b) The child's personal incidentals; 59340

(c) Reasonable travel to the child's home for visitation. 59341

(2) In addition to payments made under division (C)(1) of 59342  
this section, the county may, on behalf of each child eligible for 59343  
foster care maintenance payments under Title IV-E, make payments 59344  
to cover the cost of providing the following: 59345

(a) Liability insurance with respect to the child; 59346

(b) If the county is participating in the demonstration 59347  
project established under division (A) of section 5101.142 of the 59348  
Revised Code, services provided under the project. 59349

(3) With respect to a child who is in a child-care 59350  
institution, including any type of group home designed for the 59351  
care of children or any privately operated program consisting of 59352  
two or more certified foster homes operated by a common 59353  
administrative unit, the foster care maintenance payments made by 59354  
the county on behalf of the child shall include the reasonable 59355  
cost of the administration and operation of the institution, group 59356  
home, or program, as necessary to provide the items described in 59357  
divisions (C)(1) and (2) of this section. 59358

(D) To the extent that either foster care maintenance 59359  
payments under division (C) of this section or Title IV-E adoption 59360  
assistance payments for maintenance costs require the expenditure 59361  
of county funds, the board of county commissioners shall report 59362  
the nature and amount of each expenditure of county funds to the 59363  
department. 59364

(E) The department shall distribute to public children 59365  
services agencies that incur and report expenditures of the type 59366  
described in division (D) of this section federal financial 59367  
participation received for administrative and training costs 59368  
incurred in the operation of foster care maintenance and adoption 59369  
assistance programs. The department may withhold not more than 59370  
three per cent of the federal financial participation received. 59371

The funds withheld may be used only to fund the following: 59372

(1) The Ohio child welfare training program established under 59373  
section 5103.30 of the Revised Code; 59374

(2) The university partnership program for college and 59375  
university students majoring in social work who have committed to 59376  
work for a public children services agency upon graduation; 59377

(3) Efforts supporting organizational excellence, including 59378  
voluntary activities to be accredited by a nationally recognized 59379  
accreditation organization. 59380

The funds withheld shall be in addition to any administration 59381  
and training cost for which the department is reimbursed through 59382  
its own cost allocation plan. 59383

(F) All federal financial participation funds received by a 59384  
county pursuant to this section shall be deposited into the 59385  
county's children services fund created pursuant to section 59386  
5101.144 of the Revised Code. 59387

(G) The department shall periodically publish and distribute 59388  
the maximum amounts that the department will reimburse public 59389  
children services agencies for making payments on behalf of 59390  
children eligible for foster care maintenance payments. 59391

(H) The department, by and through its director, is hereby 59392  
authorized to develop, participate in the development of, 59393  
negotiate, and enter into one or more interstate compacts on 59394  
behalf of this state with agencies of any other states, for the 59395  
provision of social services to children in relation to whom all 59396  
of the following apply: 59397

(1) They have special needs. 59398

(2) This state or another state that is a party to the 59399  
interstate compact is providing adoption assistance on their 59400  
behalf. 59401

(3) They move into this state from another state or move out of this state to another state. 59402  
59403

**Sec. 5101.1411.** (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any ~~person~~ emancipated young adult who meets the following requirements: 59404  
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~~(a) The person has attained the age of eighteen but not attained the age of twenty one.~~ 59412  
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~~(b) The person was in the custody of a public children services agency upon attaining the age of eighteen.~~ 59414  
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~~(c) The person emancipated young adult signs a voluntary participation agreement.~~ 59416  
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~~(d)~~(b) The ~~person~~ emancipated young adult satisfies division (C) of this section. 59418  
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(2) Any ~~person~~ emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time. 59420  
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(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements: 59424  
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(a) The parent adopted a person ~~while the adopted person was sixteen or seventeen and had been in the custody of a public children services agency, or~~ who is an adopted young adult and the parent ~~enters~~ entered into an adoption assistance agreement under 42 U.S.C. 673+ while the adopted person was age sixteen or seventeen.

(b) ~~The adopted person has attained the age of eighteen but has not attained the age of twenty one;~~

~~(c)~~ The parent maintains parental responsibility ~~to that for~~ the adopted ~~person;~~ young adult.

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted ~~person~~ young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C) In addition to other requirements, ~~a person who is in foster care or has been adopted~~ an adopted or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in ~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(D) Any ~~person~~ emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any parent receiving adoption assistance payments, ~~pursuant to this section~~ may refuse the payments at any time. ~~If the person or parent refuses payments and seeks payments at a later date, the person or parent must reapply for the payments in accordance with this section.~~

(E)(1) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a parent receiving adoption assistance payments and the adopted ~~person, pursuant to this section,~~ young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.

(2) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.

(F) Any determination by the department that denies or terminates foster care or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code.

**Sec. 5101.1412.** (A) Without the approval of a court, ~~a child~~ 59493  
an emancipated young adult who receives payments, or on whose 59494  
behalf payments are received, under division (A) of section 59495  
5101.1411 of the Revised Code, may enter into a voluntary 59496  
participation agreement with the department of job and family 59497  
services, or its ~~designee~~ representative, for the ~~child's~~ 59498  
emancipated young adult's care and placement. The agreement shall 59499  
~~expire within one hundred eighty days and may not be renewed~~ 59500  
~~without court approval~~ stay in effect until one of the following 59501  
occurs: 59502

(1) The emancipated young adult enrolled in the program 59503  
notifies the department, or its representative, that they want to 59504  
terminate the agreement. 59505

(2) The emancipated young adult becomes ineligible for the 59506  
program. 59507

(B) ~~Prior to the agreement's expiration~~ During the 59508  
one-hundred-eighty-day period after the voluntary participation 59509  
agreement becomes effective, the department or its ~~designee~~ 59510  
representative shall seek approval from the court that the ~~child's~~ 59511  
emancipated young adult's best interest is served by ~~extending~~ 59512  
continuing the care and placement with the department or its 59513  
~~designee~~ representative. 59514

(C) In order to maintain Title IV-E eligibility for the 59515  
emancipated young adult, not later than twelve months after the 59516  
effective date of the voluntary participation agreement, and at 59517  
least once every twelve months thereafter, the department or its 59518  
representative must petition the court for, and obtain, a judicial 59519  
determination that the department or its representative has made 59520  
reasonable efforts to finalize a permanency plan that addresses 59521  
the department's or its representative's efforts to prepare the 59522  
emancipated young adult for independence. 59523

**Sec. 5101.1414.** (A) Not later than nine months after 59524  
September 13, 2016, the effective date of H.B. 50 of the 131st 59525  
general assembly, the department of job and family services shall 59526  
adopt rules necessary to carry out the purposes of sections 59527  
5101.1411 to 5101.1413 of the Revised Code, including rules that 59528  
do all of the following: 59529

(1) Allow ~~a person~~ an emancipated young adult described in 59530  
division (A)(1) of section 5101.1411 of the Revised Code who is 59531  
directly receiving foster care payments, or on whose behalf such 59532  
foster care payments are received, or ~~a person~~ an adopted young 59533  
adult whose adoptive parents are receiving adoption assistance 59534  
payments, to maintain eligibility while transitioning into, or out 59535  
of, qualified employment or educational activities; 59536

(2) Require that a thirty-day notice of termination be given 59537  
by the department to ~~a person~~ an emancipated young adult described 59538  
in division (A)(1) of section 5101.1411 of the Revised Code who is 59539  
receiving foster care payments, or on whose behalf such foster 59540  
care payments are received, or to a parent receiving adoption 59541  
assistance payments for an adopted ~~person~~ young adult described in 59542  
division (B)(1) of section 5101.1411 of the Revised Code, who is 59543  
determined to be ineligible for payments; 59544

(3) Establish the scope of practice and training necessary 59545  
for ~~foster care workers and foster care worker~~ case managers and 59546  
supervisors who care for ~~persons~~ emancipated young adults 59547  
described in division (A)(1) of section 5101.1411 of the Revised 59548  
Code who are receiving foster care payments, or on whose behalf 59549  
such foster care payments are received, under section 5101.1411 of 59550  
the Revised Code. 59551

(B) The department of job and family services shall create an 59552  
advisory council to evaluate and make recommendations for 59553  
statewide implementation of sections 5101.1411 and 5101.1412 of 59554

the Revised Code not later than one month after September 13, 59555  
2016, the effective date of H.B. 50 of the 131st general assembly. 59556

Sec. 5101.1415. The provisions of divisions (A) and (C) to 59557  
(F) of section 5101.1411 of the Revised Code shall not apply if 59558  
the person is eligible for temporary or permanent custody until 59559  
age twenty-one pursuant to a dispositional order under sections 59560  
2151.353, 2151.414, and 2151.415 of the Revised Code. 59561

**Sec. 5101.56.** (A) As used in this section, "physician" means 59562  
a person who holds a valid ~~certificate~~ license to practice 59563  
medicine and surgery or osteopathic medicine and surgery issued 59564  
under Chapter 4731. of the Revised Code. 59565

(B) Unless required by the United States Constitution or by 59566  
federal statute, regulation, or decisions of federal courts, state 59567  
or local funds may not be used for payment or reimbursement for 59568  
abortion services unless the certification required by division 59569  
(C) of this section is made and one of the following circumstances 59570  
exists: 59571

(1) The woman suffers from a physical disorder, physical 59572  
injury, or physical illness, including a life-endangering physical 59573  
condition caused by or arising from the pregnancy, that would, as 59574  
certified by a physician, place the woman in danger of death 59575  
unless an abortion is performed. 59576

(2) The pregnancy was the result of an act of rape and the 59577  
patient, the patient's legal guardian, or the person who made the 59578  
report to the law enforcement agency, certifies in writing that 59579  
prior to the performance of the abortion a report was filed with a 59580  
law enforcement agency having the requisite jurisdiction, unless 59581  
the patient was physically unable to comply with the reporting 59582  
requirement and that fact is certified by the physician performing 59583  
the abortion. 59584

(3) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certifies in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code, unless the patient was physically unable to comply with the reporting requirement and that fact is certified by the physician performing the abortion.

(C)(1) Before payment of or reimbursement for an abortion can be made with state or local funds, the physician performing the abortion shall certify that one of the three circumstances in division (B) of this section has occurred. The certification shall be made on a form created by the Ohio department of job and family services known as the "Abortion Certification Form." The physician's signature shall be in the physician's own handwriting. The certification shall list the name and address of the patient. The certification form shall be attached to the billing invoice.

(2) The certification shall be as follows:

I certify that, on the basis of my professional judgment, this service was necessary because:

(a) The woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion was performed;

(b) The pregnancy was the result of an act of rape and the patient, the patient's legal guardian, or the person who made the report to the law enforcement agency certified in writing that prior to the performance of the abortion a report was filed with a law enforcement agency having the requisite jurisdiction;

(c) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certified in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code;

(d) The pregnancy was the result of an act of rape and in my professional opinion the recipient was physically unable to comply with the reporting requirement; or

(e) The pregnancy was a result of an act of incest and in my professional opinion the recipient was physically unable to comply with the reporting requirement.

(D) Payment or reimbursement for abortion services shall not be made with state or local funds for associated services such as anesthesia, laboratory tests, or hospital services if the abortion service itself cannot be paid or reimbursed with state or local funds. All abortion services for which a physician is seeking reimbursement or payment for the purposes of this division shall be submitted on a hard-copy billing invoice.

(E) Documentation that supports the certification made by a physician shall be maintained by the physician in the recipient's medical record. When the physician certifies that circumstances described in division (C)(2)(b) or (c) of this section are the case, a copy of the statement signed by the patient, the patient's legal guardian, or the person who made the report shall be maintained in the patient's medical record.

(F) Nothing in this section denies reimbursement for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures for the termination of an ectopic pregnancy. This section does not apply to treatments for incomplete, missed,

or septic abortions. 59647

(G) If enforcement of this section will adversely affect 59648  
eligibility of the state or a political subdivision of the state 59649  
for participation in a federal program, this section shall be 59650  
enforced to the extent permissible without preventing 59651  
participation in that federal program. 59652

**Sec. 5101.83.** (A) As used in this section: 59653

(1) "Assistance group" has the same meaning as in section 59654  
5107.02 of the Revised Code, except that it also means a group 59655  
provided benefits and services under the prevention, retention, 59656  
and contingency program or the comprehensive case management and 59657  
employment program. 59658

(2) "Fraudulent assistance" means assistance and ~~service~~ 59659  
services, including cash assistance, provided under the Ohio works 59660  
first program established under Chapter 5107., or benefits and 59661  
services provided under the prevention, retention, and contingency 59662  
program established under Chapter 5108. of the Revised Code or 59663  
under the comprehensive case management and employment program 59664  
established under Chapter 5116. of the Revised Code, to or on 59665  
behalf of an assistance group that is provided as a result of 59666  
fraud by a member of the assistance group, including an 59667  
intentional violation of the program's requirements. "Fraudulent 59668  
assistance" does not include assistance or services to or on 59669  
behalf of an assistance group that is provided as a result of an 59670  
error that is the fault of a county department of job and family 59671  
services or the ~~state~~ Ohio department of job and family services. 59672

(B) If a county director of job and family services 59673  
determines that an assistance group has received fraudulent 59674  
assistance, the assistance group is ineligible to participate in 59675  
the Ohio works first program ~~or~~, the prevention, retention, and 59676  
contingency program, or the comprehensive case management and 59677

employment program until a member of the assistance group repays 59678  
the cost of the fraudulent assistance. If a member repays the cost 59679  
of the fraudulent assistance and the assistance group otherwise 59680  
meets the eligibility requirements for the Ohio works first 59681  
program ~~or~~, the prevention, retention, and contingency program, or 59682  
the comprehensive case management and employment program, the 59683  
assistance group shall not be denied the opportunity to 59684  
participate in the program. 59685

This section does not limit the ability of a county 59686  
department of job and family services to recover erroneous 59687  
payments under section 5107.76 of the Revised Code. 59688

The ~~state~~ Ohio department of job and family services shall 59689  
adopt rules in accordance with Chapter 119. of the Revised Code to 59690  
implement this section. 59691

**Sec. 5101.85.** As used in sections 5101.851 to ~~5101.853~~ 59692  
5101.856 of the Revised Code, "kinship caregiver" means any of the 59693  
following who is eighteen years of age or older and is caring for 59694  
a child in place of the child's parents: 59695

(A) The following individuals related by blood or adoption to 59696  
the child: 59697

(1) Grandparents, including grandparents with the prefix 59698  
"great," "great-great," or "great-great-great"; 59699

(2) Siblings; 59700

(3) Aunts, uncles, nephews, and nieces, including such 59701  
relatives with the prefix "great," "great-great," "grand," or 59702  
"great-grand"; 59703

(4) First cousins and first cousins once removed. 59704

(B) Stepparents and stepsiblings of the child; 59705

(C) Spouses and former spouses of individuals named in 59706

divisions (A) and (B) of this section;	59707
(D) A legal guardian of the child;	59708
(E) A legal custodian of the child;	59709
<u>(F) Any nonrelative adult having a familiar and long-standing</u>	59710
<u>relationship or bond with the child or the family, which</u>	59711
<u>relationship or bond will ensure the child's social ties.</u>	59712
<b>Sec. 5101.851.</b> The department of job and family services <del>may</del>	59713
<u>shall</u> establish a statewide <del>program of kinship care navigators</del>	59714
<u>navigator program</u> to assist kinship caregivers who are seeking	59715
information regarding, or assistance obtaining, services and	59716
benefits available at the state and local level that address the	59717
needs of those caregivers residing in each county. The program	59718
shall provide to kinship caregivers information and referral	59719
services and assistance obtaining support services including the	59720
following:	59721
(A) Publicly funded child care;	59722
(B) Respite care;	59723
(C) Training related to caring for special needs children;	59724
(D) A toll-free telephone number that may be called to obtain	59725
basic information about the rights of, and services available to,	59726
kinship caregivers;	59727
(E) Legal services.	59728
<b>Sec. 5101.853.</b> <u>The director of job and family services shall</u>	59729
<u>divide the state into not less than five and not greater than</u>	59730
<u>twelve regions, for the kinship care navigator program under</u>	59731
<u>section 5101.851 of the Revised Code. The director shall take the</u>	59732
<u>following into consideration when establishing the regions:</u>	59733
(A) <u>The population size;</u>	59734

(B) The estimated number of kinship caregivers; 59735

(C) The expertise of kinship navigators; 59736

(D) Any other factor the director considers relevant. 59737

Sec. 5101.854. The program in each kinship care navigator 59738  
region established under section 5101.853 of the Revised Code 59739  
shall provide information and referral services and assistance in 59740  
obtaining support services for kinship caregivers within its 59741  
region. 59742

Sec. ~~5101.853~~ 5101.855. The Not later than one year after the 59743  
effective date of this amendment, the department of job and family 59744  
services ~~may~~ shall adopt rules to implement the kinship care 59745  
navigators navigator program. The rules shall be adopted under 59746  
Chapter 119. of the Revised Code, except that rules governing 59747  
fiscal and administrative matters related to implementation of the 59748  
navigators program are internal management rules and shall be 59749  
adopted under section 111.15 of the Revised Code. 59750

Sec. 5101.856. (A)(1) The kinship care navigator program 59751  
shall be funded to the extent that general revenue funds have been 59752  
appropriated by the general assembly for that purpose. 59753

(2) The director of job and family services shall take any 59754  
action necessary to obtain funds available for the kinship care 59755  
navigator program under Title IV-E of the "Social Security Act," 59756  
94 Stat. 501 (1980), 42 U.S.C. 670, as amended. 59757

(B) The department shall pay the full nonfederal share for 59758  
the kinship care navigator program. No county department of job 59759  
and family services or public children services agency shall be 59760  
responsible for the cost of the program. 59761

Sec. 5103.02. As used in sections 5103.03 to ~~5103.17~~ 5103.181 59762

of the Revised Code: 59763

(A)(1) "Association" or "institution" includes all of the 59764  
following: 59765

(a) Any incorporated or unincorporated organization, society, 59766  
association, or agency, public or private, that receives or cares 59767  
for children for two or more consecutive weeks; 59768

(b) Any individual, including the operator of a foster home, 59769  
who, for hire, gain, or reward, receives or cares for children for 59770  
two or more consecutive weeks, unless the individual is related to 59771  
them by blood or marriage; 59772

(c) Any individual not in the regular employ of a court, or 59773  
of an institution or association certified in accordance with 59774  
section 5103.03 of the Revised Code, who in any manner becomes a 59775  
party to the placing of children in foster homes, unless the 59776  
individual is related to such children by blood or marriage or is 59777  
the appointed guardian of such children. 59778

(2) "Association" or "institution" does not include any of 59779  
the following: 59780

(a) Any organization, society, association, school, agency, 59781  
child guidance center, detention or rehabilitation facility, or 59782  
children's clinic licensed, regulated, approved, operated under 59783  
the direction of, or otherwise certified by the department of 59784  
education, a local board of education, the department of youth 59785  
services, the department of mental health and addiction services, 59786  
or the department of developmental disabilities; 59787

(b) Any individual who provides care for only a single-family 59788  
group, placed there by their parents or other relative having 59789  
custody; 59790

(c) A private, nonprofit therapeutic wilderness camp; 59791

(d) A qualified organization as defined in section 2151.90 of 59792

<u>the Revised Code.</u>	59793
(B) "Family foster home" means a foster home that is not a specialized foster home.	59794 59795
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	59796 59797
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	59798 59799 59800 59801 59802 59803 59804 59805 59806
(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	59807 59808 59809 59810
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	59811 59812 59813
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	59814 59815 59816
(3) The children require the services of a registered nurse on a daily basis.	59817 59818
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	59819 59820 59821
(F) "Private, nonprofit therapeutic wilderness camp" means a	59822

structured, alternative residential setting for children who are 59823  
experiencing emotional, behavioral, moral, social, or learning 59824  
difficulties at home or school in which all of the following are 59825  
the case: 59826

(1) The children spend the majority of their time, including 59827  
overnight, either outdoors or in a primitive structure. 59828

(2) The children have been placed there by their parents or 59829  
another relative having custody. 59830

(3) The camp accepts no public funds for use in its 59831  
operations. 59832

(G) "Recommending agency" means a public children services 59833  
agency, private child placing agency, or private noncustodial 59834  
agency that recommends that the department of job and family 59835  
services take any of the following actions under section 5103.03 59836  
of the Revised Code regarding a foster home: 59837

(1) Issue a certificate; 59838

(2) Deny a certificate; 59839

(3) Renew a certificate; 59840

(4) Deny renewal of a certificate; 59841

(5) Revoke a certificate. 59842

(H) "Specialized foster home" means a medically fragile 59843  
foster home or a treatment foster home. 59844

(I) "Treatment foster home" means a foster home that 59845  
incorporates special rehabilitative services designed to treat the 59846  
specific needs of the children received in the foster home and 59847  
that receives and cares for children who are emotionally or 59848  
behaviorally disturbed, who are chemically dependent, who have 59849  
developmental disabilities, or who otherwise have exceptional 59850  
needs. 59851

Sec. 5103.037. (A) Prior to employing or appointing a person 59852  
as board president, or as an administrator or officer, an 59853  
institution or association shall do the following regarding the 59854  
person: 59855

(1) Request a summary report of a search of the uniform 59856  
statewide automated child welfare information system in accordance 59857  
with divisions (A) and (B) of section 5103.18 of the Revised Code; 59858

(2) Request a certified search of the findings for recovery 59859  
database; 59860

(3) Conduct a database review at the federal web site known 59861  
as the system for award management; 59862

(4) Conduct a search of the United States department of 59863  
justice national sex offender public web site. 59864

(B) The institution or association may refuse to hire or 59865  
appoint a person as board president, or as an administrator or 59866  
officer as follows: 59867

(1) Based solely on the findings of the summary report 59868  
described in division (B)(1)(a) of section 5103.18 of the Revised 59869  
Code or the results of the search described in division (A)(4) of 59870  
this section; 59871

(2) Based on the results of a certified search or database 59872  
review described in division (A)(2) or (3) of this section, when 59873  
considered within the totality of circumstances. 59874

(C) The director of job and family services shall adopt rules 59875  
in accordance with Chapter 119. of the Revised Code necessary for 59876  
the implementation and execution of this section. 59877

Sec. 5103.0310. (A) Prior to employing a person, an 59878  
institution or association, as defined in division (A)(1)(a) of 59879  
section 5103.02 of the Revised Code, shall do the following 59880

regarding the person: 59881

(1) Conduct a search of the United States department of justice national sex offender public web site regarding the person; 59882  
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(2) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code. 59885  
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(B) The institution or association may refuse to hire the person based solely on the results of the search described in division (A)(1) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code. 59888  
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 59893  
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**Sec. 5103.0328.** (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver. 59896  
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(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of 59909  
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this section that a foster caregiver has been convicted of or 59911  
pleaded guilty to any foster caregiver-disqualifying offense, or 59912  
if a recommending agency learns in any other manner that a foster 59913  
caregiver has been convicted of or pleaded guilty to any foster 59914  
caregiver-disqualifying offense, the recommending agency shall 59915  
assess the foster caregiver's overall situation for safety 59916  
concerns and forward any recommendations, if applicable, for 59917  
revoking the foster caregiver's certificate to the department for 59918  
the department's review for possible revocation. 59919

(C) As used in this section, "foster caregiver-disqualifying 59920  
offense" means any offense or violation listed or described in 59921  
division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code. 59922

**Sec. 5103.13.** (A) As used in this section and section 59923  
5103.131 of the Revised Code: 59924

(1)(a) "Children's crisis care facility" means a facility 59925  
that has as its primary purpose the provision of residential and 59926  
other care to either or both of the following: 59927

(i) One or more preteens voluntarily placed in the facility 59928  
by the preteen's parent or other caretaker who is facing a crisis 59929  
that causes the parent or other caretaker to seek temporary care 59930  
for the preteen and referral for support services; 59931

(ii) One or more preteens placed in the facility by a public 59932  
children services agency or private child placing agency that has 59933  
legal custody or permanent custody of the preteen and determines 59934  
that an emergency situation exists necessitating the preteen's 59935  
placement in the facility rather than an institution certified 59936  
under section 5103.03 of the Revised Code or elsewhere. 59937

(b) "Children's crisis care facility" does not include either 59938  
of the following: 59939

(i) Any organization, society, association, school, agency, 59940

child guidance center, detention or rehabilitation facility, or 59941  
children's clinic licensed, regulated, approved, operated under 59942  
the direction of, or otherwise certified by the department of 59943  
education, a local board of education, the department of youth 59944  
services, the department of mental health and addiction services, 59945  
or the department of developmental disabilities; 59946

(ii) Any individual who provides care for only a 59947  
single-family group, placed there by their parents or other 59948  
relative having custody. 59949

(2) "Legal custody" and "permanent custody" have the same 59950  
meanings as in section 2151.011 of the Revised Code. 59951

(3) "Preteen" means an individual under thirteen years of 59952  
age. 59953

(B) No person shall operate a children's crisis care facility 59954  
or hold a children's crisis care facility out as a certified 59955  
children's crisis care facility unless there is a valid children's 59956  
crisis care facility certificate issued under this section for the 59957  
facility. 59958

(C) A person seeking to operate a children's crisis care 59959  
facility shall apply to the director of job and family services to 59960  
obtain a certificate for the facility. The director shall certify 59961  
the person's children's crisis care facility if the facility meets 59962  
all of the certification standards established in rules adopted 59963  
under division (F) of this section and the person complies with 59964  
all of the rules governing the certification of children's crisis 59965  
care facilities adopted under that division. The issuance of a 59966  
children's crisis care facility certificate does not exempt the 59967  
facility from a requirement to obtain another certificate or 59968  
license mandated by law. 59969

(D)(1) No certified children's crisis care facility shall do 59970  
any of the following: 59971

(a) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;	59972 59973
(b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide residential care to a preteen for more than sixty consecutive days;	59974 59975 59976 59977
(c) <del>Except as provided in division (D)(3) of this section, provide</del> Provide residential care to a preteen for more than <del>seventy-two</del> <u>fourteen</u> consecutive <del>hours</del> <u>days</u> if a public children services agency or private child placing agency placed the preteen in the facility;	59978 59979 59980 59981 59982
(d) Fail to comply with section 2151.86 of the Revised Code.	59983
(2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:	59984 59985 59986 59987 59988
(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;	59989 59990 59991
(b) The preteen's parent or other caretaker is an inpatient in a hospital;	59992 59993
(c) The preteen's parent or other caretaker is incarcerated;	59994
(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.	59995 59996
<del>(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a</del>	59997 59998 59999 60000 60001

~~waiver of the seventy two consecutive hour limitation. The waiver 60002  
may authorize the certified children's crisis care facility to 60003  
provide residential care to the preteen for up to fourteen 60004  
consecutive days. 60005~~

(E) The director of job and family services may suspend or 60006  
revoke a children's crisis care facility's certificate pursuant to 60007  
Chapter 119. of the Revised Code if the facility violates division 60008  
(D) of this section or ceases to meet any of the certification 60009  
standards established in rules adopted under division (F) of this 60010  
section or the facility's operator ceases to comply with any of 60011  
the rules governing the certification of children's crisis care 60012  
facilities adopted under that division. 60013

(F) Not later than ninety days after September 21, 2006, the 60014  
director of job and family services shall adopt rules pursuant to 60015  
Chapter 119. of the Revised Code for the certification of 60016  
children's crisis care facilities. The rules shall specify that a 60017  
certificate shall not be issued to an applicant if the conditions 60018  
at the children's crisis care facility would jeopardize the health 60019  
or safety of the preteens placed in the facility. 60020

Sec. 5103.181. (A) Prior to certification or recertification 60021  
of a foster home under section 5103.03 of the Revised Code, a 60022  
recommending agency shall conduct a search of the United States 60023  
department of justice national sex offender public web site 60024  
regarding the prospective or current foster caregiver and all 60025  
persons eighteen years of age or older who reside with the 60026  
prospective or current foster caregiver. Certification or 60027  
recertification may be denied based solely on the results of the 60028  
search. 60029

(B) The director of job and family services shall adopt rules 60030  
in accordance with Chapter 119. of the Revised Code necessary for 60031  
the implementation and execution of this section. 60032

**Sec. 5103.30.** The Ohio child welfare training program is 60033  
hereby established in the department of job and family services as 60034  
a statewide program. The program shall provide all of the 60035  
following: 60036

(A) The training that section 3107.014 of the Revised Code 60037  
requires an assessor to complete; 60038

(B) The preplacement training that sections 5103.031 and 60039  
5103.033 of the Revised Code require a prospective foster 60040  
caregiver to complete; 60041

(C) The continuing training that sections 5103.032 and 60042  
5103.033 of the Revised Code require a foster caregiver to 60043  
complete; 60044

(D) The training that section 5153.122 of the Revised Code 60045  
requires a PCSA caseworker to complete; 60046

(E) The training that section 5153.123 of the Revised Code 60047  
requires a PCSA caseworker supervisor to complete; 60048

(F) The training required under section 5101.1414 of the 60049  
Revised Code for a ~~foster care worker or foster care worker~~ case 60050  
manager and supervisor. 60051

**Sec. 5104.01.** As used in this chapter: 60052

(A) "Administrator" means the person responsible for the 60053  
daily operation of a center, type A home, or ~~type B home~~ approved 60054  
child day camp. The administrator and the owner may be the same 60055  
person. 60056

(B) "Approved child day camp" means a child day camp approved 60057  
pursuant to section 5104.22 of the Revised Code. 60058

(C) "Authorized representative" means an individual employed 60059  
by a center, type A home, or approved child day camp that is owned 60060  
by a person other than an individual and who is authorized by the 60061

<u>owner to do all of the following:</u>	60062
<u>(1) Communicate on the owner's behalf;</u>	60063
<u>(2) Submit on the owner's behalf applications for licensure or approval;</u>	60064 60065
<u>(3) Enter into on the owner's behalf provider agreements for publicly funded child care.</u>	60066 60067
<u>(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.</u>	60068 60069 60070 60071
<del>(D)</del> <u>(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:</u>	60072 60073 60074
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	60075 60076 60077
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	60078 60079 60080
<del>(E)</del> <u>(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.</u>	60081 60082 60083 60084 60085 60086 60087 60088
<del>(F)</del> <u>(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the</u>	60089 60090 60091

Revised Code. 60092

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age child, or school-age child. 60093  
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~~(H)~~(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," ~~established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990)~~ 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended. 60095  
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~~(I)~~(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than ~~seven~~ twelve hours per day, ~~that operates only during one or more public school district's regular vacation periods or for~~ and no more than fifteen weeks during the summer, ~~and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day.~~ For purposes of this division, the maximum ~~seven~~ twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home. 60100  
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~~(J)~~(K) "Child care" means all of the following: 60114

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours; 60115  
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(2) By persons other than their parents, guardians, or custodians; 60118  
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(3) For ~~any~~ part of the twenty-four-hour day; 60120

(4) In a place other than a child's own home, except that an 60121

in-home aide provides child care in the child's own home; 60122

(5) By a provider required by this chapter to be licensed or 60123  
approved by the department of job and family services, certified 60124  
by a county department of job and family services, or under 60125  
contract with the department to provide publicly funded child care 60126  
as described in section 5104.32 of the Revised Code. 60127

~~(K)(L) "Child day-care center" and "center" mean any place in 60128~~  
~~which child care or publicly funded child care is provided for 60129~~  
~~thirteen or more children at one time or any place that is not the 60130~~  
permanent residence of the licensee or administrator in which 60131  
child care or publicly funded child care is provided for seven to 60132  
twelve or more children at one time. ~~In counting children for the 60133~~  
~~purposes of this division, any children under six years of age who 60134~~  
~~are related to a licensee, administrator, or employee and who are 60135~~  
~~on the premises of the center shall be counted.~~ "Child day-care 60136  
center" and "center" do not include any of the following: 60137

(1) A place located in and operated by a hospital, as defined 60138  
in section 3727.01 of the Revised Code, in which the needs of 60139  
children are administered to, if all the children whose needs are 60140  
being administered to are monitored under the on-site supervision 60141  
of a physician licensed under Chapter 4731. of the Revised Code or 60142  
a registered nurse licensed under Chapter 4723. of the Revised 60143  
Code, and the services are provided only for children who, in the 60144  
opinion of the child's parent, guardian, or custodian, are 60145  
exhibiting symptoms of a communicable disease or other illness or 60146  
are injured; 60147

(2) A child day camp; 60148

(3) A place that provides ~~child care, but not publicly funded 60149~~  
~~child~~ care, if all of the following apply: 60150

(a) An organized religious body provides the ~~child~~ care; 60151

(b) A parent, custodian, or guardian of at least one child 60152

receiving ~~child~~ care is on the premises and readily accessible at all times; 60153  
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(c) The ~~child~~ care is not provided for more than thirty days a year; 60155  
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(d) The ~~child~~ care is provided only for preschool-age and school-age children. 60157  
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~~(L)~~(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care. 60159  
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~~(M)~~(N) "Child care resource and referral services" means all of the following services: 60163  
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(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data; 60165  
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(2) Provision of individualized consumer education to families seeking child care; 60168  
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(3) Provision of timely referrals of available child care providers to families seeking child care; 60170  
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(4) Recruitment of child care providers; 60172

(5) Assistance in ~~the development, conduct, and dissemination of developing, conducting, and disseminating~~ training for child care ~~providers~~ professionals and provision of technical assistance to current and potential child care providers, employers, and the community; 60173  
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(6) Collection and analysis of data on the supply of and demand for child care in the community; 60178  
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(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs; 60180  
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(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.

~~(N)~~(O) "Child-care staff member" means an employee of a child day-care center ~~or~~, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a ~~part-time~~ child-care staff member when not involved in other duties.

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

~~(P)~~(O) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center ~~or~~, type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center ~~or~~, type A family day-care home, licensed type B

family day-care home, or approved child day camp. 60213

~~(Q)~~(R) "Employer" means a person, firm, institution, 60214  
organization, or agency that operates a child day-care center ~~or,~~ 60215  
type A family day-care home, licensed type B family day-care home, 60216  
or approved child day camp subject to licensure or approval under 60217  
this chapter. 60218

~~(R)~~(S) "Federal poverty line" means the official poverty 60219  
guideline as revised annually in accordance with section 673(2) of 60220  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 60221  
U.S.C. 9902, as amended, for a family size equal to the size of 60222  
the family of the person whose income is being determined. 60223

~~(S)~~(T) "Head start program" means a comprehensive child 60224  
development program serving birth to three years old and 60225  
preschool-age children that receives funds distributed under the 60226  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 60227  
amended, and is licensed as a child ~~day-care center~~ care program. 60228

~~(T)~~(U) "Homeless child care" means child care provided to a 60229  
child who satisfies any of the following: 60230

(1) Is homeless as defined in 42 U.S.C. 11302; 60231

(2) Is a homeless child or youth as defined in 42 U.S.C. 60232  
11434a; 60233

(3) Resides temporarily with a caretaker in a facility 60234  
providing emergency shelter for homeless families or is determined 60235  
by a county department of job and family services to be homeless. 60236

(V) "Income" means gross income, as defined in section 60237  
5107.10 of the Revised Code, less any amounts required by federal 60238  
statutes or regulations to be disregarded. 60239

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 60240  
in conjunction with an instrument-based program monitoring 60241  
information system, that contains selected licensing requirements 60242

that are statistically reliable indicators or predictors of a 60243  
child day-care center's type A family day-care home's, or licensed 60244  
type B family day-care home's compliance with licensing 60245  
requirements. 60246

~~(V)~~(X) "Infant" means a child who is less than eighteen 60247  
months of age. 60248

~~(W)~~(Y) "In-home aide" means a person who does not reside with 60249  
the child but provides care in the child's home and is certified 60250  
by a county director of job and family services pursuant to 60251  
section 5104.12 of the Revised Code to provide publicly funded 60252  
child care to a child in a child's own home pursuant to this 60253  
chapter and any rules adopted under it. 60254

~~(X)~~(Z) "Instrument-based program monitoring information 60255  
system" means a method to assess compliance with licensing 60256  
requirements for child day-care centers, type A family day-care 60257  
homes, and licensed type B family day-care homes in which each 60258  
licensing requirement is assigned a weight indicative of the 60259  
relative importance of the requirement to the health, growth, and 60260  
safety of the children that is used to develop an indicator 60261  
checklist. 60262

~~(Y)~~(AA) "License capacity" means the maximum number in each 60263  
age category of children who may be cared for in a child day-care 60264  
center ~~or~~, type A family day-care home, or licensed type B family 60265  
day-care home at one time as determined by the director of job and 60266  
family services considering building occupancy limits established 60267  
by the department of commerce, amount of available indoor floor 60268  
space and outdoor play space, and amount of available play 60269  
equipment, materials, and supplies. ~~For the purposes of a~~ 60270  
~~provisional license issued under this chapter, the director shall~~ 60271  
~~also consider the number of available child care staff members~~ 60272  
~~when determining "license capacity" for the provisional license.~~ 60273

<del>(Z)</del> <u>(BB)</u> "Licensed child care program" means any of the following:	60274 60275
(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;	60276 60277
(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;	60278 60279 60280
(3) A licensed preschool program or licensed school child program.	60281 60282
<del>(AA)</del> <u>(CC)</u> "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.	60283 60284 60285 60286 60287
<del>(BB)</del> <u>(DD)</u> "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.	60288 60289 60290 60291
<del>(CC)</del> <u>(EE)</u> "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring <del>its</del> compliance with this chapter and rules adopted pursuant to this chapter.	60292 60293 60294 60295 60296
<del>(DD)</del> <u>(FF)</u> "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.	60297 60298
<del>(EE)</del> <u>(GG)</u> "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.	60299 60300
<del>(FF)</del> <u>(HH)</u> "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or	60301 60302 60303

association organized for providing educational services to the 60304  
children of members of the corporation or association, without 60305  
gain to the corporation or association as an entity, in which the 60306  
services of the corporation or association are provided only to 60307  
children of the members of the corporation or association, 60308  
ownership and control of the corporation or association rests 60309  
solely with the members of the corporation or association, and at 60310  
least one parent-member of the corporation or association is on 60311  
the premises of the center or type A home during its hours of 60312  
operation. 60313

~~(GG)~~(II) "Part-time child day-care center," "part-time 60314  
center," "part-time type A family day-care home," and "part-time 60315  
type A home" mean a center or type A home that provides child care 60316  
or publicly funded child care for not more than four hours a day 60317  
for any child or not more than fifteen consecutive weeks per year, 60318  
regardless of the number of hours per day. 60319

~~(HH)~~(JJ) "Place of worship" means a building where activities 60320  
of an organized religious group are conducted and includes the 60321  
grounds and any other buildings on the grounds used for such 60322  
activities. 60323

~~(II)~~(KK) "Preschool-age child" means a child who is three 60324  
years old or older but is not a school-age child. 60325

~~(JJ)~~(LL) "Protective child care" means publicly funded child 60326  
care for the direct care and protection of a child to whom ~~either~~ 60327  
all of the following ~~applies~~ apply: 60328

(1) A case plan has been prepared and maintained for the 60329  
child pursuant to section 2151.412 of the Revised Code. 60330

(2) The case plan indicates a need for protective care ~~and~~ 60331  
~~the~~. 60332

(3) The child resides with a parent, stepparent, guardian, or 60333  
another person who stands in loco parentis as defined in rules 60334

adopted under section 5104.38 of the Revised Code+ 60335

~~(2) The child and the child's caretaker either temporarily 60336  
reside in a facility providing emergency shelter for homeless 60337  
families or are determined by the county department of job and 60338  
family services to be homeless, and are otherwise ineligible for 60339  
publicly funded child care. 60340~~

~~(KK)~~(MM) "Publicly funded child care" means administering to 60341  
the needs of infants, toddlers, preschool-age children, and 60342  
school-age children under age thirteen during any part of the 60343  
twenty-four-hour day by persons other than their caretaker parents 60344  
for remuneration wholly or in part with federal or state funds, 60345  
including funds available under the child care block grant act, 60346  
Title IV-A, and Title XX, distributed by the department of job and 60347  
family services. 60348

~~(LL)~~(NN) "Religious activities" means any of the following: 60349  
worship or other religious services; religious instruction; Sunday 60350  
school classes or other religious classes conducted during or 60351  
prior to worship or other religious services; youth or adult 60352  
fellowship activities; choir or other musical group practices or 60353  
programs; meals; festivals; or meetings conducted by an organized 60354  
religious group. 60355

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 60356  
or is eligible to be enrolled in a grade of kindergarten or above 60357  
but is less than fifteen years old or, in the case of a child who 60358  
is receiving special needs child care, is less than eighteen years 60359  
old. 60360

~~(NN) "School age child care center" and "school age child 60361  
type A home" mean a center or type A home that provides child care 60362  
for school age children only and that does either or both of the 60363  
following: 60364~~

~~(1) Operates only during that part of the day that 60365~~

~~immediately precedes or follows the public school day of the~~ 60366  
~~school district in which the center or type A home is located;~~ 60367

~~(2) Operates only when the public schools in the school~~ 60368  
~~district in which the center or type A home is located are not~~ 60369  
~~open for instruction with pupils in attendance.~~ 60370

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 60371  
certification rule violation that leads to a great risk of harm 60372  
to, or death of, a child, and is observable, not inferable. 60373

~~(PP)~~ "State median income" means the state median income 60374  
calculated by the department of development pursuant to division 60375  
~~(A)(1)(g)~~ of section 5709.61 of the Revised Code 60376

(OO) "Special needs child care" means child care provided to 60377  
a child who is less than eighteen years of age and either has one 60378  
or more chronic health conditions or does not meet age appropriate 60379  
expectations in one or more areas of development, including 60380  
social, emotional, cognitive, communicative, perceptual, motor, 60381  
physical, and behavioral development and that may include on a 60382  
regular basis such services, adaptations, modifications, or 60383  
adjustments needed to assist in the child's function or 60384  
development. 60385

~~(OO)~~(RR) "Title IV-A" means Title IV-A of the "Social 60386  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 60387

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security 60388  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 60389

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 60390  
months of age but less than three years of age. 60391

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 60392  
a the permanent residence of the administrator in which child care 60393  
or publicly funded child care is provided for seven to twelve 60394  
children at one time or a permanent residence of the administrator 60395

in which child care is provided for four to twelve children at one 60396  
time if four or more children at one time are under two years of 60397  
age. In counting children for the purposes of this division, any 60398  
children under six years of age who are related to a licensee, 60399  
administrator, or employee and who are on the premises of the type 60400  
A home shall be counted. "Type A family day-care home" and "type A 60401  
home" do not include any child day camp. 60402

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 60403  
a permanent residence of the provider in which ~~child~~ care is 60404  
provided for one to six children at one time and in which no more 60405  
than three children are under two years of age at one time. In 60406  
counting children for the purposes of this division, any children 60407  
under six years of age who are related to the provider and who are 60408  
on the premises of the type B home shall be counted. "Type B 60409  
family day-care home" and "type B home" do not include any child 60410  
day camp. 60411

**Sec. 5104.013.** ~~(A)(1) At the times specified in division 60412  
(A)(3) of this section, the director of job and family services, 60413  
as part of the process of licensure of child day care centers, 60414  
type A family day care homes, and type B family day care homes 60415  
shall request the superintendent of the bureau of criminal 60416  
identification and investigation to conduct a criminal records 60417  
check with respect to the following persons:~~ 60418

~~(a) Any owner, licensee, or administrator of a center;~~ 60419

~~(b) Any owner, licensee, or administrator of a type A home or 60420  
type B home and any person eighteen years of age or older who 60421  
resides in a type A home or type B home.~~ 60422

~~(2) At the time specified in division (A)(3) of this section, 60423  
the director of a county department of job and family services, as 60424  
part of the process of certification of in-home aides, shall 60425  
request the superintendent of the bureau of criminal 60426~~

~~identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 60427  
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671.~~ 60429  
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~~(4) The director of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(1) and (3) of this section prior to approval of a license. The director of a county department of job~~ 60455  
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~~and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(2) and (3) of this section prior to approval of certification.~~

~~(B) The director of job and family services or the director of a county department of job and family services shall provide to each person for whom a criminal records check is required under this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section, obtain the completed form and impression sheet from that person, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.~~

~~(C) A person who receives pursuant to division (B) of this section a copy of the form and standard impression sheet described in that division and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure as a reason to deny licensure or certification.~~

~~(D) Except as provided in rules adopted under division (N) of this section:~~

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in~~

~~division (A)(5) of section 109.572 of the Revised Code.~~ 60491

~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 60492  
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 60498  
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 60504  
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for~~ 60510  
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~~an applicant pursuant to division (F)(1) of this section, the 60523  
administrator may request that the superintendent include 60524  
information from the federal bureau of investigation in the 60525  
criminal records check, including fingerprint based checks of 60526  
national crime information databases as described in 42 U.S.C. 60527  
671. 60528~~

~~(G) Any person required by division (F) of this section to 60529  
request a criminal records check shall inform each person, at the 60530  
time of the person's initial application for employment, that the 60531  
person is required to provide a set of impressions of the person's 60532  
fingerprints and that a criminal records check is required to be 60533  
conducted and satisfactorily completed in accordance with section 60534  
109.572 of the Revised Code if the person comes under final 60535  
consideration for appointment or employment as a precondition to 60536  
employment for that position. 60537~~

~~(H) A person required by division (F) of this section to 60538  
request a criminal records check shall provide to each applicant a 60539  
copy of the form prescribed pursuant to division (C)(1) of section 60540  
109.572 of the Revised Code, provide to each applicant a standard 60541  
impression sheet to obtain fingerprint impressions prescribed 60542  
pursuant to division (C)(2) of section 109.572 of the Revised 60543  
Code, obtain the completed form and impression sheet from each 60544  
applicant, and forward the completed form and impression sheet to 60545  
the superintendent of the bureau of criminal identification and 60546  
investigation at the time the person requests a criminal records 60547  
check pursuant to division (F) of this section. 60548~~

~~(I) An applicant who receives pursuant to division (H) of 60549  
this section a copy of the form prescribed pursuant to division 60550  
(C)(1) of section 109.572 of the Revised Code and a copy of an 60551  
impression sheet prescribed pursuant to division (C)(2) of that 60552  
section and who is requested to complete the form and provide a 60553  
set of fingerprint impressions shall complete the form or provide 60554~~

~~all the information necessary to complete the form and shall  
provide the impression sheet with the impressions of the  
applicant's fingerprints. If an applicant, upon request, fails to  
provide the information necessary to complete the form or fails to  
provide impressions of the applicant's fingerprints, the center or  
type A home shall not employ that applicant for any position for  
which a criminal records check is required by division (F) of this  
section.~~

~~(J)(1) Except as provided in rules adopted under division (N)  
of this section, no center, type A home, or licensed type B home  
shall employ or contract with another entity for the services of a  
person if the person previously has been convicted of or pleaded  
guilty to any of the violations described in division (A)(5) of  
section 109.572 of the Revised Code.~~

~~(2) A center, type A home, or licensed type B home may employ  
an applicant conditionally until the criminal records check  
required by this section is completed and the center or home  
receives the results of the criminal records check. If the results  
of the criminal records check indicate that, pursuant to division  
(J)(1) of this section, the applicant does not qualify for  
employment, the center, type A home, or licensed type B home shall  
release the applicant from employment.~~

~~(3) The administrator of a center, type A home, or licensed  
type B home shall review the results of the criminal records check  
before an applicant has sole responsibility for the care, custody,  
or control of any child.~~

~~(K)(1) Each center, type A home, and licensed type B home  
shall pay to the bureau of criminal identification and  
investigation the fee prescribed pursuant to division (C)(3) of  
section 109.572 of the Revised Code for each criminal records  
check conducted in accordance with that section upon the request  
pursuant to division (F) of this section of the administrator of~~

~~the center, type A home, or licensed type B home.~~ 60587

~~(2) A center, type A home, or licensed type B home may charge 60588  
an applicant a fee for the costs it incurs in obtaining a criminal 60589  
records check under this section. A fee charged under this 60590  
division shall not exceed the amount of fees the center, type A 60591  
home, or licensed type B home pays under division (K)(1) of this 60592  
section. If a fee is charged under this division, the center, type 60593  
A home, or licensed type B home shall notify the applicant at the 60594  
time of the applicant's initial application for employment of the 60595  
amount of the fee and that, unless the fee is paid, the center, 60596  
type A home, or licensed type B home will not consider the 60597  
applicant for employment.~~ 60598

~~(L) The report of any criminal records check conducted by the 60599  
bureau of criminal identification and investigation in accordance 60600  
with section 109.572 of the Revised Code and pursuant to a request 60601  
made under division (A) or (F) of this section is not a public 60602  
record for the purposes of section 149.43 of the Revised Code and 60603  
shall not be made available to any person other than the person 60604  
who is the subject of the criminal records check or the person's 60605  
representative, the director of job and family services, the 60606  
director of a county department of job and family services, the 60607  
center, type A home, or type B home involved, and any court, 60608  
hearing officer, or other necessary individual involved in a case 60609  
dealing with a denial of licensure or certification related to the 60610  
criminal records check.~~ 60611

~~(M)(1) Each of the following persons shall sign a statement 60612  
on forms prescribed by the director of job and family services 60613  
attesting to the fact that the person has not been convicted of or 60614  
pleaded guilty to any offense set forth in division (A)(5) of 60615  
section 109.572 of the Revised Code and that no child has been 60616  
removed from the person's home pursuant to section 2151.353 of the 60617  
Revised Code.~~ 60618

- ~~(a) An employee of a center, type A home, or licensed type B home;~~ 60619  
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- ~~(b) A person eighteen years of age or older who resides in a type A home or licensed type B home;~~ 60621  
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- ~~(c) An in home aide;~~ 60623
- ~~(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.~~ 60624  
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- ~~(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 60626  
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- ~~(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:~~ 60633  
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- ~~(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;~~ 60635  
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- ~~(b) With respect to in home aides, at the county department of job and family services.~~ 60640  
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- ~~(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.~~ 60642  
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- ~~(N) The director of job and family services shall adopt rules~~ 60648

~~in accordance with Chapter 119. of the Revised Code to implement 60649  
this section, including rules specifying exceptions to the 60650  
prohibitions in divisions (D) and (J) of this section for persons 60651  
who have been convicted of an offense listed in division (A)(5) of 60652  
section 109.572 of the Revised Code but who meet standards in 60653  
regard to rehabilitation set by the director. 60654~~

~~(0) As used in this section: 60655~~

~~(1) "Applicant" means a person who is under final 60656  
consideration for appointment to or employment in a position with 60657  
a center, a type A home, or licensed type B home or any person who 60658  
would serve in any position with a center, type A home, or 60659  
licensed type B home pursuant to a contract with another entity. 60660~~

~~(2) "Criminal records check" has the same meaning as in 60661  
section 109.572 of the Revised Code. 60662~~

~~(A) As used in this section: 60663~~

~~(1) "Applicant" means either of the following: 60664~~

~~(a) A person who is under final consideration for appointment 60665  
to or employment in a position with a licensed preschool program 60666  
or licensed school child program that provides publicly funded 60667  
child care, child day-care center, type A family day-care home, 60668  
licensed type B family day-care home, or child day camp; 60669~~

~~(b) A person who would serve in any position with a licensed 60670  
preschool program or licensed school child program that provides 60671  
publicly funded child care, child day-care center, type A family 60672  
day-care home, licensed type B family day-care home, or child day 60673  
camp pursuant to a contract with another entity. 60674~~

~~(2) "Criminal records check" has the same meaning as in 60675  
section 109.572 of the Revised Code. 60676~~

~~(B)(1) At the times specified in division (B)(2)(a) of this 60677  
section, the director of job and family services shall request the 60678~~

superintendent of the bureau of criminal identification and 60679  
investigation to conduct a criminal records check for each of the 60680  
following persons: 60681

(a) Any owner or licensee of a child day-care center; 60682

(b) Any owner or licensee of a type A family day-care home or 60683  
licensed type B family day-care home and any person eighteen years 60684  
of age or older who resides in the home; 60685

(c) Any owner of an approved child day camp; 60686

(d) Any director of a licensed preschool program or licensed 60687  
school child program that provides publicly funded child care; 60688

(e) Any in-home aide; 60689

(f) Any applicant or employee, including an administrator, of 60690  
a child day-care center, type A family day-care home, licensed 60691  
type B family day-care home, approved child day camp, or licensed 60692  
preschool program or licensed school child program that provides 60693  
publicly funded child care. 60694

(2)(a) The director shall request a criminal records check at 60695  
the following times: 60696

(i) In the case of an owner or licensee of child day-care 60697  
center or an owner or licensee of a type A family day-care home or 60698  
licensed type B family day-care home or a resident of such a home, 60699  
at the time of initial application for licensure and every five 60700  
years thereafter; 60701

(ii) In the case of an owner of an approved child day camp, 60702  
at the time of initial application for approval and every five 60703  
years thereafter; 60704

(iii) In the case of a director of a licensed child care 60705  
program or licensed school child program, at the time of initial 60706  
application to provide publicly funded child care and every five 60707  
years thereafter; 60708

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 60709  
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 60711  
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 60715  
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 60724  
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 60732  
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 60740  
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 60743  
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(b) Obtain the completed form and impression sheet from the person; 60747  
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 60749  
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(d) Review the results of the criminal records check. 60752

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment. 60753  
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(5) Except as provided in rules adopted under division (F) of this section: 60765  
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(a) The director of job and family services shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program, and shall revoke a license or approval, and a county director of job 60767  
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and family services shall not certify an in-home aide and shall 60771  
revoke a certification, if a person for whom a criminal records 60772  
check was required under division (B)(1)(a) to (B)(1)(e) of this 60773  
section has been convicted of or pleaded guilty to any of the 60774  
violations described in division (A)(5) of section 109.572 of the 60775  
Revised Code. 60776

(b) The director of job and family services shall not issue a 60777  
license to a type A home or type B home if a resident of the type 60778  
A home or type B home is under eighteen years of age and has been 60779  
adjudicated a delinquent child for committing either a violation 60780  
of any section listed in division (A)(5) of section 109.572 of the 60781  
Revised Code or an offense of another state or the United States 60782  
that is substantially equivalent to an offense listed in division 60783  
(A)(5) of section 109.572 of the Revised Code. 60784

(c) The director shall determine an applicant or employee 60785  
ineligible for employment if the person has been convicted of or 60786  
pleaded guilty to any of the violations described in division 60787  
(A)(5) of section 109.572 of the Revised Code. 60788

(6) Each child day-care center, type A home, type B home, 60789  
approved child day camp, licensed child care program, licensed 60790  
school child program, and in-home aide shall pay to the bureau of 60791  
criminal identification and investigation the fee prescribed 60792  
pursuant to division (C)(3) of section 109.572 of the Revised Code 60793  
for each criminal records check conducted in accordance with that 60794  
section upon a request made pursuant to division (B) of this 60795  
section. 60796

A center, home, camp, preschool program, or school child 60797  
program may charge an applicant a fee for the costs it incurs in 60798  
obtaining a criminal records check under this section. A fee 60799  
charged under this division shall not exceed the amount the 60800  
center, home, camp, or program pays under this section. If a fee 60801  
is charged, the center, home, camp, or program shall notify the 60802

applicant at the time of the applicant's initial application for 60803  
employment of the amount of the fee and that, unless the fee is 60804  
paid, the center, home, camp, or program will not consider the 60805  
applicant for employment. 60806

(7) The report of any criminal records check conducted by the 60807  
bureau of criminal identification and investigation in accordance 60808  
with section 109.572 of the Revised Code and pursuant to a request 60809  
made under division (B) of this section is confidential and not a 60810  
public record for the purposes of section 149.43 of the Revised 60811  
Code. The report shall not be made available to any person other 60812  
than the person who is the subject of the criminal records check 60813  
or the person's representative, the director of job and family 60814  
services, the director of a county department of job and family 60815  
services, and any court, hearing officer, or other necessary 60816  
individual involved in a case dealing with a denial or revocation 60817  
of licensure, approval, or certification related to the criminal 60818  
records check. 60819

(C)(1) At the times specified in division (C)(2) of this 60820  
section, the director of job and family services shall search the 60821  
uniform statewide automated child welfare information system for 60822  
information concerning any abuse or neglect report made pursuant 60823  
to section 2151.421 of the Revised Code of which any of the 60824  
following persons is a subject: 60825

(a) Any owner or licensee of a child day-care center; 60826

(b) Any owner or licensee of a type A family day-care home or 60827  
licensed type B family day-care home and any person eighteen years 60828  
of age or older who resides in the home; 60829

(c) Any owner of an approved child day camp; 60830

(d) Any director of a licensed preschool program or licensed 60831  
school child program that provides publicly funded child care; 60832

(e) Any in-home aide; 60833

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

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(2) The director shall search the information system at the following times:

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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

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(v) Except as provided in division (C)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

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(vi) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed

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type B family day-care home, or approved child day camp within the 60865  
past one hundred eighty consecutive days, every five years after 60866  
the date of the initial determination. 60867

(3) The director shall consider any information discovered 60868  
pursuant to division (C)(1) of this section or that is provided by 60869  
a public children services agency pursuant to section 5153.175 of 60870  
the Revised Code. If the director determines that the information, 60871  
when viewed within the totality of the circumstances, reasonably 60872  
leads to the conclusion that the person may directly or indirectly 60873  
endanger the health, safety, or welfare of children, the director 60874  
or county director of job and family services shall do any of the 60875  
following: 60876

(a) Refuse to issue a license to or approve a center, type A 60877  
home, type B home, child day camp, preschool program, or school 60878  
child program; 60879

(b) Revoke a license or approval; 60880

(c) Refuse to certify an in-home aide or revoke a 60881  
certification; 60882

(d) Determine an applicant or employee ineligible for 60883  
employment with the center, type A home, licensed type B home, 60884  
child day camp, preschool program, or school child program. 60885

(4) Any information obtained under division (C) of this 60886  
section is confidential and not a public record for the purposes 60887  
of section 149.43 of the Revised Code. The information shall not 60888  
be made available to any person other than the person who is the 60889  
subject of the search or the person's representative, the director 60890  
of job and family services, the director of a county department of 60891  
job and family services, and any court, hearing officer, or other 60892  
necessary individual involved in a case dealing with a denial or 60893  
revocation of licensure, approval, or certification related to the 60894  
search. 60895

(D)(1) At the times specified in division (D)(2) of this section, the director of job and family services shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender: 60896  
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(a) Any owner or licensee of a child day-care center; 60903

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home; 60904  
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(c) Any owner of an approved child day camp; 60907

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 60908  
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(e) Any in-home aide; 60910

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 60911  
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(2) The director shall inspect each registry at the following times: 60916  
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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 60918  
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 60923  
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 60926  
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 60929  
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(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 60931  
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(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 60935  
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or county director of job and family services shall do any of the following: 60946  
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(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 60950  
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(b) Revoke a license or approval; 60953

(c) Refuse to certify an in-home aide or revoke a certification; 60954  
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(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 60956  
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(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 60959  
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child day-center, type A family day-care home, licensed type B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment. 60969  
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(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at 60983  
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the time of initial application for employment and every five 60988  
years thereafter. 60989

(2) A criminal records check requested at the time of initial 60990  
application shall include a request that the superintendent of the 60991  
bureau of criminal identification and investigation obtain 60992  
information from the federal bureau of investigation as part of 60993  
the criminal records check for the person, including 60994  
fingerprint-based checks of national crime information databases 60995  
as described in 42 U.S.C. 671 for the person subject to the 60996  
criminal records check. 60997

(3) A criminal records check requested at any time other than 60998  
the time of initial application may include a request that the 60999  
superintendent of the bureau of criminal identification and 61000  
investigation obtain information from the federal bureau of 61001  
investigation as part of the criminal records check for the 61002  
person, including fingerprint-based checks of national crime 61003  
information databases as described in 42 U.S.C. 671 for the person 61004  
subject to the criminal records check. 61005

(4) With respect to a criminal records check requested under 61006  
division (F) of this section, the administrator shall do all of 61007  
the following: 61008

(a) Provide to the applicant or employee a copy of the form 61009  
prescribed pursuant to division (C)(1) of section 109.572 of the 61010  
Revised Code and a standard impression sheet to obtain fingerprint 61011  
impressions prescribed pursuant to division (C)(2) of that 61012  
section; 61013

(b) Obtain the completed form and impression sheet from the 61014  
applicant or employee; 61015

(c) Forward the completed form and impression sheet to the 61016  
superintendent of the bureau of criminal identification and 61017  
investigation; 61018

- (d) Review the results of the criminal records check. 61019
- (5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment. 61020  
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- (6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment. 61031  
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- (7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. If the applicant or employee is determined ineligible, the child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee. 61042  
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- (8) Each child day camp shall pay to the bureau of criminal 61050

identification and investigation the fee prescribed pursuant to 61051  
division (C)(3) of section 109.572 of the Revised Code for each 61052  
criminal records check conducted in accordance with that section 61053  
upon a request made pursuant to division (F) of this section. A 61054  
camp may charge an applicant or employee a fee for the costs it 61055  
incurs in obtaining a criminal records check under division (F) of 61056  
this section. A fee charged under this division shall not exceed 61057  
the fees the camp pays under this section. If a fee is charged, 61058  
the camp shall notify the applicant at the time of the applicant's 61059  
initial application for employment of the amount of the fee and 61060  
that, unless the fee is paid, the camp will not consider the 61061  
applicant for employment. 61062

(9) The report of any criminal records check conducted by the 61063  
bureau of criminal identification and investigation in accordance 61064  
with section 109.572 of the Revised Code and pursuant to a request 61065  
made under division (F) of this section is confidential and not a 61066  
public record for the purposes of section 149.43 of the Revised 61067  
Code. The report shall not be made available to any person other 61068  
than the person who is the subject of the criminal records check 61069  
or the person's representative, the director of job and family 61070  
services, the administrator, and any court, hearing officer, or 61071  
other necessary individual involved in a case dealing with a 61072  
denial or revocation of registration related to the criminal 61073  
records check. 61074

(G) The director of job and family services shall adopt rules 61075  
as necessary to implement this section. The rules shall be adopted 61076  
in accordance with Chapter 119. of the Revised Code. The rules 61077  
shall specify exceptions to the prohibitions in division (B), (E), 61078  
and (F) of this section for a person who has been convicted of or 61079  
pleaded guilty to a criminal offense listed in division (A)(5) of 61080  
section 109.572 of the Revised Code but who meets standards in 61081  
regard to rehabilitation set by the director. 61082

(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders.

(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

**Sec. 5104.015.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child day-care centers, including parent cooperative centers, part-time centers, and drop-in centers, ~~and school-age child care centers.~~ The rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. ~~The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications.~~ The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	61115 61116 61117 61118
(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;	61119 61120 61121
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	61122 61123 61124
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	61125 61126 61127 61128 61129 61130 61131 61132 61133 61134
(E) Admissions policies and procedures;	61135
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	61136 61137
(G) First aid and emergency procedures;	61138
(H) Procedures for discipline and supervision of children;	61139
(I) Standards for the provision of nutritious meals and snacks;	61140 61141
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	61142 61143 61144

(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	61145 61146
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	61147 61148 61149 61150
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	61151 61152 61153
(N) Procedures for record keeping, organization, and administration;	61154 61155
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	61156 61157 61158
(P) Inspection procedures;	61159
(Q) Procedures and standards for setting initial license application fees;	61160 61161
(R) Procedures for receiving, recording, and responding to complaints about centers;	61162 61163
(S) Procedures for enforcing section 5104.04 of the Revised Code;	61164 61165
(T) <del>A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter</del> <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	61166 61167 61168 61169 61170 61171
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases,	61172 61173 61174

and in child abuse recognition and prevention;	61175
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	61176 61177 61178 61179
(W) A procedure for reporting of injuries of children that occur at the center;	61180 61181
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	61182 61183 61184
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	61185 61186 61187
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	61188 61189
<b>Sec. 5104.016.</b> The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to <del>5104.036</del> <u>5104.034</u> of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code <del> or the</del> maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code <del> the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; however.</del> <u>However</u> , the rules shall provide procedures for determining compliance with those requirements.	61190 61191 61192 61193 61194 61195 61196 61197 61198 61199 61200 61201 61202 61203 61204

Sec. 5104.02. (A) The director of job and family services is 61205  
responsible for ~~the~~ licensing of child day-care centers ~~and~~, type 61206  
A family day-care homes, and type B family day-care homes. Each 61207  
entity operating a head start program shall meet the criteria for, 61208  
and be licensed as, a child day-care center. The director is 61209  
responsible for the enforcement of this chapter and of rules 61210  
promulgated pursuant to this chapter. 61211

No person, firm, organization, institution, or agency shall 61212  
operate, establish, manage, conduct, or maintain a child day-care 61213  
center or type A family day-care home without a license issued 61214  
under section 5104.03 of the Revised Code. The current license 61215  
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 61216  
home in a conspicuous place that is accessible to parents, 61217  
custodians, or guardians and employees of the center or ~~type A~~ 61218  
home at all times when the center or ~~type A~~ home is in operation. 61219

(B) A person, firm, institution, organization, or agency 61220  
operating any of the following programs is exempt from the 61221  
requirements of this chapter: 61222

(1) A program ~~of child care~~ caring for children that operates 61223  
for two ~~or less~~ consecutive weeks or less and not more than six 61224  
weeks total in each calendar year; 61225

(2) ~~Child care~~ Caring for children in places of worship 61226  
during religious activities ~~during which children are cared for~~ 61227  
while at least one parent, guardian, or custodian of each child is 61228  
participating in such activities and is readily available; 61229

(3) ~~Religious activities which do not provide child care~~; 61230

~~(4)~~ Supervised training, instruction, or activities of 61231  
children in specific areas, including, but not limited to: art; 61232  
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 61233  
~~skill or sport~~ skills or sports; computers; or an educational 61234

subject conducted on an organized or periodic basis ~~no more than~~ 61235  
~~one day a week and for no more than six hours duration~~ that a 61236  
child does not attend for more than eight total hours per week; 61237

~~(5)(4)~~ (4) Programs in which the director determines that at 61238  
least one parent, custodian, or guardian of each child who is not 61239  
an employee of the facility engaged in employment duties is on the 61240  
premises of the facility ~~offering child~~ that offers care and is 61241  
readily accessible at all times, ~~except that child care provided~~ 61242  
~~on the premises at which a parent, custodian, or guardian is~~ 61243  
~~employed more than two and one half hours a day shall be licensed~~ 61244  
~~in accordance with division (A) of this section;~~ 61245

~~(6)(a)(5)~~ (5) Programs that provide child care funded and 61246  
~~regulated or operated~~ and are regulated by state departments other 61247  
than the department of job and family services or the state board 61248  
of education ~~when the director of job and family services has~~ 61249  
~~determined that the rules governing the program are equivalent to~~ 61250  
~~or exceed the rules promulgated pursuant to this chapter.~~ 61251

~~Notwithstanding any exemption from regulation under this~~ 61252  
~~chapter, each state department shall submit to the director of job~~ 61253  
~~and family services a copy of the rules that govern programs that~~ 61254  
~~provide child care and are regulated or operated and regulated by~~ 61255  
~~the department. Annually, each state department shall submit to~~ 61256  
~~the director a report for each such program it regulates or~~ 61257  
~~operates and regulates that includes the following information:~~ 61258

~~(i) The site location of the program;~~ 61259

~~(ii) The maximum number of infants, toddlers, preschool age~~ 61260  
~~children, or school age children served by the program at one~~ 61261  
~~time;~~ 61262

~~(iii) The number of adults providing child care for the~~ 61263  
~~number of infants, toddlers, preschool age children, or school age~~ 61264  
~~children;~~ 61265

~~(iv) Any changes in the rules made subsequent to the time  
when the rules were initially submitted to the director.~~ 61266  
61267

~~The director shall maintain a record of the child care  
information submitted by other state departments and shall provide  
this information upon request to the general assembly or the  
public.~~ 61268  
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~~(b) Child care programs conducted by boards of education or  
by chartered nonpublic schools that are conducted in school  
buildings and that provide child care to school age children only  
shall be exempt from meeting or exceeding rules promulgated  
pursuant to this chapter.~~ 61272  
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~~(7)(6)~~ Any preschool program or school child program, except 61277  
a head start program, that is subject to licensure by the 61278  
department of education under sections 3301.52 to 3301.59 of the 61279  
Revised Code. 61280

~~(8)(7)~~ Any program providing child care that meets all of the 61281  
following requirements and, on October 20, 1987, was being 61282  
operated by a nonpublic school that holds a charter issued by the 61283  
state board of education for kindergarten only: 61284

(a) The nonpublic school has given the notice to the state 61285  
board and the director of job and family services required by 61286  
Section 4 of Substitute House Bill No. 253 of the 117th general 61287  
assembly; 61288

(b) The nonpublic school continues to be chartered by the 61289  
state board for kindergarten, or receives and continues to hold a 61290  
charter from the state board for kindergarten through grade five; 61291

(c) The program is conducted in a school building; 61292

(d) The program is operated in accordance with rules 61293  
promulgated by the state board under ~~sections 3301.52 to 3301.57~~ 61294  
section 3301.53 of the Revised Code. 61295

~~(9)~~(8) A youth development program operated outside of school hours ~~by a community based center~~ to which all of the following apply: 61296  
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61298

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 61299  
61300  
61301

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 61302  
61303  
61304  
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 61306  
61307  
61308

~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~ 61309  
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61311  
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~~(e) The community based center entity~~ operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 61313  
61314  
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~~(10)~~(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions: 61316  
61317  
61318

(a) The program complies with state and local health, fire, and safety laws. 61319  
61320

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)~~(10)~~(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year. 61321  
61322  
61323  
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(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

**Sec. 5104.021.** The director of job and family services may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)~~(9)~~(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license.

**Sec. 5104.03.** (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules

adopted pursuant to this chapter. The copies may be provided in 61356  
paper or electronic form. 61357

Fees shall be set by the director pursuant to sections 61358  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 61359  
paid at the time of application for a license to operate a center, 61360  
type A home, or type B home. Fees collected under this section 61361  
shall be paid into the state treasury to the credit of the general 61362  
revenue fund. 61363

(C)(1) Upon filing of the application for a license, the 61364  
director shall investigate and inspect the center, type A home, or 61365  
type B home to determine the license capacity for each age 61366  
category of children of the center, type A home, or type B home 61367  
and to determine whether the center, type A home, or type B home 61368  
complies with this chapter and rules adopted pursuant to this 61369  
chapter. When, after investigation and inspection, the director is 61370  
satisfied that this chapter and rules adopted pursuant to it are 61371  
complied with, subject to division ~~(I)~~(G) of this section, a 61372  
license shall be issued as soon as practicable in such form and 61373  
manner as prescribed by the director. The license shall be 61374  
designated as provisional and shall be valid for at least twelve 61375  
months from the date of issuance ~~unless~~ and until the continuous 61376  
license is issued or until the provisional license is revoked or 61377  
suspended pursuant to section 5104.042 of the Revised Code. 61378

(2) The director may contract with a government entity or a 61379  
private nonprofit entity for the entity to inspect type A or type 61380  
B family day-care homes pursuant to this section. If the director 61381  
contracts with a government entity or private nonprofit entity for 61382  
that purpose, the entity may contract with another government 61383  
entity or private nonprofit entity for the other entity to inspect 61384  
type A or type B homes pursuant to this section. The director, 61385  
government entity, or private nonprofit entity shall conduct an 61386  
inspection prior to the issuance of a license for a type A or type 61387

B home and, as part of that inspection, ensure that the home is 61388  
safe and sanitary. 61389

~~(D)(1) On receipt of an application for licensure as a type B 61390  
family day care home to provide publicly funded child care, the 61391  
director shall search the uniform statewide automated child 61392  
welfare information system for information concerning any abuse or 61393  
neglect report made pursuant to section 2151.421 of the Revised 61394  
Code of which the applicant, any other adult residing in the 61395  
applicant's home, or a person designated by the applicant to be an 61396  
emergency or substitute caregiver for the applicant is the 61397  
subject. 61398~~

~~(2) The director shall consider any information discovered 61399  
pursuant to division (D)(1) of this section or that is provided by 61400  
a public children services agency pursuant to section 5153.175 of 61401  
the Revised Code. If the director determines that the information, 61402  
when viewed within the totality of the circumstances, reasonably 61403  
leads to the conclusion that the applicant may directly or 61404  
indirectly endanger the health, safety, or welfare of children, 61405  
the director shall deny the application for licensure or revoke 61406  
the license of a type B family day care home. 61407~~

~~(E)~~ The director shall investigate and inspect the center, 61408  
type A home, or type B home at least once during operation under a 61409  
license designated as provisional. If after the investigation and 61410  
inspection the director determines that the requirements of this 61411  
chapter and rules adopted pursuant to this chapter are met, 61412  
subject to division ~~(F)~~(G) of this section, the director shall 61413  
issue a new continuous license to the center or home. 61414

~~(F)~~(E) Each license shall state the name of the licensee, the 61415  
name of the administrator, the address of the center, type A home, 61416  
or licensed type B home, and the license capacity for each age 61417  
category of children. The license shall include thereon, in 61418  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 61419

Revised Code, the toll-free telephone number to be used by persons 61420  
suspecting that the center, type A home, or licensed type B home 61421  
has violated a provision of this chapter or rules adopted pursuant 61422  
to this chapter. A license is valid only for the licensee, 61423  
administrator, address, and license capacity for each age category 61424  
of children designated on the license. The license capacity 61425  
specified on the license is the maximum number of children in each 61426  
age category that may be cared for in the center, type A home, or 61427  
licensed type B home at one time. 61428

~~The A center or type A home~~ licensee shall notify the 61429  
director in writing when the administrator, address, or license 61430  
capacity of the center or home changes. The director shall amend 61431  
the current license to reflect a change in ~~an~~ any of the 61432  
following: 61433

(1) An administrator, if the administrator meets the 61434  
requirements of this chapter and rules adopted pursuant to this 61435  
chapter, ~~or a change in license;~~ 61436

(2) Address, if the new address meets the requirements of 61437  
this chapter and rules adopted pursuant to this chapter; 61438

(3) License capacity for any age category of children as 61439  
determined by the director of job and family services. 61440

~~(G)~~(F) If the director revokes the license of a center, a 61441  
type A home, or a type B home, the director shall not issue 61442  
another license to the owner of the center, type A home, or type B 61443  
home until five years have elapsed from the date the license is 61444  
revoked. 61445

If the director denies an application for a license, the 61446  
director shall not consider another application from the applicant 61447  
until five years have elapsed from the date the application is 61448  
denied. 61449

~~(H) If during the application for licensure process the~~ 61450

~~director determines that the license of the owner has been~~ 61451  
~~revoked, the investigation of the center, type A home, or type B~~ 61452  
~~home shall cease. This action does not constitute denial of the~~ 61453  
~~application and may not be appealed under division (I) of this~~ 61454  
~~section.~~ 61455

~~(I)(G)(1)~~ Except as provided in division ~~(I)(G)(2)~~ of this 61456  
section, all actions of the director with respect to licensing 61457  
centers, type A homes, or type B homes, refusal to license, and 61458  
revocation of a license shall be in accordance with Chapter 119. 61459  
of the Revised Code. Except as provided in division ~~(I)(G)(2)~~ of 61460  
this section, any applicant who is denied a license or any owner 61461  
whose license is revoked may appeal in accordance with section 61462  
119.12 of the Revised Code. 61463

(2) The following actions by the director are not subject to 61464  
Chapter 119. of the Revised Code: 61465

(a) The director ~~does not issue a license to~~ ceases its 61466  
review of an application because the owner of a center, type A 61467  
home, or type B home ~~because the owner~~ sought a license before 61468  
five years had elapsed from the date the previous license was 61469  
revoked and the director does not issue the license. 61470

(b) The director ~~does not issue a license~~ ceases its review 61471  
of an application because the applicant applied for licensure 61472  
before five years had elapsed from the date the previous 61473  
application was denied and the director does not issue the 61474  
license. 61475

(c) The director closes a license because the director has 61476  
determined that the center, type A home, or type B home is no 61477  
longer operating at the address stated on the license and did not 61478  
notify the director of the address change as described in division 61479  
(E) of this section. 61480

~~(J)(H)~~ In no case shall the director issue a license under 61481

this section for a center, type A home, or type B home if the 61482  
director, based on documentation provided by the appropriate 61483  
county department of job and family services, determines that the 61484  
applicant had been certified as ~~a type B family day care home when~~ 61485  
~~such certifications were issued by county departments prior to~~ 61486  
~~January 1, 2014~~ an in-home aide, that the county department 61487  
revoked that certification within the immediately preceding five 61488  
years, that the revocation was based on the applicant's refusal or 61489  
inability to comply with the criteria for certification, and that 61490  
the refusal or inability resulted in a risk to the health or 61491  
safety of children. 61492

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 61493  
~~an administrator~~ (I) An owner of a type B family day-care home 61494  
that receives a license pursuant to this section ~~to provide~~ 61495  
~~publicly funded child care~~ is an independent contractor and is not 61496  
an employee of the department of job and family services. 61497

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 61498  
~~determinations concerning the employment of an administrator of a~~ 61499  
~~type B family day care home that receives a license pursuant to~~ 61500  
~~this section shall be determined under Chapter 4141. of the~~ 61501  
~~Revised Code.~~ 61502

**Sec. 5104.04.** (A) The department of job and family services 61503  
shall establish procedures to be followed in investigating, 61504  
inspecting, and licensing child day-care centers, type A family 61505  
day-care homes, and licensed type B family day-care homes. 61506

(B)(1)(a) The department shall, at least once during every 61507  
twelve-month period of operation of a center, type A home, or 61508  
licensed type B home, inspect the center, type A home, or licensed 61509  
type B home. The department shall inspect a part-time center or 61510  
part-time type A home at least once during every twelve-month 61511  
period of operation. The department shall provide a written 61512

inspection report to the licensee within a reasonable time after 61513  
each inspection. ~~The licensee shall display its most recent~~ 61514  
~~inspection report in a conspicuous place in the center, type A~~ 61515  
~~home, or licensed type B home.~~ 61516

Inspections may be unannounced. No person, firm, 61517  
organization, institution, or agency shall interfere with the 61518  
inspection of a center, type A home, or licensed type B home by 61519  
any state or local official engaged in performing duties required 61520  
of the state or local official by this chapter or rules adopted 61521  
pursuant to this chapter, including inspecting the center, type A 61522  
home, or licensed type B home, reviewing records, or interviewing 61523  
licensees, employees, children, or parents. 61524

(b) Upon receipt of any complaint that a center, type A home 61525  
or licensed type B home is out of compliance with the requirements 61526  
of this chapter or rules adopted pursuant to this chapter, the 61527  
department shall investigate the center or home, and both of the 61528  
following apply: 61529

(i) If the complaint alleges that a child suffered physical 61530  
harm while receiving child care at the center or home or that the 61531  
noncompliance alleged in the complaint involved, resulted in, or 61532  
poses a substantial risk of physical harm to a child receiving 61533  
child care at the center or home, the department shall inspect the 61534  
center or home. 61535

(ii) If division (B)(1)(b)(i) of this section does not apply 61536  
regarding the complaint, the department may inspect the center or 61537  
home. 61538

(c) Division (B)(1)(b) of this section does not limit, 61539  
restrict, or negate any duty of the department to inspect a 61540  
center, type A home, or licensed type B home that otherwise is 61541  
imposed under this section, or any authority of the department to 61542  
inspect a center, type A home, or licensed type B home that 61543

otherwise is granted under this section ~~when the department~~ 61544  
~~believes the inspection is necessary and it is permitted under the~~ 61545  
~~grant.~~ 61546

(2) If the department implements an instrument-based program 61547  
monitoring information system, it may use an indicator checklist 61548  
to comply with division (B)(1) of this section. 61549

~~(3) The department shall contract with a third party by the~~ 61550  
~~first day of October in each even numbered year to collect~~ 61551  
~~information concerning the amounts charged by the center or home~~ 61552  
~~for providing child care services for use in establishing~~ 61553  
~~reimbursement ceilings and payment pursuant to section 5104.30 of~~ 61554  
~~the Revised Code. The third party shall compile the information~~ 61555  
~~and report the results of the survey to the department not later~~ 61556  
~~than the first day of December in each even numbered year.~~ 61557

(C) The department may deny an application or revoke a 61558  
license of a center, type A home, or licensed type B home, if the 61559  
applicant knowingly ~~makes a false statement on the application,~~ 61560  
submits falsified information to the department or if the center 61561  
or home does not comply with the requirements of this chapter or 61562  
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 61563  
~~has pleaded guilty to or been convicted of an offense described in~~ 61564  
~~division (A)(5) of section 109.572 of the Revised Code.~~ 61565

(D) If the department finds, after notice and hearing 61566  
pursuant to Chapter 119. of the Revised Code, that any applicant, 61567  
person, firm, organization, institution, or agency applying for 61568  
licensure or licensed under section 5104.03 of the Revised Code is 61569  
in violation of any provision of this chapter or rules adopted 61570  
pursuant to this chapter, the department may issue an order of 61571  
denial to the applicant or an order of revocation to the center, 61572  
type A home, or licensed type B home revoking the license 61573  
previously issued by the department. Upon the issuance of such an 61574  
order, the person whose application is denied or whose license is 61575

revoked may appeal in accordance with section 119.12 of the Revised Code. 61576  
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(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section. 61578  
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(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter. 61584  
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(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of 61595  
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section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.042.** (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the

center, type A home, or licensed type B home, or a resident of the 61638  
type A home or licensed type B home is charged by an indictment, 61639  
information, or complaint with an offense relating to the abuse or 61640  
neglect of a child. 61641

(4) The department or a county department of job and family 61642  
services determines that the center, type A home, or licensed type 61643  
B home created a serious risk to the health or safety of a child 61644  
receiving child care in the center, type A home, or licensed type 61645  
B home that resulted in or could have resulted in a child's death 61646  
or injury. 61647

(5) The department determines that the owner, or licensee, or 61648  
administrator of the center, type A home, or licensed type B home 61649  
is charged by indictment, information, or complaint with fraud 61650  
does not meet the requirements of section 5104.013 of the Revised 61651  
Code. 61652

(B) The department shall issue a written order of suspension 61653  
and furnish a copy to the licensee either by certified mail or in 61654  
person as described in section 119.07 of the Revised Code. The 61655  
licensee may ~~appeal the suspension in accordance with section~~ 61656  
request an adjudicatory hearing before the department pursuant to 61657  
sections 119.06 to 119.12 of the Revised Code. 61658

(C) ~~Except as provided in division (D) of this section, any~~ 61659  
Any summary suspension imposed under this section shall remain in 61660  
effect, ~~unless reversed on appeal,~~ until any of the following 61661  
occurs: 61662

(1) The public children services agency completes its 61663  
investigation of the report pursuant to section 2151.421 of the 61664  
Revised Code and determines that all of the allegations are 61665  
unsubstantiated. 61666

(2) All criminal charges are disposed of through dismissal, 61667  
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 61668

(3) ~~A final order is issued by the~~ The department issues 61669  
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 61670  
final order terminating the suspension. 61671

(D) ~~If the department initiates the revocation of a license~~ 61672  
~~that has been suspended pursuant to this section, the suspension~~ 61673  
~~shall continue until the revocation process is completed.~~ 61674

~~(E)~~ The center, type A home, or licensed type B home shall 61675  
not provide child care while the summary suspension remains in 61676  
effect. Upon issuance of the order of suspension, the licensee 61677  
shall inform the caretaker parent of each child receiving child 61678  
care in the center, type A home, or licensed type B home of the 61679  
suspension. 61680

~~(F)~~(E) The director of job and family services may adopt 61681  
rules in accordance with Chapter 119. of the Revised Code 61682  
establishing standards and procedures for the summary suspension 61683  
of licenses. 61684

(F) This section does not limit the authority of the 61685  
department to revoke a license pursuant to section 5104.04 of the 61686  
Revised Code. 61687

**Sec. 5104.09.** No administrator, employee, licensee, or 61688  
child-care staff member shall discriminate in the enrollment of 61689  
children in a child day-care center, type A home, licensed type B 61690  
home, or approved child day camp upon the basis of race, color, 61691  
religion, sex, disability, or national origin. 61692

**Sec. 5104.12.** (A) ~~The~~(1) A county director of job and family 61693  
services may certify in-home aides to provide publicly funded 61694  
child care pursuant to this chapter and any rules adopted under 61695  
it. Any in-home aide who receives a certificate pursuant to this 61696  
section to provide publicly funded child care is an independent 61697  
contractor and is not an employee of the county department of job 61698

and family services that issues the certificate. 61699

~~(B)~~(2) Every person desiring to receive certification as an 61700  
in-home aide shall apply for certification to ~~the~~ a county 61701  
director of job and family services on such forms as the director 61702  
of job and family services prescribes. ~~The~~ A county director shall 61703  
provide at no charge to each applicant a copy of rules for 61704  
certifying in-home aides adopted pursuant to this chapter. 61705

(B) To be eligible for certification as an in-home aide, a 61706  
person shall not be either of the following: 61707

(1) The owner of a center or home whose license was revoked 61708  
pursuant to section 5104.04 of the Revised Code within the 61709  
previous five years; 61710

(2) An in-home aide whose certificate was revoked under 61711  
division (C)(2) of this section within the previous five years. 61712

(C)(1) If the county director of job and family services 61713  
determines that ~~public funds are available and that the person~~ 61714  
applicant complies with this chapter and any rules adopted under 61715  
it, the county director shall certify the person as an in-home 61716  
aide and issue the person a certificate to provide publicly funded 61717  
child care for ~~twelve~~ twenty-four months. The county director 61718  
shall furnish a copy of the certificate to the parent, custodian, 61719  
or guardian. The certificate shall state the name and address of 61720  
the in-home aide, the expiration date of the certification, and 61721  
the name and telephone number of the county director who issued 61722  
the certificate. 61723

(2) The county director may revoke the certificate in either 61724  
of the following circumstances: 61725

(a) The county director determines, pursuant to rules adopted 61726  
under Chapter 119. of the Revised Code, that revocation is 61727  
necessary; 61728

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 61729  
of section 5104.32 of the Revised Code. 61730

(D)(1) The county director of job and family services shall 61731  
inspect every home of a child who is receiving publicly funded 61732  
child care in the child's own home while the in-home aide is 61733  
providing the services. Inspections may be unannounced. Upon 61734  
receipt of a complaint, the county director shall investigate the 61735  
in-home aide, shall investigate the home of a child who is 61736  
receiving publicly funded child care in the child's own home, and 61737  
division (D)(2) of this section applies regarding the complaint. 61738  
The caretaker parent shall permit the county director to inspect 61739  
any part of the child's home. The county director shall prepare a 61740  
written inspection report and furnish one copy each to the in-home 61741  
aide and the caretaker parent within a reasonable time after the 61742  
inspection. 61743

(2) Upon receipt of a complaint as described in division 61744  
(D)(1) of this section, in addition to the investigations that are 61745  
required under that division, both of the following apply: 61746

(a) If the complaint alleges that a child suffered physical 61747  
harm while receiving publicly funded child care in the child's own 61748  
home from an in-home aide or that the noncompliance with law or 61749  
act alleged in the complaint involved, resulted in, or poses a 61750  
substantial risk of physical harm to a child receiving publicly 61751  
funded child care in the child's own home from an in-home aide, 61752  
the county director shall inspect the home of the child. 61753

(b) If division (D)(2)(a) of this section does not apply 61754  
regarding the complaint, the county director may inspect the home 61755  
of the child. 61756

(3) Division (D)(2) of this section does not limit, restrict, 61757  
or negate any duty of the county director to inspect a home of a 61758  
child who is receiving publicly funded child care from an in-home 61759

aide that otherwise is imposed under this section, or any 61760  
authority of the county director to inspect such a home that 61761  
otherwise is granted under this section when the county director 61762  
believes the inspection is necessary and it is permitted under the 61763  
grant. 61764

**Sec. 5104.21.** (A) The department of job and family services 61765  
shall register child day camps and enforce this section and 61766  
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 61767  
rules adopted pursuant to those sections. No person, firm, 61768  
organization, institution, or agency shall operate a child day 61769  
camp without annually registering with the department. 61770

(B) A person, firm, institution, organization, or agency 61771  
operating any of the following programs is exempt from the 61772  
provisions of this section and ~~section~~ sections 5104.211 and 61773  
5104.22 of the Revised Code: 61774

(1) A child day camp that operates for two ~~or less~~ 61775  
consecutive weeks or less and for no more than a total of two 61776  
weeks during each calendar year; 61777

(2) Supervised training, instruction, or activities of 61778  
children that is conducted on an organized or periodic basis ~~no~~ 61779  
~~more than one day a week and for no more than six hours' duration~~ 61780  
~~and that is conducted~~ in specific areas or in a combination of 61781  
areas for a maximum of eight hours each week, including, but not 61782  
~~limited to, art; drama; dance; music; gymnastics, swimming, or~~ 61783  
~~another,~~ athletic skill or sport; computers; or an educational 61784  
subject; 61785

(3) Programs in which the department determines that at least 61786  
one parent, custodian, or guardian of each child attending or 61787  
participating in the child day camp is on the child day camp 61788  
activity site and is readily accessible at all times, except that 61789  
a child day camp on the premises of a parent's, custodian's, or 61790

guardian's place of employment shall be registered in accordance 61791  
with division (A) of this section; 61792

(4) Child day camps ~~funded and regulated or operated and~~ 61793  
~~regulated by any state department, other than the department of~~ 61794  
~~job and family services, when the department of job and family~~ 61795  
~~services has determined that the rules governing the child day~~ 61796  
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 61797  
~~this section and section 5104.22;~~ 61798

(5) A program that provides activities for children who are 61799  
five years of age or older and is operated by any county, 61800  
township, municipal corporation, township park district created 61801  
under section 511.18 of the Revised Code, park district created 61802  
under section 1545.04 of the Revised Code, or joint recreation 61803  
district established under section 755.04 of the Revised Code. 61804

(C) A person, firm, organization, institution, or agency 61805  
operating a child day camp that is exempt under division (B) of 61806  
this section from registering under division (A) of this section 61807  
may elect to register itself under division (A) of this section. 61808  
All requirements of this section and the rules adopted pursuant to 61809  
this section shall apply to any exempt child day camp that so 61810  
elects to register. 61811

(D) The director of job and family services shall adopt 61812  
pursuant to Chapter 119. of the Revised Code rules prescribing the 61813  
registration form and establishing the procedure for the child day 61814  
camps to register. The form shall ~~not be longer than one~~ 61815  
~~typewritten page and shall~~ state both of the following: 61816

(1) That the child day camp administrator or the 61817  
administrator's representative agrees to provide the parents of 61818  
each school-age child who attends or participates in that child 61819  
day camp with the telephone number of the county department of 61820  
health and the public children services agency of the county in 61821

which the child day camp is located; 61822

(2) That the child day camp administrator or the 61823  
administrator's representative agrees to permit a public children 61824  
services agency or the county department of health to review or 61825  
inspect the child day camp if a complaint is made to that 61826  
department or any other state department or public children 61827  
services agency against that child day camp. 61828

(E) The department may charge a fee to register a child day 61829  
camp. The fee for each child day camp shall be twenty-five 61830  
dollars. No organization that operates, or owner of, child day 61831  
camps shall pay a fee that exceeds two hundred fifty dollars for 61832  
all of its child day camps. 61833

(F) If a child day camp that is required to register under 61834  
this section fails to register with the department in accordance 61835  
with this section or the rules adopted pursuant to it or if a 61836  
child day camp that files a registration form under this section 61837  
knowingly provides false or misleading information on the 61838  
registration form, the department shall require the child day camp 61839  
to register or register correctly and to pay a registration fee 61840  
that equals three times the registration fee as set forth in 61841  
division (E) of this section. 61842

(G) A child day camp administrator or the administrator's 61843  
representative shall provide the parents of each school-age child 61844  
who attends or participates in that child day camp with both of 61845  
the ~~telephone~~ following: 61846

(1) Telephone numbers of the county department of health and 61847  
the county public children services agency of the county in which 61848  
the child day camp is located ~~and a~~; 61849

(2) A statement that the parents may ~~use these telephone~~ 61850  
~~numbers to contact or otherwise contact the departments county~~ 61851  
department or agency to make a complaint regarding the child day 61852

camp. 61853

Sec. 5104.211. (A) The director of job and family services 61854  
may periodically conduct a random sampling of child day camps to 61855  
determine compliance with section 5104.013 of the Revised Code. 61856

(B)(1) No child day camp shall fail to comply with section 61857  
5104.013 of the Revised Code in regards to a person it appoints or 61858  
employs. 61859

(2) If the director determines that a camp has violated 61860  
division (B)(1) of this section, the director shall do both of the 61861  
following: 61862

(a) Consider imposing a civil penalty on the camp in an 61863  
amount that shall not exceed ten per cent of the camp's gross 61864  
revenues for the full month immediately preceding the month in 61865  
which the violation occurred. If the camp was not operating for 61866  
the entire calendar month preceding the month in which the 61867  
violation occurred, the penalty shall be five hundred dollars. 61868

(b) Order the camp to initiate a criminal records check of 61869  
the person who is the subject of the violation within a specified 61870  
period of time. 61871

(3) If, within the specified period of time, the camp fails 61872  
to comply with an order to initiate a criminal records check of 61873  
the person who is the subject of the violation or to release the 61874  
person from the appointment or employment, the director shall do 61875  
both of the following: 61876

(a) Impose a civil penalty in an amount that is not less than 61877  
the amount previously imposed and that does not exceed twice the 61878  
amount permitted by division (B)(2)(a) of this section; 61879

(b) Order the camp to initiate a criminal records check of 61880  
the person who is the subject of the violation within a specified 61881  
period of time. 61882

(C) If the director determines that a child day camp has 61883  
violated division (B)(1) of this section, the director may post a 61884  
notice at a prominent place at the camp that states that the camp 61885  
has failed to conduct criminal records checks of its appointees or 61886  
employees as required by section 5104.013 of the Revised Code. 61887  
Once the camp demonstrates to the department that the camp is in 61888  
compliance with that section, the director shall permit the camp 61889  
to remove the notice. 61890

(D) The director may include on the web site of the 61891  
department of job and family services a list of child day camps 61892  
that the director has determined to not be in compliance with the 61893  
criminal records check requirements of section 5104.013 of the 61894  
Revised Code. The director shall remove a camp's name from the 61895  
list when the camp demonstrates to the director that the camp is 61896  
in compliance with that section. 61897

(E) For the purposes of divisions (C) and (D) of this 61898  
section, a child day camp will be considered to be in compliance 61899  
with section 5104.013 of the Revised Code by doing any of the 61900  
following: 61901

(1) Requesting that the bureau of criminal identification and 61902  
investigation conduct a criminal records check regarding the 61903  
person who is the subject of the violation of division (B)(1) of 61904  
this section and, if the person does not qualify for the 61905  
appointment or employment, releasing the person from the 61906  
appointment or employment; 61907

(2) Releasing the person who is the subject of the violation 61908  
from the appointment or employment. 61909

(F) The attorney general shall commence and prosecute to 61910  
judgment a civil action in a court of competent jurisdiction to 61911  
collect any civil penalty imposed under this section that remains 61912  
unpaid. 61913

(G) This section does not apply to a child day camp that is 61914  
an approved child day camp. 61915

**Sec. 5104.22.** (A) The director of job and family services, no 61916  
later than September 1, 1993, and pursuant to Chapter 119. of the 61917  
Revised Code, shall adopt rules establishing a procedure and 61918  
standards for the approval of child day camps that will enable an 61919  
approved child day camp to receive public moneys pursuant to 61920  
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 61921  
~~standards shall be similar and comparable to the procedure and~~ 61922  
~~standards for accrediting child day camps used by the American~~ 61923  
~~camping association.~~ The department of job and family services may 61924  
charge a reasonable fee to inspect a child day camp to determine 61925  
whether that child day camp meets the standards set forth in this 61926  
section or in the rules adopted under this section. The department 61927  
shall approve any child day camp that ~~the~~ meets both of the 61928  
following: 61929

(1) The department inspects and approves, that the camp and 61930  
determines that it meets the standards established in rules 61931  
adopted under this section; 61932

(2) The camp is accredited by the American camping camp 61933  
~~association inspects and accredits, or that is inspected and~~ 61934  
~~accredited by any~~ a nationally recognized organization that 61935  
accredits child day camps by using standards that the department 61936  
has determined are substantially similar and comparable to those 61937  
of the American ~~camping~~ camp association. The department shall 61938  
approve a child day camp for ~~no longer than two years~~ a period of 61939  
one year and shall inspect an approved child day camp ~~no less than~~ 61940  
biennially on an annual basis. 61941

(B) An approved child day camp shall comply with this section 61942  
and section 5104.21 of the Revised Code and the rules adopted 61943  
pursuant to those sections. If an approved child day camp is not 61944

in substantial compliance with those sections or rules at any 61945  
time, the department shall terminate the child day camp's approval 61946  
until the child day camp complies with those sections and rules or 61947  
for a period of two years, whichever period is longer. 61948

**Sec. 5104.29.** (A) As used in this section, "early learning 61949  
and development program" has the same meaning as "licensed child 61950  
care program" as defined in section 5104.01 of the Revised Code. 61951

(B) There is hereby created in the department of job and 61952  
family services the step up to quality program, under which the 61953  
department of job and family services, in cooperation with the 61954  
department of education, shall develop a tiered quality rating and 61955  
improvement system for all early learning and development programs 61956  
in this state. The step up to quality program shall include all of 61957  
the following components: 61958

(1) Quality program standards for early learning and 61959  
development programs; 61960

(2) Accountability measures that include tiered ratings 61961  
representing each program's level of quality; 61962

(3) Program and provider outreach and support to help 61963  
programs meet higher standards and promote participation in the 61964  
step up to quality program; 61965

(4) Financial incentives for early learning and development 61966  
programs that provide publicly funded child care and are linked to 61967  
achieving and maintaining quality standards; 61968

(5) Parent and consumer education to help parents learn about 61969  
program quality and ratings so they can make informed choices on 61970  
behalf of their children. 61971

(C) The step up to quality program shall have the following 61972  
goals: 61973

(1) Increasing the number of low-income children, special 61974

needs children, and children with limited English proficiency	61975
participating in quality early learning and development programs;	61976
(2) Providing families with an easy-to-use tool for	61977
evaluating the quality of early learning and development programs;	61978
(3) Recognizing and supporting early learning and development	61979
programs that achieve higher levels of quality;	61980
(4) Providing incentives and supports to help early learning	61981
and development programs implement continuous quality improvement	61982
systems.	61983
(D) Under the step up to quality program, participating early	61984
learning and development programs may be eligible for grants,	61985
technical assistance, training, and other assistance. Programs	61986
that maintain a quality rating may be eligible for unrestricted	61987
monetary awards.	61988
(E) The tiered ratings developed pursuant to this section	61989
shall be based on an early learning and development program's	61990
performance in meeting program standards in the following four	61991
domains:	61992
(1) Learning and development;	61993
(2) Administration and leadership practices;	61994
(3) Staff quality and professional development;	61995
(4) Family and community partnerships.	61996
(F) The director of job and family services, in collaboration	61997
with the superintendent of public instruction, shall adopt rules	61998
in accordance with Chapter 119. of the Revised Code to implement	61999
the step up to quality program described in this section.	62000
(G)(1) The department of job and family services shall ensure	62001
that the following percentages of early learning and development	62002
programs <del>that are not type B family day care homes and that</del>	62003
provide publicly funded child care are rated in the third highest	62004

tier or above in the step up to quality program:	62005
(a) By June 30, 2017, twenty-five per cent;	62006
(b) By June 30, 2019, forty per cent;	62007
(c) By June 30, 2021, sixty per cent;	62008
(d) By June 30, 2023, eighty per cent;	62009
(e) By June 30, 2025, one hundred per cent.	62010
(2) <del>The department of job and family services and the</del>	62011
<del>department of education shall identify ways to accelerate early</del>	62012
<del>learning and development programs moving to higher tiers in the</del>	62013
<del>step up to quality program and identify strategies for appropriate</del>	62014
<del>ratings of type B homes. The departments may consult with the</del>	62015
<del>early childhood advisory council established pursuant to section</del>	62016
<del>3301.90 of the Revised Code to facilitate their efforts and shall</del>	62017
<del>include owners and administrators of early learning and</del>	62018
<del>development programs in the identification process. The</del>	62019
<del>departments shall report their recommendations to the general</del>	62020
<del>assembly not later than October 31, 2016 <u>This division does not</u></del>	62021
<del><u>apply to early learning and development programs that are either</u></del>	62022
<del><u>of the following:</u></del>	62023
<u>(a) Licensed type B family day-care homes;</u>	62024
<u>(b) Providers described in division (C)(2) of section 5104.31</u>	62025
<u>of the Revised Code.</u>	62026
<b>Sec. 5104.30.</b> (A) The department of job and family services	62027
is hereby designated as the state agency responsible for	62028
administration and coordination of federal and state funding for	62029
publicly funded child care in this state. Publicly funded child	62030
care shall be provided to the following:	62031
(1) Recipients of transitional child care as provided under	62032
section 5104.34 of the Revised Code;	62033

(2) Participants in the Ohio works first program established 62034  
under Chapter 5107. of the Revised Code; 62035

(3) Individuals who would be participating in the Ohio works 62036  
first program if not for a sanction under section 5107.16 of the 62037  
Revised Code and who continue to participate in a work activity, 62038  
developmental activity, or alternative work activity pursuant to 62039  
an assignment under section 5107.42 of the Revised Code; 62040

(4) A family receiving publicly funded child care on October 62041  
1, 1997, until the family's income reaches one hundred fifty per 62042  
cent of the federal poverty line; 62043

(5) Subject to available funds, other individuals determined 62044  
eligible in accordance with rules adopted under section 5104.38 of 62045  
the Revised Code. 62046

The department shall apply to the United States department of 62047  
health and human services for authority to operate a coordinated 62048  
program for publicly funded child care, if the director of job and 62049  
family services determines that the application is necessary. For 62050  
purposes of this section, the department of job and family 62051  
services may enter into agreements with other state agencies that 62052  
are involved in regulation or funding of child care. The 62053  
department shall consider the special needs of migrant workers 62054  
when it administers and coordinates publicly funded child care and 62055  
shall develop appropriate procedures for accommodating the needs 62056  
of migrant workers for publicly funded child care. 62057

(B) The department of job and family services shall 62058  
distribute state and federal funds for publicly funded child care, 62059  
including appropriations of state funds for publicly funded child 62060  
care and appropriations of federal funds available under the child 62061  
care block grant act, Title IV-A, and Title XX. The department may 62062  
use any state funds appropriated for publicly funded child care as 62063  
the state share required to match any federal funds appropriated 62064

for publicly funded child care. 62065

(C) In the use of federal funds available under the child care block grant act, all of the following apply: 62066

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 62067

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 62068

prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 62069

and coordinate federal and state funding for publicly funded child care. 62070

care. 62071

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs. 62072

the federal funds received for a fiscal year may be expended for administrative costs. 62073

administrative costs. 62074

(3) The department shall allocate and use at least four per cent of the federal funds for the following: 62075

cent of the federal funds for the following: 62076

(a) Activities designed to provide comprehensive consumer education to parents and the public; 62077

education to parents and the public; 62078

(b) Activities that increase parental choice; 62079

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 62080

services, designed to improve the quality, and increase the supply, of child care; 62081

supply, of child care; 62082

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 62083

section 5104.29 of the Revised Code. 62084

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 62085

be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 62086

federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 62087

the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 62088

related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 62089

pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 62090

departments of job and family services may purchase child care from funds obtained through any other means. 62091

from funds obtained through any other means. 62092

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with 62093

suitable child care throughout the state, especially in areas with 62094

high concentrations of recipients of public assistance and 62095  
families with low incomes. The department shall encourage the 62096  
development of suitable child care designed to accommodate the 62097  
special needs of migrant workers. On request, the department, 62098  
through its employees or contracts with state or community child 62099  
care resource and referral service organizations, shall provide 62100  
consultation to groups and individuals interested in developing 62101  
child care. The department of job and family services may enter 62102  
into interagency agreements with the department of education, the 62103  
chancellor of higher education, the department of development, and 62104  
other state agencies and entities whenever the cooperative efforts 62105  
of the other state agencies and entities are necessary for the 62106  
department of job and family services to fulfill its duties and 62107  
responsibilities under this chapter. 62108

The department shall develop and maintain a registry of 62109  
persons providing child care. The director shall adopt rules in 62110  
accordance with Chapter 119. of the Revised Code establishing 62111  
procedures and requirements for the registry's administration. 62112

(E)(1) The director shall adopt rules in accordance with 62113  
Chapter 119. of the Revised Code establishing both of the 62114  
following: 62115

(a) Reimbursement ceilings for providers of publicly funded 62116  
child care not later than the first day of July in each 62117  
odd-numbered year; 62118

(b) A procedure for reimbursing and paying providers of 62119  
publicly funded child care. 62120

(2) In establishing reimbursement ceilings under division 62121  
(E)(1)(a) of this section, the director shall do all of the 62122  
following: 62123

(a) Use the information obtained ~~under division (B)(3) of~~ 62124  
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 62125

<u>98.45;</u>	62126
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	62127 62128 62129
<del>(c) For an in-home aide, establish an hourly reimbursement ceiling;</del>	62130 62131
<del>(d)</del> (c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:	62132 62133 62134
(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings;	62135 62136 62137
(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.	62138 62139 62140
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	62141 62142 62143
(a) Geographic location of the provider;	62144
(b) Type of care provided;	62145
(c) Age of the child served;	62146
(d) Special needs of the child served;	62147
(e) Whether the expanded hours of service are provided;	62148
(f) Whether weekend service is provided;	62149
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	62150 62151
(h) Any other factors the director considers appropriate.	62152
<b>Sec. 5104.31.</b> (A) Publicly funded child care may be provided	62153

only by the following: 62154

(1) Any of the following licensed by the department of job 62155  
and family services pursuant to section 5104.03 of the Revised 62156  
Code or pursuant to rules adopted under section 5104.018 of the 62157  
Revised Code: 62158

(a) A child day-care center, including a parent cooperative 62159  
child day-care center; 62160

(b) A type A family day-care home, including a parent 62161  
cooperative type A family day-care home; 62162

(c) A licensed type B family day-care home. 62163

(2) An in-home aide who has been certified by the county 62164  
department of job and family services pursuant to section 5104.12 62165  
of the Revised Code; 62166

(3) A child day camp approved pursuant to section 5104.22 of 62167  
the Revised Code; 62168

(4) A licensed preschool program; 62169

(5) A licensed school child program; 62170

(6) A border state child care provider, except that a border 62171  
state child care provider may provide publicly funded child care 62172  
only to an individual who resides in an Ohio county that borders 62173  
the state in which the provider is located. 62174

(B) Publicly funded child day-care may be provided in a 62175  
child's own home only by an in-home aide. 62176

(C)(1) Beginning July 1, 2020, and except as provided in 62177  
division (C)(2) of this section, a licensed child care program may 62178  
provide publicly funded child care ~~may be provided only by a~~ 62179  
~~provider that~~ if the program is rated through the step up to 62180  
quality program established pursuant to section 5104.29 of the 62181  
Revised Code. 62182

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 62183  
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62185

(a) A program that operates only during the summer and for not more than fifteen consecutive weeks; 62186  
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(b) A program that operates only during school breaks; 62188

(c) A program that operates only on weekday evenings, weekends, or both; 62189  
62190

(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code; 62191  
62192

(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months; 62193  
62194  
62195

(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked. 62196  
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62198

**Sec. 5104.32.** (A) ~~Except as provided in division (C) of this section, all~~ All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that 62199  
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regulates state contracts or contracts involving the expenditure 62213  
of state or federal funds, all contracts for publicly funded child 62214  
care shall be entered into in accordance with the provisions of 62215  
this chapter and are exempt from any other provision of the 62216  
Revised Code that regulates state contracts or contracts involving 62217  
the expenditure of state or federal funds. 62218

(B) Each contract for publicly funded child care shall 62219  
specify at least the following: 62220

(1) That the provider of publicly funded child care agrees to 62221  
be paid for rendering services at the lower of the rate 62222  
customarily charged by the provider for children enrolled for 62223  
child care or the reimbursement ceiling or rate of payment 62224  
established pursuant to section 5104.30 of the Revised Code; 62225

(2) That, if a provider provides child care to an individual 62226  
potentially eligible for publicly funded child care who is 62227  
subsequently determined to be eligible, the department agrees to 62228  
pay for all child care provided between the date the county 62229  
department of job and family services receives the individual's 62230  
completed application and the date the individual's eligibility is 62231  
determined; 62232

(3) Whether the county department of job and family services, 62233  
the provider, or a child care resource and referral service 62234  
organization will make eligibility determinations, whether the 62235  
provider or a child care resource and referral service 62236  
organization will be required to collect information to be used by 62237  
the county department to make eligibility determinations, and the 62238  
time period within which the provider or child care resource and 62239  
referral service organization is required to complete required 62240  
eligibility determinations or to transmit to the county department 62241  
any information collected for the purpose of making eligibility 62242  
determinations; 62243

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the state department of job and family services or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource~~

~~and referral service organizations that make determinations of 62276  
eligibility for publicly funded child care pursuant to contracts 62277  
entered into under section 5104.34 of the Revised Code for the 62278  
providers or resource and referral service organizations to 62279  
provide the certificates to individuals whom they determine are 62280  
eligible for publicly funded child care. 62281~~

~~For each six month period a provider of publicly funded child 62282  
care provides publicly funded child care to the child of an 62283  
individual given certificates, the individual shall provide the 62284  
provider certificates for days the provider would have provided 62285  
publicly funded child care to the child had the child been 62286  
present. The maximum number of days providers shall be provided 62287  
certificates shall not exceed ten days in a six month period 62288  
during which publicly funded child care is provided to the child 62289  
regardless of the number of providers that provide publicly funded 62290  
child care to the child during that period. 62291~~

~~(D)(1) The department shall establish the Ohio electronic an 62292  
automated child care system to track attendance and calculate 62293  
payments for publicly funded child care. The system shall include 62294  
issuing an electronic child care card to each caretaker parent to 62295  
swipe through a point of service device issued to an eligible 62296  
provider, as described in section 5104.31 of the Revised Code. 62297~~

(2) Each eligible provider that provides publicly funded 62298  
child care shall participate in the Ohio electronic automated 62299  
child care system. A provider participating in the system shall 62300  
not do any of the following: 62301

(a) Use or have possession of an electronic child care card a 62302  
personal identification number or password issued to a caretaker 62303  
parent under the automated child care system; 62304

(b) Falsify attendance records; 62305

(c) Knowingly seek or accept payment for publicly funded 62306

child care that was not provided or for which the provider was not 62307  
eligible; 62308

(d) ~~Knowingly accept reimbursement for publicly funded child~~ 62309  
~~care that was not provided~~ seek or accept payment for child care 62310  
provided to a child who resides in the provider's own home. 62311

(D) The department may withhold any money due under this 62312  
chapter and may recover through any appropriate method any money 62313  
erroneously paid under this chapter if evidence demonstrates that 62314  
a provider of publicly funded child care failed to comply with 62315  
either of the following: 62316

(1) The terms of the contract entered into under this 62317  
section; 62318

(2) This chapter or any rules adopted under it. 62319

(E) If the department has evidence that a provider has 62320  
employed an individual who is ineligible for employment under 62321  
section 5104.013 of the Revised Code and the provider has not 62322  
released the individual from employment upon notice that the 62323  
individual is ineligible, the department may terminate immediately 62324  
the contract entered into under this section to provide publicly 62325  
funded child care. 62326

(F) Any decision by the department concerning publicly funded 62327  
child care, including the recovery of funds, overpayment 62328  
determinations, and contract terminations is final and is not 62329  
subject to appeal, hearing, or further review under Chapter 119. 62330  
of the Revised Code. 62331

**Sec. 5104.34.** (A)(1) Each county department of job and family 62332  
services shall implement procedures for making determinations of 62333  
eligibility for publicly funded child care. Under those 62334  
procedures, the eligibility determination for each applicant shall 62335  
be made no later than thirty calendar days from the date the 62336

county department receives a completed application for publicly 62337  
funded child care. Each applicant shall be notified promptly of 62338  
the results of the eligibility determination. An applicant 62339  
aggrieved by a decision or delay in making an eligibility 62340  
determination may appeal the decision or delay to the department 62341  
of job and family services in accordance with section 5101.35 of 62342  
the Revised Code. The due process rights of applicants shall be 62343  
protected. 62344

To the extent permitted by federal law, the county department 62345  
may make all determinations of eligibility for publicly funded 62346  
child care, may contract with child care providers or child care 62347  
resource and referral service organizations for the providers or 62348  
resource and referral service organizations to make all or any 62349  
part of the determinations, and may contract with child care 62350  
providers or child care resource and referral service 62351  
organizations for the providers or resource and referral service 62352  
organizations to collect specified information for use by the 62353  
county department in making determinations. If a county department 62354  
contracts with a child care provider or a child care resource and 62355  
referral service organization for eligibility determinations or 62356  
for the collection of information, the contract shall require the 62357  
provider or resource and referral service organization to make 62358  
each eligibility determination no later than thirty calendar days 62359  
from the date the provider or resource and referral organization 62360  
receives a completed application that is the basis of the 62361  
determination and to collect and transmit all necessary 62362  
information to the county department within a period of time that 62363  
enables the county department to make each eligibility 62364  
determination no later than thirty days after the filing of the 62365  
application that is the basis of the determination. 62366

The county department may station employees of the department 62367  
in various locations throughout the county to collect information 62368

relevant to applications for publicly funded child care and to 62369  
make eligibility determinations. The county department, child care 62370  
provider, and child care resource and referral service 62371  
organization shall make each determination of eligibility for 62372  
publicly funded child care no later than thirty days after the 62373  
filing of the application that is the basis of the determination, 62374  
shall make each determination in accordance with any relevant 62375  
rules adopted pursuant to section 5104.38 of the Revised Code, and 62376  
shall notify promptly each applicant for publicly funded child 62377  
care of the results of the determination of the applicant's 62378  
eligibility. 62379

The director of job and family services shall adopt rules in 62380  
accordance with Chapter 119. of the Revised Code for monitoring 62381  
the eligibility determination process. In accordance with those 62382  
rules, the state department shall monitor eligibility 62383  
determinations made by county departments of job and family 62384  
services and shall direct any entity that is not in compliance 62385  
with this division or any rule adopted under this division to 62386  
implement corrective action specified by the department. 62387

(2)(a) All eligibility determinations for publicly funded 62388  
child care shall be made in accordance with rules adopted pursuant 62389  
to division (A) of section 5104.38 of the Revised Code. Except as 62390  
otherwise provided in this section, both of the following apply: 62391

(i) Publicly funded child care may be provided only to 62392  
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 62393  
children under age thirteen, or children receiving special needs 62394  
child care. 62395

(ii) For an applicant to be eligible for publicly funded 62396  
child care, the caretaker parent must be employed or participating 62397  
in a program of education or training for an amount of time 62398  
reasonably related to the time that the parent's children are 62399  
receiving publicly funded child care. This restriction does not 62400

apply to families whose children are eligible for protective child care. 62401  
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(b) In accordance with rules adopted under division (B) of 62403  
section 5104.38 of the Revised Code, an applicant may receive 62404  
publicly funded child care while the county department determines 62405  
eligibility. An applicant may receive publicly funded child care 62406  
while a county department determines eligibility only once during 62407  
a twelve-month period. If the county department determines that an 62408  
applicant is not eligible for publicly funded child care, the 62409  
~~licensed~~ child care ~~program~~ provider shall be paid for providing 62410  
publicly funded child care for up to five days after that 62411  
determination if the county department received a completed 62412  
application with all required documentation. A program may appeal 62413  
a denial of payment under this division. 62414

(c) If a caretaker parent who has been determined eligible to 62415  
receive publicly funded child care no longer meets the 62416  
requirements of division (A)(2)(a)(ii) of this section, the 62417  
caretaker parent may continue to receive publicly funded child 62418  
care for a period of up to thirteen weeks not to extend beyond the 62419  
caretaker parent's twelve-month eligibility period. ~~Such~~ 62420  
~~authorization may be given only once during a twelve-month period.~~ 62421

(d) If a child turns thirteen, or if a child receiving 62422  
special needs child care turns eighteen, during the twelve-month 62423  
eligibility period, the caretaker parent may continue to receive 62424  
publicly funded child care until the end of that twelve-month 62425  
period. 62426

Subject to available funds, the department of job and family 62427  
services shall allow a family to receive publicly funded child 62428  
care unless the family's income exceeds the maximum income 62429  
eligibility limit. Initial and continued eligibility for publicly 62430  
funded child care is subject to available funds unless the family 62431  
is receiving child care pursuant to division (A)(1), (2), (3), or 62432

(4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes

in status with respect to employment or participation in a program 62464  
of education or training not later than ten calendar days after 62465  
the change occurs. 62466

(D) If the department of job and family services determines 62467  
that available resources are not sufficient to provide publicly 62468  
funded child care to all eligible families who request it, the 62469  
department may establish a waiting list. The department may 62470  
establish separate waiting lists within the waiting list based on 62471  
income. 62472

(E) A caretaker parent shall not receive ~~full-time~~ publicly 62473  
funded child care from more than one child care provider per child 62474  
during a week, unless a county department grants the family an 62475  
exemption for one of the following reasons: 62476

~~(a)~~(1) The child needs additional care during non-traditional 62477  
hours; 62478

~~(b)~~(2) The child needs to change providers in the middle of 62479  
the week and the hours of care provided by the providers do not 62480  
overlap; 62481

~~(c)~~(3) The child's provider is closed on scheduled school 62482  
days off or on calamity days; 62483

~~(d)~~(4) The child is enrolled in a part-time program 62484  
participating in the tiered quality rating and improvement system 62485  
established under section ~~5104.30~~ 5104.29 of the Revised Code and 62486  
needs care from an additional part-time provider. 62487

(F) As used in this section, "maximum income eligibility 62488  
limit" means the amount of income specified in rules adopted under 62489  
division (A) of section 5104.38 of the Revised Code. 62490

**Sec. 5104.38.** In addition to any other rules adopted under 62491  
this chapter, the director of job and family services shall adopt 62492  
rules in accordance with Chapter 119. of the Revised Code 62493

governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a ~~licensed~~ child care ~~program~~ provider may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider.

(D) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes;

(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;	62526 62527 62528
(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	62529 62530 62531 62532 62533
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	62534 62535
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	62536 62537
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	62538 62539
(J) A definition of "person who stands in loco parentis" for the purposes of division <del>(JJ)(1)</del> <u>(LL)(3)</u> of section 5104.01 of the Revised Code;	62540 62541 62542
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	62543 62544 62545 62546 62547
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	62548 62549 62550 62551 62552
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment	62553 62554 62555

orientation activities, or taking part in activities in 62556  
anticipation of enrolling in or attending an education or training 62557  
program or activity, if the employment or the education or 62558  
training program or activity is expected to begin within the 62559  
thirty-day period; 62560

(N) Any other rules necessary to carry out sections 5104.30 62561  
to 5104.43 of the Revised Code. 62562

**Sec. 5104.41.** A child and the child's caretaker ~~who either~~ 62563  
~~temporarily reside in a facility providing emergency shelter for~~ 62564  
~~homeless families or are determined by the county department of~~ 62565  
~~job and family services to be homeless, and~~ who are otherwise 62566  
ineligible for publicly funded child care, are eligible for 62567  
protective homeless child care for the lesser of the following: 62568

(A) ~~Ninety~~ Not more than ninety days; 62569

(B) The period of time they reside in ~~the~~ a facility 62570  
providing emergency shelter, ~~if they qualified for protective~~ 62571  
~~child care because they reside in the shelter,~~ for homeless 62572  
families or the period of time in which the county department 62573  
determines they are homeless. 62574

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 62575  
Revised Code shall be punished as follows: 62576

(1) For each offense, the offender shall be fined not less 62577  
than one hundred dollars nor more than five hundred dollars 62578  
multiplied by the number of children receiving child care at the 62579  
child day-care center or type A family day-care home that either 62580  
exceeds the number of children to which a type B family day-care 62581  
home may provide child care or, if the offender is a licensed type 62582  
A family day-care home that is operating as a child day-care 62583  
center without being licensed as a center, exceeds the license 62584  
capacity of the type A home. 62585

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the

provision of child care to any person until it obtains a child 62618  
day-care center license or a type A family day-care home license, 62619  
as appropriate, under section 5104.03 of the Revised Code. The 62620  
court shall impose the fine specified in division (A)(1) of this 62621  
section and may impose an additional fine provided that the total 62622  
amount of the fines so imposed does not exceed the maximum fine 62623  
authorized for a felony of the fifth degree under section 2929.18 62624  
of the Revised Code. 62625

~~(B) Whoever violates division (M)(4) of section 5104.013 of 62626  
the Revised Code is guilty of a misdemeanor of the first degree. 62627  
If the offender is a licensee of a center, type A home, or 62628  
licensed type B home, the conviction shall constitute grounds for 62629  
denial or revocation of an application for licensure pursuant to 62630  
section 5104.04 of the Revised Code. Except as otherwise provided 62631  
in this division, the offense established under division (M)(4) of 62632  
section 5104.013 of the Revised Code is a strict liability 62633  
offense, and section 2901.20 of the Revised Code does not apply. 62634  
If the offender is a person eighteen years of age or older 62635  
residing in a type A home or licensed type B home or is an 62636  
employee of a center, type A home, or licensed type B home and if 62637  
the licensee had knowledge of, and acquiesced in, the commission 62638  
of the offense, the conviction shall constitute grounds for denial 62639  
or revocation of an application for licensure pursuant to section 62640  
5104.04 of the Revised Code. 62641~~

~~(C) Whoever violates section 5104.09 of the Revised Code is 62642  
guilty of a misdemeanor of the third degree. 62643~~

**Sec. 5119.185.** (A) As used in this section, "physician": 62644

(1) "Advanced practice registered nurse" has the same meaning 62645  
as in section 4723.01 of the Revised Code. 62646

(2) "Clinician" means any of the following: 62647

<u>(a) An advanced practice registered nurse;</u>	62648
<u>(b) A physician;</u>	62649
<u>(c) A physician assistant.</u>	62650
<u>(3) "Physician" means an individual authorized under Chapter</u>	62651
<u>4731. of the Revised Code to practice medicine and surgery or</u>	62652
<u>osteopathic medicine and surgery.</u>	62653
<u>(4) "Physician assistant" means an individual who holds a</u>	62654
<u>current, valid license to practice as a physician assistant issued</u>	62655
<u>under Chapter 4730. of the Revised Code.</u>	62656
(B) The department of mental health and addiction services	62657
may establish a <del>physician</del> <u>clinician</u> recruitment program under	62658
which the department agrees to repay all or part of the principal	62659
and interest of a government or other educational loan incurred by	62660
a <del>physician</del> <u>clinician</u> who agrees to provide services to inpatients	62661
and outpatients of institutions under the department's	62662
administration. To be eligible to participate in the program, a	62663
<del>physician</del> <u>clinician</u> must have attended <u>the following:</u>	62664
<u>(1) In the case of a physician,</u> a school that was, at the	62665
time of attendance, a medical school or osteopathic medical school	62666
in this country accredited by the liason committee on medical	62667
education or the American osteopathic association, or a medical	62668
school or osteopathic medical school located outside this country	62669
that was acknowledged by the world health organization and	62670
verified by a member state of that organization as operating	62671
within that state's jurisdiction;	62672
<u>(2) In the case of a physician assistant, a school that was,</u>	62673
<u>at the time of attendance, accredited by the accreditation review</u>	62674
<u>commission on education for the physician assistant or a regional</u>	62675
<u>or specialized and professional accrediting agency recognized by</u>	62676
<u>the council for higher education accreditation;</u>	62677

(3) In the case of an advanced practice registered nurse, a school that was, at the time of attendance, accredited by a national or regional accrediting organization. 62678  
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(C) The department shall enter into a contract with each ~~physician~~ clinician it recruits under this section. Each contract shall include at least the following terms: 62681  
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(1) The ~~physician~~ clinician agrees to provide a specified scope of ~~medical or osteopathic medical~~ health care services for a specified number of hours per week and a specified number of years to patients of one or more specified institutions administered by the department. 62684  
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(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the ~~physician~~ clinician for the following expenses if the ~~physician~~ clinician meets the service obligation agreed to and the expenses were incurred while the ~~physician~~ clinician was enrolled in, for up to a maximum of four years, a school that qualifies the ~~physician~~ clinician to participate in the program: 62689  
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(a) Tuition; 62696

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section; 62697  
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(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section. 62701  
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(3) The ~~physician~~ clinician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the ~~physician~~ clinician fails to complete the service obligation agreed to or fails to comply with other specified terms of the 62704  
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contract. The contract may vary the amount of damages based on the 62709  
portion of the ~~physician's~~ clinician's service obligation that 62710  
remains uncompleted as determined by the department. 62711

(4) Other terms agreed upon by the parties. 62712

(D) If the department elects to implement the ~~physician~~ 62713  
clinician recruitment program, it shall adopt rules in accordance 62714  
with Chapter 119. of the Revised Code that establish all of the 62715  
following: 62716

(1) Criteria for designating institutions for which 62717  
~~physicians~~ clinicians will be recruited; 62718

(2) Criteria for selecting ~~physicians~~ clinicians for 62719  
participation in the program; 62720

(3) Criteria for determining the portion of a ~~physician's~~ 62721  
clinician's loan that the department will agree to repay; 62722

(4) Criteria for determining reasonable amounts of the 62723  
expenses described in divisions (C)(2)(b) and (c) of this section; 62724

(5) Procedures for monitoring compliance by ~~physicians~~ 62725  
clinicians with the terms of their contracts; 62726

(6) Any other criteria or procedures necessary to implement 62727  
the program. 62728

**Sec. 5119.19.** (A)(1) As used in this section, ~~"psychotropic:~~ 62729

(a) "Prescribed drug" has the same meaning as in section 62730  
5164.01 of the Revised Code. 62731

(b) "Psychotropic drug" means, except as provided in division 62732  
(A)(2) of this section, a drug that has the capability of changing 62733  
or controlling mental functioning or behavior through direct 62734  
pharmacological action. "Psychotropic drug" includes all of the 62735  
following: 62736

~~(a)~~(i) Antipsychotic medications, including those 62737

administered or dispensed in a long-acting injectable form; 62738

~~(b)~~(ii) Antidepressant medications; 62739

~~(e)~~(iii) Anti-anxiety medications; 62740

~~(d)~~(iv) Mood stabilizing medications. 62741

(2) "Psychotropic drug" excludes a stimulant prescribed for 62742  
the treatment of attention deficit hyperactivity disorder. 62743

(B) There is hereby created the psychotropic drug 62744  
reimbursement program. The program shall be administered by the 62745  
department of mental health and addiction services. 62746

The purpose of the program is to provide state reimbursement 62747  
to counties for the cost of psychotropic drugs that are dispensed 62748  
to inmates of county jails in this state. The Each county shall 62749  
ensure that inmates have access to all psychotropic drugs that are 62750  
prescribed drugs covered by the fee-for-service component of the 62751  
medicaid program. 62752

The department, based on factors it considers appropriate, 62753  
shall allocate an amount to each county for reimbursement of such 62754  
psychotropic drug costs incurred by the county. 62755

(C) The director of mental health and addiction services may 62756  
adopt rules as necessary to implement this section. The rules, if 62757  
adopted, shall be adopted in accordance with Chapter 119. of the 62758  
Revised Code. 62759

**Sec. 5119.39.** (A) As used in this section, 62760  
"medication-assisted treatment" has the same meaning as in section 62761  
340.01 of the Revised Code. 62762

(B) There is hereby created in the department of mental 62763  
health and addiction services the medication-assisted treatment 62764  
drug reimbursement program. Under the program, the department 62765  
shall reimburse counties for the costs of drugs that are both of 62766

the following: 62767

(1) Prescribed or furnished to inmates of county jails; 62768

(2) Approved by the United States food and drug 62769  
administration for use in medication-assisted treatment, including 62770  
full opioid agonists, partial opioid agonists, and injectable 62771  
long-acting or extended-release opioid antagonists. 62772

The department, based on factors it considers appropriate, 62773  
shall allocate an amount to each county for reimbursement of 62774  
medication-assisted treatment drug costs incurred by the county. 62775

(C) The director of mental health and addiction services may 62776  
adopt rules as necessary to implement this section. The rules 62777  
shall be adopted in accordance with Chapter 119. of the Revised 62778  
Code. 62779

**Sec. 5119.44.** As used in this section, "free clinic" has the 62780  
same meaning as in section 2305.2341 of the Revised Code. 62781

(A) The department of mental health and addiction services 62782  
may provide certain goods and services for the department of 62783  
mental health and addiction services, the department of 62784  
developmental disabilities, the department of rehabilitation and 62785  
correction, the department of youth services, and other state, 62786  
county, or municipal agencies requesting such goods and services 62787  
when the department of mental health and addiction services 62788  
determines that it is in the public interest, and considers it 62789  
advisable, to provide these goods and services. The department of 62790  
mental health and addiction services also may provide goods and 62791  
services to agencies operated by the United States government and 62792  
to public or private nonprofit agencies, other than free clinics, 62793  
that are funded in whole or in part by the state if the public or 62794  
private nonprofit agencies are designated for participation in 62795  
this program by the director of mental health and addiction 62796

services for community addiction services providers and community 62797  
mental health services providers, the director of developmental 62798  
disabilities for community developmental disabilities agencies, 62799  
the director of rehabilitation and correction for community 62800  
rehabilitation and correction agencies, or the director of youth 62801  
services for community youth services agencies. 62802

Designated community agencies or services providers shall 62803  
receive goods and services through the department of mental health 62804  
and addiction services only in those cases where the designating 62805  
state agency certifies that providing such goods and services to 62806  
the agency or services provider will conserve public resources to 62807  
the benefit of the public and where the provision of such goods 62808  
and services is considered feasible by the department of mental 62809  
health and addiction services. 62810

(B) The department of mental health and addiction services 62811  
may permit free clinics to purchase certain goods and services to 62812  
the extent the purchases fall within the exemption to the 62813  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 62814  
institutions, in 15 U.S.C. 13c, as amended. 62815

(C) The goods and services that may be provided by the 62816  
department of mental health and addiction services under divisions 62817  
(A) and (B) of this section may include: 62818

(1) Procurement, storage, processing, and distribution of 62819  
food and professional consultation on food operations; 62820

(2) Procurement, storage, and distribution of medical and 62821  
laboratory supplies, dental supplies, medical records, forms, 62822  
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 62823  
~~Revised Code;~~ 62824

(3) Procurement, storage, repackaging, distribution, and 62825  
dispensing of drugs, the provision of professional pharmacy 62826  
consultation, and drug information services; 62827

(4) Other goods and services.	62828
(D) The department of mental health and addiction services may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers.	62829 62830 62831 62832
(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health and addiction services may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services.	62833 62834 62835 62836 62837 62838 62839 62840
(F) The cost of administration of this section shall be determined by the department of mental health and addiction services and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.	62841 62842 62843 62844 62845 62846 62847
(G) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from the state agency to the department of mental health and addiction services. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.	62848 62849 62850 62851 62852 62853 62854 62855 62856 62857
(H) Purchases of goods and services under this section are	62858

not subject to section 307.86 of the Revised Code. 62859

**Sec. 5120.10.** (A)(1) The director of rehabilitation and 62860  
correction, by rule, shall promulgate minimum standards for jails 62861  
in Ohio, including minimum security jails dedicated under section 62862  
341.34 or 753.21 of the Revised Code. Whenever the director files 62863  
a rule or an amendment to a rule in final form with both the 62864  
secretary of state and the director of the legislative service 62865  
commission pursuant to section 111.15 of the Revised Code, the 62866  
director of rehabilitation and correction promptly shall send a 62867  
copy of the rule or amendment, if the rule or amendment pertains 62868  
to minimum jail standards, by ordinary mail to the political 62869  
subdivisions or affiliations of political subdivisions that 62870  
operate jails to which the standards apply. 62871

(2) The rules promulgated in accordance with division (A)(1) 62872  
of this section shall serve as criteria for the investigative and 62873  
supervisory powers and duties vested by division (D) of this 62874  
section in the division of parole and community services of the 62875  
department of rehabilitation and correction or in another division 62876  
of the department to which those powers and duties are assigned. 62877

(B) The director may initiate an action in the court of 62878  
common pleas of the county in which a facility that is subject to 62879  
the rules promulgated under division (A)(1) of this section is 62880  
situated to enjoin compliance with the minimum standards for jails 62881  
or with the minimum standards and minimum renovation, 62882  
modification, and construction criteria for ~~minimum security~~ 62883  
jails. 62884

(C) Upon the request of an administrator of a jail facility, 62885  
the chief executive of a municipal corporation, or a board of 62886  
county commissioners, the director of rehabilitation and 62887  
correction or the director's designee shall grant a variance from 62888  
the minimum standards for jails in Ohio for a facility that is 62889

subject to one of those minimum standards when the director 62890  
determines that strict compliance with the minimum standards would 62891  
cause unusual, practical difficulties or financial hardship, that 62892  
existing or alternative practices meet the intent of the minimum 62893  
standards, and that granting a variance would not seriously affect 62894  
the security of the facility, the supervision of the inmates, or 62895  
the safe, healthful operation of the facility. If the director or 62896  
the director's designee denies a variance, the applicant may 62897  
appeal the denial pursuant to section 119.12 of the Revised Code. 62898

(D) The following powers and duties shall be exercised by the 62899  
division of parole and community services unless assigned to 62900  
another division by the director: 62901

(1) The investigation and supervision of county and municipal 62902  
jails, workhouses, minimum security jails, and other correctional 62903  
institutions and agencies; 62904

(2) The review and approval of plans submitted to the 62905  
department of rehabilitation and correction pursuant to division 62906  
(E) of this section; 62907

(3) The management and supervision of the adult parole 62908  
authority created by section 5149.02 of the Revised Code; 62909

(4) The review and approval of proposals for community-based 62910  
correctional facilities and programs and district community-based 62911  
correctional facilities and programs that are submitted pursuant 62912  
to division (B) of section 2301.51 of the Revised Code; 62913

(5) The distribution of funds made available to the division 62914  
for purposes of assisting in the renovation, maintenance, and 62915  
operation of community-based correctional facilities and programs 62916  
and district community-based correctional facilities and programs 62917  
in accordance with section 5120.112 of the Revised Code; 62918

(6) The performance of the duty imposed upon the department 62919  
of rehabilitation and correction in section 5149.31 of the Revised 62920

Code to establish and administer a program of subsidies to 62921  
eligible municipal corporations, counties, and groups of 62922  
contiguous counties for the development, implementation, and 62923  
operation of community-based corrections programs; 62924

(7) Licensing halfway houses and community residential 62925  
centers for the care and treatment of adult offenders in 62926  
accordance with section 2967.14 of the Revised Code; 62927

(8) Contracting with a public or private agency or a 62928  
department or political subdivision of the state that operates a 62929  
licensed halfway house or community residential center for the 62930  
provision of housing, supervision, and other services to parolees, 62931  
releasees, persons placed under a residential sanction, persons 62932  
under transitional control, and other eligible offenders in 62933  
accordance with section 2967.14 of the Revised Code. 62934

Other powers and duties may be assigned by the director of 62935  
rehabilitation and correction to the division of parole and 62936  
community services. This section does not apply to the department 62937  
of youth services or its institutions or employees. 62938

(E) No plan for any new jail, workhouse, or lockup, and no 62939  
plan for a substantial addition or alteration to an existing jail, 62940  
workhouse, or lockup, shall be adopted unless the officials 62941  
responsible for adopting the plan have submitted the plan to the 62942  
department of rehabilitation and correction for approval, and the 62943  
department has approved the plan as provided in division (D)(2) of 62944  
this section. 62945

**Sec. 5120.112.** (A) The division of parole and community 62946  
services shall accept applications for state financial assistance 62947  
for the renovation, maintenance, and operation of proposed and 62948  
approved community-based correctional facilities and programs and 62949  
district community-based correctional facilities and programs that 62950  
are filed in accordance with section 2301.56 of the Revised Code. 62951

The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this

section shall be determined by the division of parole and 62984  
community services. 62985

(C) Upon approval of a proposal for a community-based 62986  
correctional facility and program or a district community-based 62987  
correctional facility and program by the division of parole and 62988  
community services, the facility governing board, upon the advice 62989  
of the judicial advisory board, shall enter into an award 62990  
agreement with the department of rehabilitation and correction 62991  
that outlines terms and conditions of the agreement ~~on an annual~~ 62992  
~~basis. The agreement shall not be effective for longer than the~~ 62993  
state fiscal biennium in which the financial assistance is to be 62994  
awarded. In the award agreement, the facility governing board 62995  
shall identify a fiscal agent responsible for the deposit of funds 62996  
and compliance with sections 2301.55 and 2301.56 of the Revised 62997  
Code. 62998

(D) No state financial assistance shall be distributed to a 62999  
qualified applicant until an agreement concerning the assistance 63000  
has been entered into by the director of rehabilitation and 63001  
correction and the deputy director of the division of parole and 63002  
community services on the part of the state, and by the 63003  
chairperson of the facility governing board of the community-based 63004  
correctional facility and program or district community-based 63005  
correctional facility and program to receive the financial 63006  
assistance, whichever is applicable. The agreement shall not be 63007  
effective for ~~a period of one year from the date of the agreement~~ 63008  
longer than the state fiscal biennium in which the financial 63009  
assistance is to be awarded, and shall specify all terms and 63010  
conditions that are applicable to the awarding of the assistance, 63011  
including, but not limited to: 63012

(1) The total amount of assistance to be awarded for each 63013  
community-based correctional facility and program or district 63014  
community-based correctional facility and program, and the times 63015

and manner of the payment of the assistance; 63016

(2) How persons who will staff and operate the facility and 63017  
program are to be utilized during the period for which the 63018  
assistance is to be granted, including descriptions of their 63019  
positions and duties, and their salaries and fringe benefits; 63020

(3) A statement that none of the persons who will staff and 63021  
operate the facility and program, including those who are 63022  
receiving some or all of their salaries out of funds received by 63023  
the facility and program as state financial assistance, are 63024  
employees or are to be considered as being employees of the 63025  
department of rehabilitation and correction, and a statement that 63026  
the employees who will staff and operate that facility and program 63027  
are employees of the facility and program; 63028

(4) A list of the type of expenses, other than salaries of 63029  
persons who will staff and operate the facility and program, for 63030  
which the state financial assistance can be used, and a 63031  
requirement that purchases made with funds received as state 63032  
financial assistance follow established fiscal guidelines as 63033  
determined by the division of parole and community services and 63034  
any applicable sections of the Revised Code, including, but not 63035  
limited to, sections 125.01 to 125.11 and Chapter 153. of the 63036  
Revised Code; 63037

(5) The accounting procedures that are to be used by the 63038  
facility and program in relation to the state financial 63039  
assistance; 63040

(6) A requirement that the facility and program file reports, 63041  
during the period that it receives state financial assistance, 63042  
with the division of parole and community services, which reports 63043  
shall be statistical in nature and shall contain that information 63044  
required under a research design agreed upon by all parties to the 63045  
agreement, for purposes of evaluating the facility and program; 63046

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

**Sec. 5122.43.** (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the

approval of the probate judge;	63077
(5) To a person, other than the sheriff or the sheriff's	63078
deputies, for taking a mentally ill person to a hospital or	63079
removing a mentally ill person from a hospital, the actual	63080
necessary expenses incurred, specifically itemized, and approved	63081
by the probate judge;	63082
(6) To assistants who convey mentally ill persons to the	63083
hospital when authorized by the probate judge, a fee set by the	63084
probate court, provided the assistants are not drawing a salary	63085
from the state or any political subdivision of the state, and	63086
their actual necessary expenses incurred, provided that the	63087
expenses are specifically itemized and approved by the probate	63088
judge;	63089
(7) To an attorney appointed by the probate division for an	63090
indigent who allegedly is a mentally ill person pursuant to any	63091
section of this chapter or a person suffering from alcohol and	63092
other drug abuse and who may be ordered under sections 5119.91 to	63093
5119.98 of the Revised Code to undergo treatment, the fees that	63094
are determined by the probate division. When those indigent	63095
persons are before the court, all filing and recording fees shall	63096
be waived.	63097
(8) To a referee who is appointed to conduct proceedings	63098
under this chapter that involve a respondent whose domicile is or,	63099
before the respondent's hospitalization, was not the county in	63100
which the proceedings are held, compensation as fixed by the	63101
probate division, but not more than the compensation paid for	63102
similar proceedings for respondents whose domicile is in the	63103
county in which the proceedings are held;	63104
(9) To a court reporter appointed to make a transcript of	63105
proceedings under this chapter, the compensation and fees allowed	63106
in other cases under section 2101.08 of the Revised Code.	63107

(B) A county shall pay for the costs, fees, and expenses 63108  
described in division (A) of this section with money appropriated 63109  
pursuant to section 2101.11 of the Revised Code. A county may seek 63110  
reimbursement from the department of mental health and addiction 63111  
services by submitting a request and certification by the county 63112  
auditor of the costs, fees, and expenses to the department within 63113  
two months of the date the costs, fees, and expenses are incurred 63114  
by the county. 63115

Each fiscal year, based on past allocations, historical 63116  
utilization, and other factors the department considers 63117  
appropriate, the department shall allocate for each county an 63118  
amount for reimbursements under this section. A county's 63119  
allocation may be zero. The department shall set aside an amount 63120  
in addition to the allocations to cover court costs associated 63121  
with proceedings held under this chapter for counties that 63122  
received an allocation of zero but that incurred expenditures 63123  
authorized by the department. The total of all the allocations 63124  
plus the additional amount set aside shall equal the amount 63125  
appropriated for the fiscal year to the department specifically 63126  
for the purposes of this section. 63127

On receipt, the department shall review each request for 63128  
reimbursement and prepare a voucher for the amount of the costs, 63129  
fees, and expenses incurred by the county, provided that the total 63130  
amount of money paid to all counties in each fiscal year shall not 63131  
exceed the total amount of moneys specifically appropriated to the 63132  
department for these purposes. 63133

The department's total reimbursement to each county shall be 63134  
the lesser of the full amount requested or either the amount 63135  
allocated for the county under this division, or, for counties 63136  
that received an allocation of zero, the amount approved by the 63137  
department. In addition, the department shall distribute any 63138  
surplus remaining from the money appropriated for the fiscal year 63139

to the department for the purposes of this section as follows to 63140  
counties whose full requests exceed their allocations: 63141

(1) If the surplus is sufficient to reimburse such counties 63142  
the full amount of their requests, each such county shall receive 63143  
the full amount of its request; 63144

(2) If the surplus is insufficient, each such county shall 63145  
receive a percentage of the surplus determined by dividing the 63146  
difference between the county's full request and its allocation by 63147  
the difference between the total of the full requests of all such 63148  
counties and the total of the amounts allocated for all such 63149  
counties. 63150

The department may adopt rules in accordance with Chapter 63151  
119. of the Revised Code to implement the payment of costs, fees, 63152  
and expenses under this section. 63153

**Sec. 5123.01.** As used in this chapter: 63154

(A) "Chief medical officer" means the licensed physician 63155  
appointed by the managing officer of an institution for persons 63156  
with intellectual disabilities with the approval of the director 63157  
of developmental disabilities to provide medical treatment for 63158  
residents of the institution. 63159

(B) "Chief program director" means a person with special 63160  
training and experience in the diagnosis and management of persons 63161  
with developmental disabilities, certified according to division 63162  
(C) of this section in at least one of the designated fields, and 63163  
appointed by the managing officer of an institution for persons 63164  
with intellectual disabilities with the approval of the director 63165  
to provide habilitation and care for residents of the institution. 63166

(C) "Comprehensive evaluation" means a study, including a 63167  
sequence of observations and examinations, of a person leading to 63168  
conclusions and recommendations formulated jointly, with 63169

dissenting opinions if any, by a group of persons with special 63170  
training and experience in the diagnosis and management of persons 63171  
with developmental disabilities, which group shall include 63172  
individuals who are professionally qualified in the fields of 63173  
medicine, psychology, and social work, together with such other 63174  
specialists as the individual case may require. 63175

(D) "Education" means the process of formal training and 63176  
instruction to facilitate the intellectual and emotional 63177  
development of residents. 63178

(E) "Habilitation" means the process by which the staff of 63179  
the institution assists the resident in acquiring and maintaining 63180  
those life skills that enable the resident to cope more 63181  
effectively with the demands of the resident's own person and of 63182  
the resident's environment and in raising the level of the 63183  
resident's physical, mental, social, and vocational efficiency. 63184  
Habilitation includes but is not limited to programs of formal, 63185  
structured education and training. 63186

(F) "Health officer" means any public health physician, 63187  
public health nurse, or other person authorized or designated by a 63188  
city or general health district. 63189

(G) "Home and community-based services" means medicaid-funded 63190  
home and community-based services specified in division (A)(1) of 63191  
section 5166.20 of the Revised Code provided under the medicaid 63192  
waiver components the department of developmental disabilities 63193  
administers pursuant to section 5166.21 of the Revised Code. 63194  
Except as provided in section 5123.0412 of the Revised Code, home 63195  
and community-based services provided under the medicaid waiver 63196  
component known as the transitions developmental disabilities 63197  
waiver are to be considered to be home and community-based 63198  
services for the purposes of this chapter, and Chapters 5124. and 63199  
5126. of the Revised Code, only to the extent, if any, provided by 63200  
the contract required by section 5166.21 of the Revised Code 63201

regarding the waiver. 63202

(H) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 63203  
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 63204

(I) "Indigent person" means a person who is unable, without 63205  
substantial financial hardship, to provide for the payment of an 63206  
attorney and for other necessary expenses of legal representation, 63207  
including expert testimony. 63208

(J) "Institution" means a public or private facility, or a 63209  
part of a public or private facility, that is licensed by the 63210  
appropriate state department and is equipped to provide 63211  
residential habilitation, care, and treatment for persons with 63212  
intellectual disabilities. 63213

(K) "Licensed physician" means a person who holds a valid 63214  
~~certificate~~ license issued under Chapter 4731. of the Revised Code 63215  
authorizing the person to practice medicine and surgery or 63216  
osteopathic medicine and surgery, or a medical officer of the 63217  
government of the United States while in the performance of the 63218  
officer's official duties. 63219

(L) "Managing officer" means a person who is appointed by the 63220  
director of developmental disabilities to be in executive control 63221  
of an institution under the jurisdiction of the department of 63222  
developmental disabilities. 63223

(M) "Medicaid case management services" means case management 63224  
services provided to an individual with a developmental disability 63225  
that the state medicaid plan requires. 63226

(N) "Intellectual disability" means a disability 63227  
characterized by having significantly subaverage general 63228  
intellectual functioning existing concurrently with deficiencies 63229  
in adaptive behavior, manifested during the developmental period. 63230

(O) "Person with an intellectual disability subject to 63231

institutionalization by court order" means a person eighteen years 63232  
of age or older with at least a moderate level of intellectual 63233  
disability and in relation to whom, because of the person's 63234  
disability, either of the following conditions exists: 63235

(1) The person represents a very substantial risk of physical 63236  
impairment or injury to self as manifested by evidence that the 63237  
person is unable to provide for and is not providing for the 63238  
person's most basic physical needs and that provision for those 63239  
needs is not available in the community; 63240

(2) The person needs and is susceptible to significant 63241  
habilitation in an institution. 63242

(P) "Moderate level of intellectual disability" means the 63243  
condition in which a person, following a comprehensive evaluation, 63244  
is found to have at least moderate deficits in overall 63245  
intellectual functioning, as indicated by a full-scale 63246  
intelligence quotient test score of fifty-five or below, and at 63247  
least moderate deficits in adaptive behavior, as determined in 63248  
accordance with the criteria established in the fifth edition of 63249  
the diagnostic and statistical manual of mental disorders 63250  
published by the American psychiatric association. 63251

(Q) "Developmental disability" means a severe, chronic 63252  
disability that is characterized by all of the following: 63253

(1) It is attributable to a mental or physical impairment or 63254  
a combination of mental and physical impairments, other than a 63255  
mental or physical impairment solely caused by mental illness, as 63256  
defined in division (A) of section 5122.01 of the Revised Code. 63257

(2) It is manifested before age twenty-two. 63258

(3) It is likely to continue indefinitely. 63259

(4) It results in one of the following: 63260

(a) In the case of a person under three years of age, at 63261

least one developmental delay, as defined in rules adopted under 63262  
section 5123.011 of the Revised Code, or a diagnosed physical or 63263  
mental condition that has a high probability of resulting in a 63264  
developmental delay, as defined in those rules; 63265

(b) In the case of a person at least three years of age but 63266  
under six years of age, at least two developmental delays, as 63267  
defined in rules adopted under section 5123.011 of the Revised 63268  
Code; 63269

(c) In the case of a person six years of age or older, a 63270  
substantial functional limitation in at least three of the 63271  
following areas of major life activity, as appropriate for the 63272  
person's age: self-care, receptive and expressive language, 63273  
learning, mobility, self-direction, capacity for independent 63274  
living, and, if the person is at least sixteen years of age, 63275  
capacity for economic self-sufficiency. 63276

(5) It causes the person to need a combination and sequence 63277  
of special, interdisciplinary, or other type of care, treatment, 63278  
or provision of services for an extended period of time that is 63279  
individually planned and coordinated for the person. 63280

"Developmental disability" includes intellectual disability. 63281

(R) "State institution" means an institution that is 63282  
tax-supported and under the jurisdiction of the department of 63283  
developmental disabilities. 63284

(S) "Residence" and "legal residence" have the same meaning 63285  
as "legal settlement," which is acquired by residing in Ohio for a 63286  
period of one year without receiving general assistance prior to 63287  
July 17, 1995, under former Chapter 5113. of the Revised Code, 63288  
without receiving financial assistance prior to December 31, 2017, 63289  
under former Chapter 5115. of the Revised Code, or assistance from 63290  
a private agency that maintains records of assistance given. A 63291  
person having a legal settlement in the state shall be considered 63292

as having legal settlement in the assistance area in which the 63293  
person resides. No adult person coming into this state and having 63294  
a spouse or minor children residing in another state shall obtain 63295  
a legal settlement in this state as long as the spouse or minor 63296  
children are receiving public assistance, care, or support at the 63297  
expense of the other state or its subdivisions. For the purpose of 63298  
determining the legal settlement of a person who is living in a 63299  
public or private institution or in a home subject to licensing by 63300  
the department of job and family services, the department of 63301  
mental health and addiction services, or the department of 63302  
developmental disabilities, the residence of the person shall be 63303  
considered as though the person were residing in the county in 63304  
which the person was living prior to the person's entrance into 63305  
the institution or home. Settlement once acquired shall continue 63306  
until a person has been continuously absent from Ohio for a period 63307  
of one year or has acquired a legal residence in another state. A 63308  
woman who marries a man with legal settlement in any county 63309  
immediately acquires the settlement of her husband. The legal 63310  
settlement of a minor is that of the parents, surviving parent, 63311  
sole parent, parent who is designated the residential parent and 63312  
legal custodian by a court, other adult having permanent custody 63313  
awarded by a court, or guardian of the person of the minor, 63314  
provided that: 63315

(1) A minor female who marries shall be considered to have 63316  
the legal settlement of her husband and, in the case of death of 63317  
her husband or divorce, she shall not thereby lose her legal 63318  
settlement obtained by the marriage. 63319

(2) A minor male who marries, establishes a home, and who has 63320  
resided in this state for one year without receiving general 63321  
assistance prior to July 17, 1995, under former Chapter 5113. of 63322  
the Revised Code or assistance from a private agency that 63323  
maintains records of assistance given shall be considered to have 63324

obtained a legal settlement in this state. 63325

(3) The legal settlement of a child under eighteen years of 63326  
age who is in the care or custody of a public or private child 63327  
caring agency shall not change if the legal settlement of the 63328  
parent changes until after the child has been in the home of the 63329  
parent for a period of one year. 63330

No person, adult or minor, may establish a legal settlement 63331  
in this state for the purpose of gaining admission to any state 63332  
institution. 63333

(T)(1) "Resident" means, subject to division (T)(2) of this 63334  
section, a person who is admitted either voluntarily or 63335  
involuntarily to an institution or other facility pursuant to 63336  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 63337  
Code subsequent to a finding of not guilty by reason of insanity 63338  
or incompetence to stand trial or under this chapter who is under 63339  
observation or receiving habilitation and care in an institution. 63340

(2) "Resident" does not include a person admitted to an 63341  
institution or other facility under section 2945.39, 2945.40, 63342  
2945.401, or 2945.402 of the Revised Code to the extent that the 63343  
reference in this chapter to resident, or the context in which the 63344  
reference occurs, is in conflict with any provision of sections 63345  
2945.37 to 2945.402 of the Revised Code. 63346

(U) "Respondent" means the person whose detention, 63347  
commitment, or continued commitment is being sought in any 63348  
proceeding under this chapter. 63349

(V) "Working day" and "court day" mean Monday, Tuesday, 63350  
Wednesday, Thursday, and Friday, except when such day is a legal 63351  
holiday. 63352

(W) "Prosecutor" means the prosecuting attorney, village 63353  
solicitor, city director of law, or similar chief legal officer 63354  
who prosecuted a criminal case in which a person was found not 63355

guilty by reason of insanity, who would have had the authority to 63356  
prosecute a criminal case against a person if the person had not 63357  
been found incompetent to stand trial, or who prosecuted a case in 63358  
which a person was found guilty. 63359

(X) "Court" means the probate division of the court of common 63360  
pleas. 63361

(Y) "Supported living" and "residential services" have the 63362  
same meanings as in section 5126.01 of the Revised Code. 63363

**Sec. 5123.023.** (A) The director of developmental disabilities 63364  
~~may~~ shall establish an employment first task force consisting of 63365  
the departments of developmental disabilities, education, 63366  
medicaid, job and family services, and mental health and addiction 63367  
services; and the opportunities for Ohioans with disabilities 63368  
agency. The purpose of the task force shall be to improve the 63369  
coordination of the state's efforts to address the needs of 63370  
individuals with developmental disabilities who seek community 63371  
employment as defined in section 5123.022 of the Revised Code. 63372

(B) The department of developmental disabilities may enter 63374  
into interagency agreements with any of the government entities on 63375  
the task force. The interagency agreements may specify either or 63376  
both of the following: 63377

(1) The roles and responsibilities of the government entities 63378  
that are members of the task force, including any money to be 63379  
contributed by those entities; 63380

(2) The projects and activities of the task force. 63381

(C) There is hereby created in the state treasury the 63382  
employment first taskforce fund. Any money received by the task 63383  
force from its members shall be credited to the fund. The 63384  
department of developmental disabilities shall use the fund to 63385

support the work of the task force. 63386

~~(D) The task force shall cease to exist on January 1, 2020. 63387  
Any money, assets, or employees of the department of developmental 63388  
disabilities that on that date are dedicated to the work of the 63389  
task force shall be reallocated by the department for employment 63390  
services for individuals with developmental disabilities. 63391~~

**Sec. 5123.042.** Except as provided in section 5123.197 of the 63392  
Revised Code, each person or government entity seeking to develop 63393  
new or modify existing residential services or ICF/IID services 63394  
shall submit to the department of developmental disabilities a 63395  
plan for the development or modification. The department shall 63396  
approve a plan that is submitted in accordance with rules adopted 63397  
under this section and meets the uniform standards for plans 63398  
established in those rules. 63399

The director of developmental disabilities shall adopt rules 63400  
in accordance with Chapter 119. of the Revised Code establishing 63401  
the following: 63402

(A) Procedures for submitting plans under this section; 63403

(B) Uniform standards for the plans. 63404

**Sec. 5123.044.** The department of developmental disabilities 63405  
shall determine whether county boards of developmental 63406  
disabilities violate the rights that individuals with 63407  
developmental disabilities have under section 5126.046 of the 63408  
Revised Code to obtain home and community-based services, ICF/IID 63409  
services, nonmedicaid residential services, or nonmedicaid 63410  
supported living from qualified and willing providers. The 63411  
department shall provide assistance to an individual with a 63412  
developmental disability who requests assistance with the 63413  
individual's rights under that section if the department is 63414  
notified of a county board's alleged violation of the individual's 63415

rights under that section. 63416

**Sec. 5123.046.** The department of developmental disabilities 63417  
shall review each ~~component of the three calendar year~~ annual plan 63418  
it receives from a county board of developmental disabilities 63419  
under section 5126.054 of the Revised Code and, in consultation 63420  
with the department of job and family services and office of 63421  
budget and management, approve each ~~component~~ plan that includes 63422  
all the information and conditions specified in that section. ~~The~~ 63423  
~~third component of the plan shall be approved or disapproved not~~ 63424  
~~later than forty five days after the third component is submitted~~ 63425  
~~to the department. If the department approves all three components~~ 63426  
~~of the plan, the plan is approved. Otherwise, the plan is~~ 63427  
~~disapproved.~~ If the plan is disapproved, the department shall take 63428  
action against the county board under division (B) of section 63429  
5126.056 of the Revised Code. 63430

In approving plans under this section, the department shall 63431  
ensure that the aggregate of all plans provide for the increased 63432  
enrollment into home and community-based services during each 63433  
state fiscal year of at least five hundred individuals who did not 63434  
receive residential services, supported living, or home and 63435  
community-based services the prior state fiscal year if the 63436  
department has enough additional enrollment available for this 63437  
purpose. 63438

The department shall establish protocols that the department 63439  
shall use to determine whether a county board is complying with 63440  
the programmatic and financial accountability mechanisms and 63441  
achieving outcomes specified in its approved plan. If the 63442  
department determines that a county board is not in compliance 63443  
with the mechanisms or achieving the outcomes specified in its 63444  
approved plan, the department may take action under division (F) 63445  
of section 5126.055 of the Revised Code. 63446

**Sec. 5123.0414.** (A) When the director of developmental disabilities, ~~under section 119.07 of the Revised Code,~~ sends a party a notice by registered or certified mail, return receipt requested, that the director intends to take action against the party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised Code and the notice is returned to the director with an endorsement indicating that the notice was refused or unclaimed, the director shall resend the notice by ordinary mail to the party.

(B) If the original notice was refused, the notice shall be deemed received as of the date the director resends the notice.

(C) If the original notice was unclaimed, the notice shall be deemed received as of the date the director resends the notice unless, not later than thirty days after the date the director sent the original notice, the resent notice is returned to the director for failure of delivery.

If the notice concerns taking action under section 5123.51 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall cause the notice to be published in a newspaper of general circulation in the county of the party's last known residence or business and shall mail a dated copy of the published notice to the party at the last known address. The notice shall be deemed received as of the date of the publication.

If the notice concerns taking action under section 5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall resend the notice to the party a second time. The notice shall be deemed received as of the date

the director resends the notice the second time. 63478

**Sec. 5123.0419.** (A) The director of developmental 63479  
disabilities ~~may~~ shall establish an interagency workgroup on 63480  
autism. The purpose of the workgroup shall be to improve the 63481  
coordination of the state's efforts to address the service needs 63482  
of individuals with autism spectrum disorders and the families of 63483  
those individuals. In fulfilling this purpose, the director may 63484  
enter into interagency agreements with the government entities 63485  
represented by the members of the workgroup. The agreements may 63486  
specify any or all of the following: 63487

(1) The roles and responsibilities of government entities 63488  
that enter into the agreements; 63489

(2) Procedures regarding the receipt, transfer, and 63490  
expenditure of funds necessary to achieve the goals of the 63491  
workgroup; 63492

(3) The projects to be undertaken and activities to be 63493  
performed by the government entities that enter into the 63494  
agreements. 63495

(B) Money received from government entities represented by 63496  
the members of the workgroup shall be deposited into the state 63497  
treasury to the credit of the interagency workgroup on autism 63498  
fund, which is hereby created in the state treasury. Money 63499  
credited to the fund shall be used by the department of 63500  
developmental disabilities solely to support the activities of the 63501  
workgroup. 63502

**Sec. 5123.0424.** (A) As used in this section: 63503

(1) "Official member" means a member of an official workgroup 63504  
who was appointed by the director of developmental disabilities. 63505

(2) "Official workgroup" means a workgroup, task force, 63506

council, committee, or similar entity that has been established by 63507  
the director of developmental disabilities under the director's 63508  
express or implied statutory authority. 63509

(B) Subject to division (C) of this section, the director of 63510  
developmental disabilities may, at the director's discretion, 63511  
provide for an official member of an official workgroup to be 63512  
reimbursed for actual and necessary travel expenses the member 63513  
incurs in the performance of the member's duties on the workgroup, 63514  
including attending the workgroup's meetings, if all of the 63515  
following apply: 63516

(1) The official member serves on the official workgroup as a 63517  
representative of the families of, or advocates for, individuals 63518  
with developmental disabilities; 63519

(2) The official member does not receive reimbursement for 63520  
the travel expenses from any other source; 63521

(3) The official member does not receive wages or other 63522  
compensation from any other source for performing the member's 63523  
duties on the official workgroup; and 63524

(4) No statute prohibits official members of the official 63525  
workgroup from being reimbursed for travel expenses. 63526

(C) The amount the director provides for an official member 63527  
of an official workgroup to be reimbursed under division (B) of 63528  
this section shall not exceed the rates the director of budget and 63529  
management establishes in rules adopted under division (B) of 63530  
section 126.31 of the Revised Code. 63531

**Sec. 5123.0425.** The department of developmental disabilities 63532  
shall make available to the public on its internet web site an 63533  
up-to-date list of all providers of home and community-based 63534  
services, ICF/IID services, nonmedicaid residential services, and 63535  
nonmedicaid supported living. The list of providers of ICF/IID 63536

services shall include the number of each ICF/IID's vacancies 63537  
which such providers shall report to the department. The 63538  
department also shall make available on its internet web site the 63539  
pamphlet developed under section 5124.69 of the Revised Code 63540  
describing all of the items and services covered by medicaid as 63541  
ICF/IID services and as home and community-based services. 63542

**Sec. 5123.081.** (A) As used in this section: 63543

(1)(a) "Applicant" means any of the following: 63544

(i) A person who is under final consideration for appointment 63545  
to or employment with the department of developmental disabilities 63546  
or a county board of developmental disabilities; 63547

(ii) A person who is being transferred to the department or a 63548  
county board; 63549

(iii) An employee who is being recalled to or reemployed by 63550  
the department or a county board after a layoff; 63551

(iv) A person under final consideration for a direct services 63552  
position with a provider or subcontractor. 63553

(b) Neither of the following is an applicant: 63554

(i) A person who is employed by a responsible entity in a 63555  
position for which a criminal records check is required by this 63556  
section and either is being considered for a different position 63557  
with the responsible entity or is returning after a leave of 63558  
absence or seasonal break in employment, unless the responsible 63559  
entity has reason to believe that the person has committed a 63560  
disqualifying offense; 63561

(ii) A person who is to provide only respite care under a 63562  
family support services program established under section 5126.11 63563  
of the Revised Code if a family member of the individual with a 63564  
developmental disability who is to receive the respite care 63565

selects the person. 63566

(2) "Criminal records check" has the same meaning as in 63567  
section 109.572 of the Revised Code. 63568

(3) "Direct services position" means an employment position 63569  
in which the employee has the opportunity to be alone with or 63570  
exercises supervision or control over one or more individuals with 63571  
developmental disabilities. 63572

(4) "Disqualifying offense" means any of the offenses listed 63573  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 63574  
the Revised Code. 63575

(5)(a) "Employee" means either of the following: 63576

(i) A person appointed to or employed by the department of 63577  
developmental disabilities or a county board of developmental 63578  
disabilities; 63579

(ii) A person employed in a direct services position by a 63580  
provider or subcontractor. 63581

(b) "Employee" does not mean a person who provides only 63582  
respite care under a family support services program established 63583  
under section 5126.11 of the Revised Code if a family member of 63584  
the individual with a developmental disability who receives the 63585  
respite care selected the person. 63586

(6) "Minor drug possession offense" has the same meaning as 63587  
in section 2925.01 of the Revised Code. 63588

(7) "Provider" means a person that provides specialized 63589  
services to individuals with developmental disabilities and 63590  
employs one or more persons in direct services positions. 63591

(8) "Responsible entity" means the following: 63592

(a) The department of developmental disabilities in the case 63593  
of either of the following: 63594

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the department.

(b) A county board of developmental disabilities in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the county board.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;

(ii) A person who is an employee because the person is employed in a direct services position by the provider.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;

(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of

developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been

convicted of, pleaded guilty to, or been found eligible for 63655  
intervention in lieu of conviction for a disqualifying offense. 63656  
The responsible entity also shall require the applicant to sign an 63657  
agreement under which the applicant agrees to notify the 63658  
responsible entity within fourteen calendar days if, while 63659  
employed by the responsible entity, the applicant is formally 63660  
charged with, is convicted of, pleads guilty to, or is found 63661  
eligible for intervention in lieu of conviction for a 63662  
disqualifying offense. The agreement shall provide that the 63663  
applicant's failure to provide the notification may result in 63664  
termination of the applicant's employment. 63665

(D)(1) As a condition of employing any applicant in a 63666  
position for which a criminal records check is required by this 63667  
section, a responsible entity shall request the superintendent of 63668  
the bureau of criminal identification and investigation to conduct 63669  
a criminal records check of the applicant. If rules adopted under 63670  
this section require an employee to undergo a criminal records 63671  
check, a responsible entity shall request the superintendent to 63672  
conduct a criminal records check of the employee at times 63673  
specified in the rules as a condition of the responsible entity's 63674  
continuing to employ the employee in a position for which a 63675  
criminal records check is required by this section. If an 63676  
applicant or employee does not present proof that the applicant or 63677  
employee has been a resident of this state for the five-year 63678  
period immediately prior to the date upon which the criminal 63679  
records check is requested, the responsible entity shall request 63680  
that the superintendent obtain information from the federal bureau 63681  
of investigation as a part of the criminal records check. If the 63682  
applicant or employee presents proof that the applicant or 63683  
employee has been a resident of this state for that five-year 63684  
period, the responsible entity may request that the superintendent 63685  
include information from the federal bureau of investigation in 63686  
the criminal records check. For purposes of this division, an 63687

applicant or employee may provide proof of residency in this state 63688  
by presenting, with a notarized statement asserting that the 63689  
applicant or employee has been a resident of this state for that 63690  
five-year period, a valid driver's license, notification of 63691  
registration as an elector, a copy of an officially filed federal 63692  
or state tax form identifying the applicant's or employee's 63693  
permanent residence, or any other document the responsible entity 63694  
considers acceptable. 63695

(2) A responsible entity shall do all of the following: 63696

(a) Provide to each applicant and employee for whom a 63697  
criminal records check is required by this section a copy of the 63698  
form prescribed pursuant to division (C)(1) of section 109.572 of 63699  
the Revised Code and a standard impression sheet to obtain 63700  
fingerprint impressions prescribed pursuant to division (C)(2) of 63701  
section 109.572 of the Revised Code; 63702

(b) Obtain the completed form and standard impression sheet 63703  
from the applicant or employee; 63704

(c) Forward the completed form and standard impression sheet 63705  
to the superintendent at the time the criminal records check is 63706  
requested. 63707

(3) Any applicant or employee who receives pursuant to this 63708  
division a copy of the form prescribed pursuant to division (C)(1) 63709  
of section 109.572 of the Revised Code and a copy of the standard 63710  
impression sheet prescribed pursuant to division (C)(2) of that 63711  
section and who is requested to complete the form and provide a 63712  
set of the applicant's or employee's fingerprint impressions shall 63713  
complete the form or provide all the information necessary to 63714  
complete the form and shall provide the standard impression sheet 63715  
with the impressions of the applicant's or employee's 63716  
fingerprints. 63717

(4) A responsible entity shall pay to the bureau of criminal 63718

identification and investigation the fee prescribed pursuant to 63719  
division (C)(3) of section 109.572 of the Revised Code for each 63720  
criminal records check requested and conducted pursuant to this 63721  
section. 63722

(E) A responsible entity may request any other state or 63723  
federal agency to supply the responsible entity with a written 63724  
report regarding the criminal record of an applicant or employee. 63725  
If an employee holds an occupational or professional license or 63726  
other credentials, the responsible entity may request that the 63727  
state or federal agency that regulates the employee's occupation 63728  
or profession supply the responsible entity with a written report 63729  
of any information pertaining to the employee's criminal record 63730  
that the agency obtains in the course of conducting an 63731  
investigation or in the process of renewing the employee's license 63732  
or other credentials. The responsible entity may consider the 63733  
reports when determining whether to employ the applicant or to 63734  
continue to employ the employee. 63735

(F) As a condition of employing an applicant in a position 63736  
for which a criminal records check is required by this section and 63737  
that involves transporting individuals with developmental 63738  
disabilities or operating a responsible entity's vehicles for any 63739  
purpose, the responsible entity shall obtain the applicant's 63740  
driving record from the bureau of motor vehicles. If rules adopted 63741  
under this section require a responsible entity to obtain an 63742  
employee's driving record, the responsible entity shall obtain the 63743  
employee's driving record from the bureau at times specified in 63744  
the rules as a condition of continuing to employ the employee. The 63745  
responsible entity may consider the applicant's or employee's 63746  
driving record when determining whether to employ the applicant or 63747  
to continue to employ the employee. 63748

(G) A responsible entity may employ an applicant 63749  
conditionally pending receipt of a report regarding the applicant 63750

requested under this section. The responsible entity shall request 63751  
the report before employing the applicant conditionally. The 63752  
responsible entity shall terminate the applicant's employment if 63753  
it is determined from a report that the applicant failed to inform 63754  
the responsible entity that the applicant had been convicted of, 63755  
pleaded guilty to, or been found eligible for intervention in lieu 63756  
of conviction for a disqualifying offense. 63757

(H) A responsible entity may charge an applicant a fee for 63758  
costs the responsible entity incurs in obtaining a report 63759  
regarding the applicant under this section if the responsible 63760  
entity notifies the applicant of the amount of the fee at the time 63761  
of the applicant's initial application for employment and that, 63762  
unless the fee is paid, the responsible entity will not consider 63763  
the applicant for employment. The fee shall not exceed the amount 63764  
of the fee, if any, the responsible entity pays for the report. 63765

(I)(1) Any report obtained pursuant to this section is not a 63766  
public record for purposes of section 149.43 of the Revised Code 63767  
and shall not be made available to any person, other than the 63768  
following: 63769

(a) The applicant or employee who is the subject of the 63770  
report or the applicant's or employee's representative; 63771

(b) The responsible entity that requested the report or its 63772  
representative; 63773

(c) The department if a county board, provider, or 63774  
subcontractor is the responsible entity that requested the report 63775  
and the department requests the responsible entity to provide a 63776  
copy of the report to the department; 63777

(d) A county board if a provider or subcontractor is the 63778  
responsible entity that requested the report and the county board 63779  
requests the responsible entity to provide a copy of the report to 63780  
the county board; 63781

(e) Any court, hearing officer, or other necessary individual 63782  
involved in a case dealing with any of the following: 63783

(i) The denial of employment to the applicant or employee; 63784

(ii) The denial, suspension, or revocation of a certificate 63785  
under section 5123.166 or 5123.45 of the Revised Code; 63786

(iii) A civil or criminal action regarding the medicaid 63787  
program or a program the department administers. 63788

(2) An applicant or employee for whom the responsible entity 63789  
has obtained reports under this section may submit a written 63790  
request to the responsible entity to have copies of the reports 63791  
sent to any state agency, entity of local government, or private 63792  
entity. The applicant or employee shall specify in the request the 63793  
agencies or entities to which the copies are to be sent. On 63794  
receiving the request, the responsible entity shall send copies of 63795  
the reports to the agencies or entities specified. 63796

(3) A responsible entity may request that a state agency, 63797  
entity of local government, or private entity send copies to the 63798  
responsible entity of any report regarding a records check or 63799  
criminal records check that the agency or entity possesses, if the 63800  
responsible entity obtains the written consent of the individual 63801  
who is the subject of the report. 63802

(4) A responsible entity shall provide each applicant and 63803  
employee with a copy of any report obtained about the applicant or 63804  
employee under this section. 63805

(J) The director of developmental disabilities shall adopt 63806  
rules in accordance with Chapter 119. of the Revised Code to 63807  
implement this section. 63808

(1) The rules may do the following: 63809

(a) Require employees to undergo criminal records checks 63810  
under this section; 63811

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do ~~both~~ all of the following:

(a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;

(b) Specify circumstances under which a responsible entity may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director;

(c) Require a responsible entity to request a criminal records check under this section before employing an applicant conditionally as permitted under division (G) of this section.

**Sec. 5123.092.** (A) There is hereby established at each institution and branch institution under the control of the department of developmental disabilities a citizen's advisory council ~~consisting. Each council shall consist of thirteen seven~~ members. ~~At least seven of the members shall be persons who are not providers of services for persons with developmental disabilities. Each council shall include, including~~ parents or other relatives of residents of institutions under the control of the department, community leaders, professional persons in

relevant fields, and persons who have an interest in or knowledge 63842  
of developmental disabilities. The managing officer of the 63843  
institution shall be a nonvoting member of the council. 63844

(B) The director of developmental disabilities shall be the 63845  
appointing authority for the voting members of each citizen's 63846  
advisory council. Each time the term of a voting member expires, 63847  
the ~~remaining members of the council~~ managing officer of the 63848  
institution with which the council is associated shall recommend 63849  
to the director one or more persons to serve on the council. The 63850  
director may accept a nominee of the ~~council~~ managing officer or 63851  
reject the nominee or nominees. If the director rejects the 63852  
nominee or nominees, the ~~remaining members of the advisory council~~ 63853  
managing officer shall further recommend to the director one or 63854  
more other persons to serve on the ~~advisory~~ council. This 63855  
procedure shall continue until a member is appointed to the 63856  
~~advisory~~ council. 63857

~~Each advisory council shall elect from its appointed members 63858  
a chairperson, vice chairperson, and a secretary to serve for 63859  
terms of one year. Advisory council officers shall not serve for 63860  
more than two consecutive terms in the same office. A majority of 63861  
the advisory council members constitutes a quorum. 63862~~

~~(C)~~ Terms of office shall be for three years, each term 63863  
ending on the same day of the same month of the year as did the 63864  
term which it succeeds. No member shall serve more than two 63865  
consecutive terms, except that any former member may be appointed 63866  
if one year or longer has elapsed since the member served two 63867  
consecutive terms. Each member shall hold office from the date of 63868  
appointment until the end of the term for which the member was 63869  
appointed. Any vacancy shall be filled in the same manner in which 63870  
the original appointment was made, and the appointee to a vacancy 63871  
in an unexpired term shall serve the balance of the term of the 63872

original appointee. Any member shall continue in office subsequent 63873  
to the expiration date of the member's term until the member's 63874  
successor takes office, or until a period of sixty days has 63875  
elapsed, whichever occurs first. 63876

(C) Each citizen's advisory council shall elect from its 63877  
appointed members a chairperson, vice-chairperson, and secretary. 63878  
A person elected to an office may serve in that position until the 63879  
person is no longer a member of the council. 63880

~~(D) Members of a citizen's advisory council shall be expected 63881  
to attend all meetings of the advisory council. Unexcused absence 63882  
from two successive regularly scheduled meetings shall be 63883  
considered prima facie evidence of intent not to continue as a 63884  
member. The chairperson of the board shall, after a member has 63885  
been absent for two successive regularly scheduled meetings, 63886  
direct a letter to the member asking if the member wishes to 63887  
remain in membership. If an affirmative reply is received, the 63888  
member shall be retained as a member except that, if, after having 63889  
expressed a desire to remain a member, the member then misses a 63890  
third successive regularly scheduled meeting without being 63891  
excused, the chairperson shall terminate the member's membership. 63892  
A majority of the members constitutes a quorum. 63893~~

~~(E) A citizen's advisory council shall meet six times 63894  
annually, or more frequently if three council members request the 63895  
chairperson to call a meeting. The council shall keep minutes of 63896  
each meeting and shall submit them to the managing officer of the 63897  
institution with which the council is associated and the 63898  
department of developmental disabilities. 63899~~

~~(F)~~(E) Members of citizen's advisory councils shall receive 63900  
no compensation for their services, except that they shall be 63901  
reimbursed for their actual and necessary expenses incurred in the 63902  
performance of their official duties by the institution with which 63903  
they are associated from funds allocated to it, provided that 63904

reimbursement for those expenses shall not exceed limits imposed 63905  
upon the department of developmental disabilities by 63906  
administrative rules regulating travel within this state. 63907

~~(G)~~(F) The councils shall have reasonable access to all 63908  
patient treatment and living areas and records of the institution, 63909  
except those records of a strictly personal or confidential 63910  
nature. The councils shall have access to a patient's personal 63911  
records with the consent of the patient or the patient's legal 63912  
guardian or, if the patient is a minor, with the consent of the 63913  
parent or legal guardian of the patient. 63914

~~(H)~~(G) As used in this section, "branch institution" means a 63915  
facility that is located apart from an institution and is under 63916  
the control of the managing officer of the institution. 63917

**Sec. 5123.166.** (A) If good cause exists as specified in 63918  
division (B) of this section and determined in accordance with 63919  
procedures established in rules adopted under section 5123.1611 of 63920  
the Revised Code, the director of developmental disabilities may 63921  
issue an adjudication order requiring that one or more of the 63922  
following actions be taken against a person or government entity 63923  
seeking or holding a supported living certificate: 63924

(1) Refusal to issue or renew a supported living certificate; 63925

(2) Revocation of a supported living certificate; 63926

(3) Suspension of a supported living certificate holder's 63927  
authority to do ~~either or both~~ any of the following: 63928

(a) Continue to provide supported living to one or more 63929  
individuals ~~from one or more counties~~ who receive supported living 63930  
from the certificate holder at the time the director takes the 63931  
action; 63932

(b) Begin to provide supported living to one or more 63933  
individuals ~~from one or more counties~~ who do not receive supported 63934

living from the certificate holder at the time the director takes	63935
the action;	63936
<u>(c) Expand or add supported living services to one or more</u>	63937
<u>individuals who receive supported living from the certificate</u>	63938
<u>holder at the time the director takes action.</u>	63939
(B) The following constitute good cause for taking action	63940
under division (A) of this section against a person or government	63941
entity seeking or holding a supported living certificate:	63942
(1) The person or government entity's failure to meet or	63943
continue to meet the applicable certification standards	63944
established in rules adopted under section 5123.1611 of the	63945
Revised Code;	63946
(2) The person or government entity violates section 5123.165	63947
of the Revised Code;	63948
(3) The person or government entity's failure to satisfy the	63949
requirements of section 5123.081 or 5123.52 of the Revised Code;	63950
(4) Misfeasance;	63951
(5) Malfeasance;	63952
(6) Nonfeasance;	63953
(7) Confirmed abuse or neglect;	63954
(8) Financial irresponsibility;	63955
(9) Other conduct the director determines is or would be	63956
injurious to individuals who receive or would receive supported	63957
living from the person or government entity.	63958
(C) Except as provided in division (D) of this section, the	63959
director shall issue an adjudication order under division (A) of	63960
this section in accordance with Chapter 119. of the Revised Code.	63961
(D)(1) The director may issue an order requiring that action	63962
specified in division (A)(3) of this section be taken before a	63963

provider is provided notice and an opportunity for a hearing if 63964  
all of the following are the case: 63965

(a) The director determines such action is warranted by the 63966  
provider's failure to continue to meet the applicable 63967  
certification standards; 63968

(b) The director determines that the failure either 63969  
represents a pattern of serious noncompliance or creates a 63970  
substantial risk to the health or safety of an individual who 63971  
receives or would receive supported living from the provider+ 63972

(c) If the order will suspend the provider's authority to 63973  
continue to provide supported living to an individual who receives 63974  
supported living from the provider at the time the director issues 63975  
the order, both of the following are the case: 63976

(i) The director makes the individual, or the individual's 63977  
guardian, aware of the director's determination under division 63978  
(D)(1)(b) of this section and the individual or guardian does not 63979  
select another provider. 63980

(ii) A county board of developmental disabilities has filed a 63981  
complaint with a probate court under section 5126.33 of the 63982  
Revised Code that includes facts describing the nature of abuse or 63983  
neglect that the individual has suffered due to the provider's 63984  
actions that are the basis for the director making the 63985  
determination under division (D)(1)(b) of this section and the 63986  
probate court does not issue an order authorizing the county board 63987  
to arrange services for the individual pursuant to an 63988  
individualized service plan developed for the individual under 63989  
section 5126.31 of the Revised Code. 63990

(2) If the director issues an order under division (D)(1) of 63991  
this section, sections 119.091 to 119.13 of the Revised Code and 63992  
all of the following apply: 63993

(a) The director shall send the provider notice of the order 63994

by ~~registered~~ certified mail, return receipt requested, not later 63995  
than twenty-four hours after issuing the order and shall include 63996  
in the notice the reasons for the order, the citation to the law 63997  
or rule directly involved, and a statement that the provider will 63998  
be afforded a hearing if the provider requests it in writing 63999  
within ten days of the time of receiving the notice. 64000

(b) If the provider requests a hearing within the required 64001  
time and the provider has provided the director the provider's 64002  
current address, the director shall immediately set, and notify 64003  
the provider of, the date, time, and place for the hearing. If the 64004  
provider's written request for a hearing includes a request that 64005  
the hearing be held not later than thirty days after the director 64006  
receives the provider's timely request for the hearing, the date 64007  
set for the hearing by the director shall be within thirty days. 64008

~~(c) The date of the hearing shall be not later than thirty 64009  
days after the director receives the provider's timely request for 64010  
the hearing. 64011~~

~~(d)~~(c) The hearing shall be conducted in accordance with 64012  
section 119.09 of the Revised Code, except for all of the 64013  
following: 64014

(i) The hearing shall continue uninterrupted until its close, 64015  
except for weekends, legal holidays, and other interruptions the 64016  
provider and director agree to. 64017

(ii) If the director appoints a referee or examiner to 64018  
conduct the hearing, the referee or examiner, not later than ten 64019  
days after the date the referee or examiner receives a transcript 64020  
of the testimony and evidence presented at the hearing or, if the 64021  
referee or examiner does not receive the transcript or no such 64022  
transcript is made, the date that the referee or examiner closes 64023  
the record of the hearing, shall submit to the director a written 64024  
report setting forth the referee or examiner's findings of fact 64025

and conclusions of law and a recommendation of the action the director should take. 64026  
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(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation. 64028  
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(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record. 64034  
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(3) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director. 64040  
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(4) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case: 64046  
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(a) The provider provides the director a plan of compliance the director determines is acceptable. 64048  
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(b) The director determines that the provider has implemented the plan of compliance correctly. 64050  
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**Sec. 5123.1612.** (A) The director of developmental disabilities may issue a summary order suspending a supported living certificate holder's authority to provide supported living to one or more identified individuals if the director determines 64052  
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that both of the following are the case: 64056

(1) The certificate holder's noncompliance with one or more requirements of this chapter or the rules adopted under it causes or presents an immediate danger of causing serious injury, harm, impairment, or death to the individual or individuals; 64057  
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(2) The certificate holder does not remove the conditions that caused or presented an immediate danger of causing serious injury, harm, impairment, or death to the individual or individuals before the order is issued. 64061  
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(B) An order issued under division (A) of this section applies only to the individual or individuals the director determines experienced or are in immediate danger of experiencing serious injury, harm, impairment, or death. An order issued under division (A) of this section takes immediate effect upon notification to the certificate holder. The county board of developmental disabilities for the county where the individual or individuals reside shall arrange for an alternative method of providing services to the individual or individuals until the order is lifted under division (E) of this section. 64065  
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(C) The director shall notify, by telephone, the certificate holder and the county board of developmental disabilities for the county where the individual or individuals reside of the order immediately after issuing it. The director also shall provide written notice of the order by electronic or regular mail. Both the telephone notice and the written notice to the certificate holder shall inform the certificate holder of the right to request a reconsideration of the order under division (D) of this section. 64075  
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(D) A certificate holder who is subject to an order issued under division (A) of this section may request that the director reconsider the order within twenty-four hours after receiving the telephone notice under division (C) of this section. The director 64083  
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shall reconsider the order within twenty-four hours after 64087  
receiving the request. At the certificate holder's option, the 64088  
reconsideration may be conducted by an in-person meeting, 64089  
telephone, or review of the certificate holder's written 64090  
submission that accompanies the request. The director shall issue 64091  
a decision on the reconsideration within twenty-four hours 64092  
following the conclusion of the meeting, telephone conversation, 64093  
or review of a written submission. 64094

(E) The director shall lift an order issued under division 64095  
(A) of this section if the director determines that the 64096  
certificate holder has removed the conditions that led to the 64097  
order and that the conditions will not recur. 64098

(F) An order issued under division (A) of this section does 64099  
not constitute an action against the holder of a supported living 64100  
certificate described in section 5123.166 of the Revised Code and 64101  
is not subject to that section or to Chapter 119. of the Revised 64102  
Code. 64103

(G) The director's issuance of an order under division (A) of 64104  
this section does not preclude the director from taking any other 64105  
action against the holder of a supported living certificate 64106  
described in section 5123.166 of the Revised Code. 64107

**Sec. 5123.691.** (A) As used in this section, "mental illness" 64108  
has the same meaning as in section 5122.01 of the Revised Code. 64109

(B) The managing officer of an institution, with the 64110  
concurrence of the chief program director, may admit into a 64111  
specialized treatment unit for minors a minor ages ten to 64112  
seventeen who is in behavior crisis and has serious behavioral 64113  
challenges if one of the following applies: 64114

(1) The minor has an intellectual disability. 64115

(2) The minor has autism spectrum disorder. 64116

(3) The minor has a dual diagnosis of an intellectual disability and mental illness. 64117  
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(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness. 64119  
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(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor. 64121  
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(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit. 64124  
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(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit. 64127  
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(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days. 64134  
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(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit beyond one year. 64137  
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(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian. 64145  
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(F) The managing officer of an institution may discharge a 64148  
minor from a specialized treatment unit in accordance with 64149  
division (C) of section 5123.69 of the Revised Code. The uniform 64150  
procedures of discharge established by rules adopted under 64151  
division (G)(7) of section 5123.19 of the Revised Code shall not 64152  
apply to the discharge of a minor from a specialized treatment 64153  
unit. 64154

**Sec. 5124.15.** (A) Except as otherwise provided by section 64155  
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 64156  
Revised Code, and divisions (D) and (E) of this section, the total 64157  
per medicaid day payment rate that the department of developmental 64158  
disabilities shall pay to an ICF/IID provider for ICF/IID services 64159  
the provider's ICF/IID provides during a fiscal year shall equal 64160  
the following: 64161

(1) Until July 1, 2021, the greater of the total per medicaid 64162  
day payment rates determined under divisions (B) and (C) of this 64163  
section; 64164

(2) Beginning July 1, 2021, the total per medicaid day 64165  
payment rate determined under division (B) of this section. 64166

(B) The total per medicaid day payment rate determined under 64167  
this division is the sum of all of the following: 64168

(1) The per medicaid day capital component rate determined 64169  
for the ICF/IID under section 5124.17 of the Revised Code; 64170

(2) The per medicaid day direct care costs component rate 64171  
determined for the ICF/IID under section 5124.19 of the Revised 64172  
Code; 64173

(3) The per medicaid day indirect care costs component rate 64174  
determined for the ICF/IID under section 5124.21 of the Revised 64175  
Code; 64176

(4) The per medicaid day other protected costs component rate 64177

determined for the ICF/IID under section 5124.23 of the Revised Code;	64178 64179
(5) Until July 1, <del>2020</del> <u>2021</u> , a direct support personnel payment equal to three and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	64180 64181 64182 64183
(6) Beginning July 1, <del>2020</del> <u>2021</u> , the <u>sum of the following:</u>	64184
(a) <u>The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;</u>	64185 64186
(b) <u>A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</u>	64187 64188 64189 64190
(C) The total per medicaid day payment rate determined under this division is the sum of all of the following:	64191 64192
(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.171 of the Revised Code;	64193 64194 64195
(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.195 of the Revised Code;	64196 64197 64198
(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.211 of the Revised Code;	64199 64200 64201
(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.231 of the Revised Code;	64202 64203 64204
(5) A direct support personnel payment equal to three and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable	64205 64206 64207

cost report year. 64208

(D) The total per medicaid day payment rate for the following 64209  
shall not exceed the average total per medicaid day payment rate 64210  
in effect on July 1, 2013, for developmental centers: 64211

(1) An ICF/IID that is in peer group 5-A for the purpose of 64212  
the total per medicaid day payment rate determined under division 64213  
(B) of this section; 64214

(2) An ICF/IID that is in peer group 3-B for the purpose of 64215  
the total per medicaid day payment rate determined under division 64216  
(C) of this section. 64217

(E) The department shall adjust the total per medicaid day 64218  
payment rate otherwise determined for an ICF/IID under divisions 64219  
(B) and (C) of this section as directed by the general assembly 64220  
through the enactment of law governing medicaid payments to 64221  
ICF/IID providers. 64222

(F)(1) In addition to paying an ICF/IID provider the total 64223  
per medicaid day payment rate determined for the provider's 64224  
ICF/IID under divisions (B), (C), (D), and (E) of this section for 64225  
a fiscal year, the department, ~~in~~ may do either or both of the 64226  
following: 64227

(a) In accordance with section 5124.25 of the Revised Code, 64228  
~~may~~ pay the provider a rate add-on for ventilator-dependent 64229  
outlier ICF/IID services if the rate add-on is to be paid under 64230  
that section and the department approves the provider's 64231  
application for the rate add-on; 64232

(b) In accordance with section 5124.26 of the Revised Code, 64233  
pay the provider for outlier ICF/IID services the ICF/IID provides 64234  
to residents identified as needing intensive behavioral health 64235  
support services if the rate add-on is to be paid under that 64236  
section and the department approves the provider's application for 64237  
the rate add-on. The 64238

~~(2) The rate add-on is~~ add-ons are not to be part of the 64239  
ICF/IID's total per medicaid day payment rate. 64240

**Sec. 5124.24.** (A) For fiscal year ~~2021~~ 2022 and each fiscal 64241  
year thereafter, the department of developmental disabilities 64242  
shall determine in accordance with division (C) of this section a 64243  
per medicaid day quality incentive payment for each ICF/IID that 64244  
earns for the fiscal year at least one point under division (B) of 64245  
this section. 64246

(B) Each fiscal year beginning with fiscal year ~~2021~~ 2022, 64247  
the department, in accordance with rules authorized by this 64248  
section, shall award to an ICF/IID points for ~~the following~~ 64249  
quality indicators the ICF/IID meets for the fiscal year: 64250

~~(1) The ICF/IID created and promoted diverse opportunities 64251  
for its residents to participate in the broader community in the 64252  
applicable cost report year. 64253~~

~~(2) The ICF/IID offers its residents multiple opportunities 64254  
for off-site day programming activities, including 64255  
resident specific activities. 64256~~

~~(3) All of the ICF/IID's residents who are least eighteen 64257  
years of age and interested in employment have an identified place 64258  
on the path to community employment specified in rules adopted 64259  
under section 5123.022 of the Revised Code. 64260~~

~~(4) The ICF/IID has an active advocacy group that is driven 64261  
by its residents or fosters its residents' participation in a 64262  
community-wide group. 64263~~

~~(5) The ICF/IID meets both of the following standards: 64264~~

~~(a) The ICF/IID's bedrooms are designed and arranged to 64265  
enhance privacy, promote personalization, and meet its residents' 64266  
needs: 64267~~

~~(b) The ICF/IID encourages residents to bring to the ICF/IID 64268~~

<del>their own home and room decor.</del>	64269
<del>(6) The ICF/IID has and follows a policy specifying how it seeks direction from its residents.</del>	64270 64271
<del>(7) The ICF/IID has a policy for doing both of the following:</del>	64272
<del>(a) Evaluating each hospital emergency department visit by its residents to identify precipitating factors that led to the visit;</del>	64273 64274 64275
<del>(b) Developing a plan to mitigate any identified precipitating factors.</del>	64276 64277
<del>(8) The ICF/IID has adopted the recommendations for resident health screenings that the department publishes on its web site.</del>	64278 64279
<del>(9) Each month, the ICF/IID offers at least the number of wellness and fitness activities specified for this purpose in rules authorized by this section.</del>	64280 64281 64282
<del>(10) The number of the ICF/IID's staff who were trained in positive behavior support strategies, trauma informed care, and similar topics in the applicable cost report year is at least the number specified for this purpose in rules authorized by this section.</del>	64283 64284 64285 64286 64287
<del>(11) Members of the ICF/IID's staff are involved in orienting and mentoring new staff.</del>	64288 64289
<del>(12) The ICF/IID's ratio of direct care staff to residents is at least the ratio specified for this purpose in rules authorized by this section.</del>	64290 64291 64292
<del>(13) The ICF/IID's direct care staff retention percentage is at least the percentage specified for this purpose in rules authorized by this section. <u>The quality indicators used under this division shall be based on the recommendations contained in the report submitted to the director of developmental disabilities by the ICF/IID quality indicators workgroups established by Section</u></del>	64293 64294 64295 64296 64297 64298

<u>261.... of this act.</u>	64299
(C) An ICF/IID's per medicaid day quality incentive payment for a fiscal year shall be the product of the following:	64300 64301
(1) The relative weight point value for the fiscal year as determined under division (D) of this section;	64302 64303
(2) The number of points the ICF/IID was awarded under division <del>(C)</del> (B) of this section for the fiscal year.	64304 64305
(D) The relative weight point value for a fiscal year shall be determined as follows:	64306 64307
(1) For each ICF/IID, determine the product of the following:	64308
(a) The number of inpatient days the ICF/IID had for the applicable cost report year;	64309 64310
(b) The number of points the ICF/IID was awarded under division <del>(C)</del> (B) of this section for the fiscal year.	64311 64312
(2) Determine the sum of all of the products determined under division (D)(1) of this section for the fiscal year;	64313 64314
(3) Determine the amount equal to <del>three and four hundredths</del> <u>one</u> per cent of the total desk-reviewed, actual, allowable direct care costs of all ICFs/IID for the applicable cost report year;	64315 64316 64317
(4) Divide the amount determined under division (D)(3) of this section by the sum determined under division (D)(2) of this section.	64318 64319 64320
(E) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including rules that specify or establish all of the following:	64321 64322 64323 64324
(1) The data needed for the department to determine whether an ICF/IID meets the quality indicators specified in division (B) of this section, the medium through which a report of the data is	64325 64326 64327

to be submitted to the department, and the date by which the 64328  
report of the data must be submitted to the department; 64329

(2) Satisfactory evidence needed to determine that an ICF/IID 64330  
has met the quality indicators; 64331

(3) The method by which ICFs/IID are to be awarded points 64332  
under division (B) of this section and the number of points that 64333  
each quality indicator is worth based on the quality indicator's 64334  
relative importance compared to the other quality indicators. 64335

Sec. 5124.26. (A) Subject to division (D) of this section, 64336  
the department of developmental disabilities may pay a medicaid 64337  
rate add-on to an ICF/IID provider for outlier ICF/IID services 64338  
the ICF/IID provides to residents identified as needing intensive 64339  
behavioral support services, if the provider applies to the 64340  
department to receive the rate add-on and the department approves 64341  
the application. The department may approve a provider's 64342  
application if both of the following apply: 64343

(1) The provider submits to the department a best practices 64344  
protocol for providing outlier ICF/IID services under this section 64345  
and the department determines that the protocol is acceptable; 64346

(2) The provider meets all other eligibility requirements for 64347  
the rate add-on established in rules adopted under section 5124.03 64348  
of the Revised Code. 64349

(B) An ICF/IID that has been approved by the department to 64350  
provide outlier ICF/IID services under this section shall provide 64351  
the services in accordance with both of the following: 64352

(1) The best practices protocol described in division (A)(1) 64353  
of this section; 64354

(2) Requirements regarding the services established in rules 64355  
adopted under section 5124.03 of the Revised Code. 64356

(C) To qualify to receive outlier ICF/IID services from an 64357

ICF/IID under this section, a resident of the ICF/IID must be a  
medicaid recipient, be determined to need intensive behavioral  
support services, and meet all other eligibility requirements  
established in rules adopted under section 5124.03 of the Revised  
Code.

(D) The department shall negotiate with the department of  
medicaid the amount of the medicaid payment rate add-on, if any,  
to be paid under this section or the method by which that amount  
is to be determined.

**Sec. 5126.01.** As used in this chapter: 64367

(A) As used in this division, "adult" means an individual who  
is eighteen years of age or over and not enrolled in a program or  
service under Chapter 3323. of the Revised Code and an individual  
sixteen or seventeen years of age who is eligible for adult  
services under rules adopted by the director of developmental  
disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult  
outside the home, except when they are provided within the home  
according to an individual's assessed needs and identified in an  
individual service plan, that support learning and assistance in  
the area of self-care, sensory and motor development,  
socialization, daily living skills, communication, community  
living, social skills, or vocational skills.

(2) "Adult services" includes all of the following: 64381

(a) Adult day habilitation services; 64382

(b) Employment services; 64383

(c) Educational experiences and training obtained through  
entities and activities that are not expressly intended for  
individuals with developmental disabilities, including trade  
schools, vocational or technical schools, adult education, job

exploration and sampling, unpaid work experience in the community, 64388  
volunteer activities, and spectator sports. 64389

(B)(1) "Adult day habilitation services" means adult services 64390  
that do the following: 64391

(a) Provide access to and participation in typical activities 64392  
and functions of community life that are desired and chosen by the 64393  
general population, including such activities and functions as 64394  
opportunities to experience and participate in community 64395  
exploration, companionship with friends and peers, leisure 64396  
activities, hobbies, maintaining family contacts, community 64397  
events, and activities where individuals without disabilities are 64398  
involved; 64399

(b) Provide supports or a combination of training and 64400  
supports that afford an individual a wide variety of opportunities 64401  
to facilitate and build relationships and social supports in the 64402  
community. 64403

(2) "Adult day habilitation services" includes all of the 64404  
following: 64405

(a) Personal care services needed to ensure an individual's 64406  
ability to experience and participate in vocational services, 64407  
educational services, community activities, and any other adult 64408  
day habilitation services; 64409

(b) Skilled services provided while receiving adult day 64410  
habilitation services, including such skilled services as behavior 64411  
management intervention, occupational therapy, speech and language 64412  
therapy, physical therapy, and nursing services; 64413

(c) Training and education in self-determination designed to 64414  
help the individual do one or more of the following: develop 64415  
self-advocacy skills, exercise the individual's civil rights, 64416  
acquire skills that enable the individual to exercise control and 64417  
responsibility over the services received, and acquire skills that 64418

enable the individual to become more independent, integrated, or 64419  
productive in the community; 64420

(d) Recreational and leisure activities identified in the 64421  
individual's service plan as therapeutic in nature or assistive in 64422  
developing or maintaining social supports; 64423

(e) Transportation necessary to access adult day habilitation 64424  
services; 64425

(f) Habilitation management, as described in section 5126.14 64426  
of the Revised Code. 64427

(3) "Adult day habilitation services" does not include 64428  
activities that are components of the provision of residential 64429  
services, family support services, or supported living services. 64430

(C) "Appointing authority" means the following: 64431

(1) In the case of a member of a county board of 64432  
developmental disabilities appointed by, or to be appointed by, a 64433  
board of county commissioners, the board of county commissioners; 64434

(2) In the case of a member of a county board appointed by, 64435  
or to be appointed by, a senior probate judge, the senior probate 64436  
judge. 64437

(D) "Community employment," "competitive employment," and 64438  
"integrated setting" have the same meanings as in section 5123.022 64439  
of the Revised Code. 64440

(E) "Supported employment services" means vocational 64441  
assessment, job training and coaching, job development and 64442  
placement, worksite accessibility, and other services related to 64443  
employment outside a sheltered workshop. "Supported employment 64444  
services" includes both of the following: 64445

(1) Job training resulting in the attainment of community 64446  
employment, supported work in a typical work environment, or 64447  
self-employment; 64448

(2) Support for ongoing community employment, supported work at community-based sites, or self-employment.	64449 64450
(F) "Developmental disability" means a severe, chronic disability that is characterized by all of the following:	64451 64452
(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;	64453 64454 64455 64456
(2) It is manifested before age twenty-two;	64457
(3) It is likely to continue indefinitely;	64458
(4) It results in one of the following:	64459
(a) In the case of a person under age three, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules;	64460 64461 64462 64463 64464
(b) In the case of a person at least age three but under age six, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code;	64465 64466 64467
(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.	64468 64469 64470 64471 64472 64473 64474
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	64475 64476 64477 64478

"Developmental disability" includes intellectual disability.	64479
(G) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with developmental disabilities who have not attained compulsory school age.	64480 64481 64482 64483
(H) "Employment services" means prevocational services or supported employment services.	64484 64485
(I)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.	64486 64487 64488 64489 64490 64491
(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.	64492 64493 64494 64495 64496
(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.	64497 64498 64499 64500 64501
(J) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.	64502 64503 64504
(K) "Habilitation" means the process by which the staff of the facility or agency assists an individual with a developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the	64505 64506 64507 64508 64509

level of the individual's personal, physical, mental, social, and 64510  
vocational efficiency. Habilitation includes, but is not limited 64511  
to, programs of formal, structured education and training. 64512

(L) "Home and community-based services" has the same meaning 64513  
as in section 5123.01 of the Revised Code. 64514

(M) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 64515  
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 64516

(N) "Immediate family" means parents, grandparents, brothers, 64517  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 64518  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 64519  
daughters-in-law. 64520

(O) "Intellectual disability" means a mental impairment 64521  
manifested during the developmental period characterized by 64522  
significantly subaverage general intellectual functioning existing 64523  
concurrently with deficiencies in the effectiveness or degree with 64524  
which an individual meets the standards of personal independence 64525  
and social responsibility expected of the individual's age and 64526  
cultural group. 64527

(P) "Medicaid case management services" means case management 64528  
services provided to an individual with a developmental disability 64529  
that the state medicaid plan requires. 64530

(Q) "Prevocational services" means services that provide 64531  
learning and work experiences, including volunteer work 64532  
experiences, from which an individual can develop general 64533  
strengths and skills that are not specific to a particular task or 64534  
job but contribute to employability in community employment, 64535  
supported work at community-based sites, or self-employment. 64536

(R) "Residential services" means services to individuals with 64537  
developmental disabilities to provide housing, food, clothing, 64538  
habilitation, staff support, and related support services 64539  
necessary for the health, safety, and welfare of the individuals 64540

and the advancement of their quality of life. "Residential  
services" includes program management, as described in section  
5126.14 of the Revised Code. "Residential services" does not  
include ICF/IID services.

(S) "Resources" means available capital and other assets,  
including moneys received from the federal, state, and local  
governments, private grants, and donations; appropriately  
qualified personnel; and appropriate capital facilities and  
equipment.

(T) "Senior probate judge" means the current probate judge of  
a county who has served as probate judge of that county longer  
than any of the other current probate judges of that county. If a  
county has only one probate judge, "senior probate judge" means  
that probate judge.

(U) "Service and support administration" means the duties  
performed by a service and support administrator pursuant to  
section 5126.15 of the Revised Code.

(V)(1) "Specialized medical, adaptive, and assistive  
equipment, supplies, and supports" means equipment, supplies, and  
supports that enable an individual to increase the ability to  
perform activities of daily living or to perceive, control, or  
communicate within the environment.

(2) "Specialized medical, adaptive, and assistive equipment,  
supplies, and supports" includes the following:

(a) Eating utensils, adaptive feeding dishes, plate guards,  
mylatex straps, hand splints, reaches, feeder seats, adjustable  
pointer sticks, interpreter services, telecommunication devices  
for the deaf, computerized communications boards, other  
communication devices, support animals, veterinary care for  
support animals, adaptive beds, supine boards, prone boards,  
wedges, sand bags, sidelayers, bolsters, adaptive electrical

switches, hand-held shower heads, air conditioners, humidifiers, 64572  
emergency response systems, folding shopping carts, vehicle lifts, 64573  
vehicle hand controls, other adaptations of vehicles for 64574  
accessibility, and repair of the equipment received. 64575

(b) Nondisposable items not covered by medicaid that are 64576  
intended to assist an individual in activities of daily living or 64577  
instrumental activities of daily living. 64578

(W) "Supportive home services" means a range of services to 64579  
families of individuals with developmental disabilities to develop 64580  
and maintain increased acceptance and understanding of such 64581  
persons, increased ability of family members to teach the person, 64582  
better coordination between school and home, skills in performing 64583  
specific therapeutic and management techniques, and ability to 64584  
cope with specific situations. 64585

(X)(1) "Supported living" means services provided for as long 64586  
as twenty-four hours a day to an individual with a developmental 64587  
disability through any public or private resources, including 64588  
moneys from the individual, that enhance the individual's 64589  
reputation in community life and advance the individual's quality 64590  
of life by doing the following: 64591

(a) Providing the support necessary to enable an individual 64592  
to live in a residence of the individual's choice, with any number 64593  
of individuals who are not disabled, or with not more than three 64594  
individuals with developmental disabilities unless the individuals 64595  
are related by blood or marriage; 64596

(b) Encouraging the individual's participation in the 64597  
community; 64598

(c) Promoting the individual's rights and autonomy; 64599

(d) Assisting the individual in acquiring, retaining, and 64600  
improving the skills and competence necessary to live successfully 64601  
in the individual's residence. 64602

(2) "Supported living" includes the provision of all of the following: 64603  
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(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services; 64605  
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(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies; 64609  
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(c) Personal care services and homemaker services; 64614

(d) Household maintenance that does not include modifications to the physical structure of the residence; 64615  
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(e) Respite care services; 64617

(f) Program management, as described in section 5126.14 of the Revised Code. 64618  
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**Sec. 5126.042.** (A) As used in this section, "~~Department~~ department of developmental disabilities-administered medicaid waiver component" means a medicaid waiver component administered by the department of developmental disabilities pursuant to section 5166.21 of the Revised Code. 64620  
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(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be 64625  
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consistent with the board's plan and applicable law. 64633

(C) If a county board determines that available resources are 64634  
insufficient to enroll in department of developmental 64635  
disabilities-administered medicaid waiver components all 64636  
individuals who are assessed as needing home and community-based 64637  
services and have requested those services, it shall establish a 64638  
waiting list for the services in accordance with rules adopted 64639  
under this section. Before placing an individual on a waiting list 64640  
established under this division, the board shall inform the 64641  
individual of the option to receive ICF/IID services, provide the 64642  
individual with the contact information for all ICFs/IID located 64643  
in the county the board serves and contiguous counties, and direct 64644  
the individual to the list of ICF/IID providers included on the 64645  
department's internet web site pursuant to section 5123.0425 of 64646  
the Revised Code. 64647

(D) The director of developmental disabilities shall adopt 64648  
rules in accordance with Chapter 119. of the Revised Code 64649  
governing a county board's waiting list established under division 64650  
(C) of this section, including rules that establish all of the 64651  
following: 64652

(1) Procedures a county board is to follow to transition 64653  
individuals from a waiting list the county board established under 64654  
division (C) of this section before ~~the effective date of this~~ 64655  
~~amendment~~ September 29, 2017, to the waiting list the county board 64656  
establishes under that division after that date; 64657

(2) Procedures by which a county board is to ensure that the 64658  
due process rights of individuals placed on the county board's 64659  
waiting list are observed; 64660

(3) Criteria a county board is to use to determine all of the 64661  
following: 64662

(a) An individual's eligibility to be placed on the county 64663

board's waiting list; 64664

(b) The date an individual ~~was~~ who has been assessed as 64665  
needing home and community-based services requests the services; 64666

(c) The order in which individuals on the county board's 64667  
waiting list are to be offered enrollment in a department of 64668  
developmental disabilities-administered medicaid waiver component; 64669

(d) The department of developmental disabilities-administered 64670  
medicaid waiver component in which an individual on the county 64671  
board's waiting list is to be offered enrollment. 64672

(4) Grounds for removing an individual from the county 64673  
board's waiting list. 64674

(E) The director shall consult with all of the following when 64675  
adopting rules under division (D) of this section: 64676

(1) Individuals with developmental disabilities; 64677

(2) Associations representing individuals with developmental 64678  
disabilities and the families of such individuals; 64679

(3) Associations representing providers of services to 64680  
individuals with developmental disabilities; 64681

(4) The Ohio association of county boards serving people with 64682  
developmental disabilities. 64683

(F) The following shall take precedence over the applicable 64684  
provisions of this section: 64685

(1) Medicaid rules and regulations; 64686

(2) Any specific requirements that may be contained within a 64687  
medicaid state plan amendment or department of 64688  
disabilities-administered medicaid waiver component with respect 64689  
to which a county board has authority to provide services, 64690  
programs, or supports. 64691

Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 64692  
431.51, an individual with a developmental disability who is 64693  
eligible for home and community-based services has the right to 64694  
obtain the services from any provider of the services that is 64695  
qualified to furnish the services and is willing to furnish the 64696  
services to the individual. A county board of developmental 64697  
disabilities that has medicaid local administrative authority 64698  
under division (A) of section 5126.055 of the Revised Code for 64699  
home and community-based services and refuses to permit an 64700  
individual to obtain home and community-based services from a 64701  
qualified and willing provider shall provide the individual timely 64702  
notice that the individual may appeal under section 5160.31 of the 64703  
Revised Code. 64704

(B) Except as otherwise provided by 42 C.F.R. 431.51, an 64705  
individual with a developmental disability who is eligible for 64706  
ICF/IID services has the right to obtain the services from any 64707  
provider that is qualified to furnish the services and is willing 64708  
to furnish the services to the individual. 64709

(C) An individual with a developmental disability who is 64710  
eligible for both home and community-based services and ICF/IID 64711  
services has the right to choose whether to receive home and 64712  
community-based services or ICF/IID services. 64713

(D) An individual with a developmental disability who is 64714  
eligible for nonmedicaid residential services or nonmedicaid 64715  
supported living has the right to obtain the services from any 64716  
provider of the residential services or supported living that is 64717  
qualified to furnish the residential services or supported living 64718  
and is willing to furnish the residential services or supported 64719  
living to the individual. 64720

~~(C) The department of developmental disabilities shall make~~ 64721  
~~available to the public on its internet web site an up to date~~ 64722

~~list of all providers of home and community based services, 64723  
nonmedicaid residential services, and nonmedicaid supported 64724  
living. County boards shall assist individuals with developmental 64725  
disabilities and the families of such individuals access the list 64726  
on the department's internet web site. 64727~~

~~(D)(E) The director of developmental disabilities shall adopt 64728  
rules in accordance with Chapter 119. of the Revised Code 64729  
governing the implementation of this section. The rules shall 64730  
include procedures for individuals to choose their providers. 64731~~

Sec. 5126.047. (A) When an individual with a developmental 64732  
disability or a person acting on such an individual's behalf 64733  
contacts a county board of developmental disabilities about the 64734  
program and services offered pursuant to this chapter and Chapter 64735  
3323. of the Revised Code, the county board shall inform the 64736  
individual or person about the different types of programs and 64737  
services so offered, including both ICF/IID services and home and 64738  
community-based services. When informing the individual or person 64739  
about ICF/IID services and home and community-based services, the 64740  
county board at a minimum shall do both of the following: 64741

(1) Provide the individual or person a copy of the written 64742  
pamphlet developed by the department of developmental disabilities 64743  
under section 5124.69 of the Revised Code; 64744

(2) Assist the individual or person in accessing the list of 64745  
providers of ICF/IID services and home and community-based 64746  
services that the department of developmental disabilities makes 64747  
available on its internet web site pursuant to section 5123.0425 64748  
of the Revised Code. 64749

(B) If an individual with a developmental disability or a 64750  
person acting on such an individual's behalf contacts a county 64751  
board to express interest in ICF/IID services, the county board 64752  
shall provide the individual or person contact information for all 64753

ICFs/IID located in the county that the county board serves and 64754  
contiguous counties. 64755

**Sec. 5126.05.** (A) Subject to the rules established by the 64756  
director of developmental disabilities pursuant to Chapter 119. of 64757  
the Revised Code for programs and services offered pursuant to 64758  
this chapter, and subject to the rules established by the state 64759  
board of education pursuant to Chapter 119. of the Revised Code 64760  
for programs and services offered pursuant to Chapter 3323. of the 64761  
Revised Code, ~~the~~ each county board of developmental disabilities 64762  
shall: 64763

(1) Administer and operate facilities, programs, and services 64764  
as provided by this chapter and Chapter 3323. of the Revised Code 64765  
and establish policies for their administration and operation; 64766

(2) Coordinate, monitor, and evaluate existing services and 64767  
facilities available to individuals with developmental 64768  
disabilities; 64769

(3) Provide early childhood services, supportive home 64770  
services, and adult services, according to the plan and priorities 64771  
developed under section 5126.04 of the Revised Code; 64772

(4) Provide or contract for special education services 64773  
pursuant to Chapters 3317. and 3323. of the Revised Code and 64774  
ensure that related services, as defined in section 3323.01 of the 64775  
Revised Code, are available according to the plan and priorities 64776  
developed under section 5126.04 of the Revised Code; 64777

(5) Adopt a budget, authorize expenditures for the purposes 64778  
specified in this chapter and do so in accordance with section 64779  
319.16 of the Revised Code, approve attendance of board members 64780  
and employees at professional meetings and approve expenditures 64781  
for attendance, and exercise such powers and duties as are 64782  
prescribed by the director; 64783

(6) Submit annual reports of its work and expenditures, 64784  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 64785  
the director, the superintendent of public instruction, and the 64786  
board of county commissioners at the close of the fiscal year and 64787  
at such other times as may reasonably be requested; 64788

(7) Authorize all positions of employment, establish 64789  
compensation, including but not limited to salary schedules and 64790  
fringe benefits for all board employees, approve contracts of 64791  
employment for management employees that are for a term of more 64792  
than one year, employ legal counsel under section 309.10 of the 64793  
Revised Code, and contract for employee benefits. A county board 64794  
may provide benefits through an individual or joint self-insurance 64795  
program as provided under section 9.833 of the Revised Code. 64796

(8) Provide service and support administration in accordance 64797  
with section 5126.15 of the Revised Code; 64798

(9) Certify respite care homes pursuant to rules adopted 64799  
under section 5123.171 of the Revised Code by the director of 64800  
developmental disabilities; 64801

(10) Implement an employment first policy that clearly 64802  
identifies community employment as the desired outcome for every 64803  
individual of working age who receives services from the board; 64804

(11) Set benchmarks for improving community employment 64805  
outcomes; 64806

(12) Do all of the following regarding the county board's 64807  
internet web site: 64808

(a) Include on the web site links to the pages on the 64809  
department of developmental disabilities' internet web site that 64810  
have the information that section 5123.0425 of the Revised Code 64811  
requires be made available to the public; 64812

(b) If the county board lists on the web site the types of 64813

programs and services offered pursuant to this chapter and Chapter 3323. of the Revised Code, include on the list ICF/IID services; 64814  
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(c) If the county board lists on the web site specific providers of programs and services offered pursuant to this chapter and Chapter 3323. of the Revised Code, include on the list all ICFs/IID that are located in the county that the county board serves and contiguous counties. 64816  
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(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code. 64821  
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(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code. 64826  
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(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code. 64834  
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(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 64839  
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(F) A county board may receive by gift, grant, devise, or 64844

bequest any moneys, lands, or property for the benefit of the 64845  
purposes for which the board is established and hold, apply, and 64846  
dispose of the moneys, lands, and property according to the terms 64847  
of the gift, grant, devise, or bequest. All money received by 64848  
gift, grant, bequest, or disposition of lands or property received 64849  
by gift, grant, devise, or bequest shall be deposited in the 64850  
county treasury to the credit of such board and shall be available 64851  
for use by the board for purposes determined or stated by the 64852  
donor or grantor, but may not be used for personal expenses of the 64853  
board members. Any interest or earnings accruing from such gift, 64854  
grant, devise, or bequest shall be treated in the same manner and 64855  
subject to the same provisions as such gift, grant, devise, or 64856  
bequest. 64857

(G) The board of county commissioners shall levy taxes and 64858  
make appropriations sufficient to enable the county board of 64859  
developmental disabilities to perform its functions and duties, 64860  
and may utilize any available local, state, and federal funds for 64861  
such purpose. 64862

Sec. 5126.053. (A) Beginning April 1, 2020, and then annually 64863  
thereafter on or before the first day of April each year, each 64864  
county board of developmental disabilities shall submit to the 64865  
department of developmental disabilities, in the format 64866  
established pursuant to division (B) of this section, a five-year 64867  
projection of revenues and expenditures. Each five-year projection 64868  
shall be approved by the superintendent of the county board. 64869

The department shall review each five-year projection and may 64870  
require a county board to do any of the following within the time 64871  
frame specified by the department: 64872

(1) Submit additional information; 64873

(2) Permit employees or agents of the department to visit the 64874  
county board to review documents and other records that are 64875

relevant to the department's review of the five-year projection; 64876

(3) Submit a revised five-year projection; 64877

(4) Complete any reasonable accounting action the director of 64878  
developmental disabilities considers necessary in order to obtain 64879  
an accurate five-year projection. 64880

(B) The department, in consultation with the Ohio association 64881  
of county boards of developmental disabilities, shall establish 64882  
guidelines for completing and formatting the five-year projection 64883  
required by division (A) of this section. 64884

(C) In addition to reviewing a five-year projection submitted 64885  
pursuant to division (A) of this section, the department, or an 64886  
entity designated by or working under contract with the 64887  
department, may conduct additional reviews as the department 64888  
considers necessary to assess any county board's fiscal condition. 64889  
The department shall provide prior notice to a county board of any 64890  
planned review. 64891

The department may issue recommendations to discontinue or 64892  
correct fiscal practices or budgetary conditions that prompted, or 64893  
were discovered by, an additional review under this division. The 64894  
superintendent of a county board shall respond in writing to any 64895  
such recommendations within ninety days. 64896

(D) If a county board fails to submit a five-year projection 64897  
to the department on or before the date specified in division (A) 64898  
of this section, the superintendent of the county board shall 64899  
submit to the department an explanation of the circumstances that 64900  
prevented the timely submission. If the department finds the 64901  
explanation to be sufficient, the department may grant an 64902  
extension for the submission of the county board's five-year 64903  
projection. If the department finds the explanation insufficient, 64904  
or if no explanation is submitted, the department may do either of 64905  
the following: 64906

(1) Conduct further reviews as necessary to complete the 64907  
five-year projections at full cost to the county board; 64908

(2) Revoke the certification of the superintendent. 64909

(E) If the department determines that a county board 64910  
willfully provided erroneous, inaccurate, or incomplete data as 64911  
part of its five-year projection submitted pursuant to division 64912  
(A) of this section, the department may take action as provided 64913  
under division (D)(1) or (2) of this section. 64914

**Sec. 5126.054.** ~~(A) Each~~ Annually, on or before the 64915  
thirty-first day of December each year, each county board of 64916  
developmental disabilities shall, by resolution, develop a 64917  
~~three calendar year~~ and submit to the department of developmental 64918  
disabilities an annual plan that includes the following ~~three~~ 64919  
components: 64920

~~(1) An assessment component that includes all of the~~ 64921  
~~following:~~ 64922

~~(a)(A)~~ (A) The number of individuals with developmental 64923  
disabilities residing in the county who ~~need the level of care~~ 64924  
~~provided by an ICF/IID, may seek home and community based~~ 64925  
~~services, and~~ are placed on the county board's waiting list 64926  
established for the services pursuant to section 5126.042 of the 64927  
Revised Code; the service needs of those individuals; and the 64928  
projected annualized cost for services; 64929

~~(b) The source of funds available to the county board to pay~~ 64930  
~~the nonfederal share of medicaid expenditures that the county~~ 64931  
~~board is required by sections 5126.059 and 5126.0510 of the~~ 64932  
~~Revised Code to pay;~~ 64933

~~(c)(B)~~ (B) The projected number of individuals to whom the board 64934  
intends to provide home and community-based services based on 64935  
available funding as projected in the board's annual five-year 64936

projection report submitted pursuant to section 5126.053 of the 64937  
Revised Code; 64938

(C) How the services are to be phased in over the period the 64939  
plan covers, including how the county board will serve the 64940  
individuals identified in divisions (A)(1) and (2) of this 64941  
section; 64942

(D) Any other applicable information or conditions that the 64943  
department of developmental disabilities requires as a condition 64944  
of approving the component plan under section 5123.046 of the 64945  
Revised Code. 64946

~~(2) A preliminary implementation component that specifies the~~ 64947  
~~number of individuals to be provided, during the first year that~~ 64948  
~~the plan is in effect, home and community based services pursuant~~ 64949  
~~to their placement on the county board's waiting list established~~ 64950  
~~for the services pursuant to section 5126.042 of the Revised Code~~ 64951  
~~and the types of home and community based services the individuals~~ 64952  
~~are to receive;~~ 64953

~~(3) A component that provides for the implementation of~~ 64954  
~~medicaid case management services and home and community based~~ 64955  
~~services for individuals who begin to receive the services on or~~ 64956  
~~after the date the plan is approved under section 5123.046 of the~~ 64957  
~~Revised Code. A county board shall include all of the following in~~ 64958  
~~the component:~~ 64959

~~(a) If the department of developmental disabilities or~~ 64960  
~~department of medicaid requires, an agreement to pay the~~ 64961  
~~nonfederal share of medicaid expenditures that the county board is~~ 64962  
~~required by sections 5126.059 and 5126.0510 of the Revised Code to~~ 64963  
~~pay;~~ 64964

~~(b) How the services are to be phased in over the period the~~ 64965  
~~plan covers, including how the county board will serve individuals~~ 64966  
~~placed on the county board's waiting list established for the~~ 64967

~~services pursuant to section 5126.042 of the Revised Code;~~ 64968

~~(c) Any agreement or commitment regarding the county board's funding of home and community based services that the county board has with the department at the time the county board develops the component;~~ 64969  
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64972

~~(d) Assurances adequate to the department that the county board will comply with all of the following requirements:~~ 64973  
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~~(i) To provide the types of home and community based services specified in the preliminary implementation component required by division (A)(2) of this section to at least the number of individuals specified in that component;~~ 64975  
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64977  
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~~(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;~~ 64979  
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~~(iii) To employ or contract with a business manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a business manager to have the business manager serve both county boards. No superintendent of a county board may serve as the county board's business manager.~~ 64984  
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~~(iv) To employ or contract with a medicaid services manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a medicaid services manager to have the medicaid services manager serve both county boards. No superintendent of a county board may serve as the county board's medicaid services manager.~~ 64990  
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~~(e) Programmatic and financial accountability measures and projected outcomes expected from the implementation of the plan;~~ 64996  
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~~(f) Any other applicable information or conditions that the department requires as a condition of approving the component under section 5123.046 of the Revised Code.~~

~~(B) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop.~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with a developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, all of the following apply:

(a) The county board shall make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an ICF/IID provides.

(b) If the individual's application is denied because of the county board's recommendation and the individual appeals pursuant to section 5160.31 of the Revised Code, the county board shall present, with the department of developmental disabilities or department of medicaid, whichever denies the application, the reasons for the recommendation and denial at the hearing.

(c) If the individual's application is approved, the county board shall recommend to the departments of developmental disabilities and medicaid the services that should be included in

the individual service plan. If either department under section 65029  
5166.21 of the Revised Code approves, reduces, denies, or 65030  
terminates a service included in the plan because of the county 65031  
board's recommendation, the board shall present, with the 65032  
department that made the approval, reduction, denial, or 65033  
termination, the reasons for the recommendation and approval, 65034  
reduction, denial, or termination at a hearing held pursuant to an 65035  
appeal made under section 5160.31 of the Revised Code. 65036

(2) Perform any duties assigned to the county board in rules 65037  
adopted under section 5126.046 of the Revised Code regarding the 65038  
individual's right to choose a qualified and willing provider of 65039  
the services and, at a hearing held pursuant to an appeal made 65040  
under section 5160.31 of the Revised Code, present evidence of the 65041  
process for appropriate assistance in choosing providers; 65042

(3) If the county board is certified under section 5123.161 65043  
of the Revised Code to provide the services and agrees to provide 65044  
the services to the individual and the individual chooses the 65045  
county board to provide the services, furnish, in accordance with 65046  
the county board's medicaid provider agreement and for the 65047  
authorized reimbursement rate, the services the individual 65048  
requires; 65049

(4) Monitor the services provided to the individual and 65050  
ensure the individual's health, safety, and welfare. The 65051  
monitoring shall include quality assurance activities. If the 65052  
county board provides the services, the department of 65053  
developmental disabilities shall also monitor the services. 65054

(5) Develop, with the individual and the provider of the 65055  
individual's services, an effective individual service plan that 65056  
includes coordination of services, recommend that the departments 65057  
of developmental disabilities and medicaid approve the plan, and 65058  
implement the plan unless either department disapproves it. The 65059  
plan shall include a summary page, agreed to by the county board, 65060

provider, and individual receiving services, that clearly outlines 65061  
the amount, duration, and scope of services to be provided under 65062  
the plan. 65063

(6) Have an investigative agent conduct investigations under 65064  
section 5126.313 of the Revised Code that concern the individual; 65065

(7) Have a service and support administrator perform the 65066  
duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised 65067  
Code that concern the individual. 65068

(B) A county board shall perform its medicaid local 65069  
administrative authority under this section in accordance with all 65070  
of the following: 65071

(1) The county board's plan that the department of 65072  
developmental disabilities approves under section 5123.046 of the 65073  
Revised Code; 65074

(2) All applicable federal and state laws; 65075

(3) All applicable policies of the departments of 65076  
developmental disabilities and medicaid and the United States 65077  
department of health and human services; 65078

(4) The department of medicaid's supervision under its 65079  
authority as the single state medicaid agency; 65080

(5) The department of developmental disabilities' oversight. 65081

(C) The departments of developmental disabilities and 65082  
medicaid shall communicate with and provide training to county 65083  
boards regarding medicaid local administrative authority granted 65084  
by this section. The communication and training shall include 65085  
issues regarding audit protocols and other standards established 65086  
by the United States department of health and human services that 65087  
the departments determine appropriate for communication and 65088  
training. County boards shall participate in the training. The 65089  
departments shall assess the county board's compliance against 65090

uniform standards that the departments shall establish. 65091

(D) A county board may not delegate its medicaid local 65092  
administrative authority granted under this section but may 65093  
contract with a person or government entity, including a council 65094  
of governments, for assistance with its medicaid local 65095  
administrative authority. A county board that enters into such a 65096  
contract shall notify the director of developmental disabilities. 65097  
The notice shall include the tasks and responsibilities that the 65098  
contract gives to the person or government entity. The person or 65099  
government entity shall comply in full with all requirements to 65100  
which the county board is subject regarding the person or 65101  
government entity's tasks and responsibilities under the contract. 65102  
The county board remains ultimately responsible for the tasks and 65103  
responsibilities. 65104

(E) A county board that has medicaid local administrative 65105  
authority under this section shall, through the departments of 65106  
developmental disabilities and medicaid, reply to, and cooperate 65107  
in arranging compliance with, a program or fiscal audit or program 65108  
violation exception that a state or federal audit or review 65109  
discovers. The department of medicaid shall timely notify the 65110  
department of developmental disabilities and the county board of 65111  
any adverse findings. After receiving the notice, the county 65112  
board, in conjunction with the department of developmental 65113  
disabilities, shall cooperate fully with the department of 65114  
medicaid and timely prepare and send to the department a written 65115  
plan of correction or response to the adverse findings. The county 65116  
board is liable for any adverse findings that result from an 65117  
action it takes or fails to take in its implementation of medicaid 65118  
local administrative authority. 65119

(F) If the department of developmental disabilities or 65120  
department of medicaid determines that a county board's 65121  
implementation of its medicaid local administrative authority 65122

under this section is deficient, the department that makes the 65123  
determination shall require that county board do the following: 65124

(1) If the deficiency affects the health, safety, or welfare 65125  
of an individual with a developmental disability, correct the 65126  
deficiency within twenty-four hours; 65127

(2) If the deficiency does not affect the health, safety, or 65128  
welfare of an individual with a developmental disability, receive 65129  
technical assistance from the department or submit a plan of 65130  
correction to the department that is acceptable to the department 65131  
within sixty days and correct the deficiency within the time 65132  
required by the plan of correction. 65133

**Sec. 5126.056.** (A) The department of developmental 65134  
disabilities shall take action under division (B) of this section 65135  
against a county board of developmental disabilities if any of the 65136  
following are the case: 65137

(1) The county board fails to submit to the department all 65138  
the components of its ~~three-year~~ annual plan required by section 65139  
5126.054 of the Revised Code. 65140

(2) The department disapproves the county board's ~~three-year~~ 65141  
annual plan under section 5123.046 of the Revised Code. 65142

~~(3) The county board fails, as required by division (B) of 65143  
section 5126.054 of the Revised Code, to update and renew its 65144  
three year plan in accordance with a schedule the department 65145  
develops under that section. 65146~~

~~(4) The county board fails to implement its initial or 65147  
renewed three-year annual plan approved by the department. 65148~~

~~(5)~~(4) The county board fails to correct a deficiency within 65149  
the time required by division (F) of section 5126.055 of the 65150  
Revised Code to the satisfaction of the department. 65151

~~(6)~~(5) The county board fails to submit an acceptable plan of 65152

correction to the department within the time required by division 65153  
(F)(2) of section 5126.055 of the Revised Code. 65154

(B) If required by division (A) of this section to take 65155  
action against a county board, the department shall issue an order 65156  
terminating the county board's medicaid local administrative 65157  
authority over all or part of home and community-based services, 65158  
medicaid case management services, or all or part of both of those 65159  
services. The department shall provide a copy of the order to the 65160  
board of county commissioners, senior probate judge, county 65161  
auditor, and president and superintendent of the county board. The 65162  
department shall specify in the order the medicaid local 65163  
administrative authority that the department is terminating, the 65164  
reason for the termination, and the county board's option and 65165  
responsibilities under this division. 65166

A county board whose medicaid local administrative authority 65167  
is terminated may, not later than thirty days after the department 65168  
issues the termination order, recommend to the department that 65169  
another county board that has not had any of its medicaid local 65170  
administrative authority terminated or another entity the 65171  
department approves administer the services for which the county 65172  
board's medicaid local administrative authority is terminated. The 65173  
department may contract with the other county board or entity to 65174  
administer the services. If the department enters into such a 65175  
contract, the county board shall adopt a resolution giving the 65176  
other county board or entity full medicaid local administrative 65177  
authority over the services that the other county board or entity 65178  
is to administer. The other county board or entity shall be known 65179  
as the contracting authority. 65180

If the department rejects the county board's recommendation 65181  
regarding a contracting authority, the county board may appeal the 65182  
rejection under section 5123.043 of the Revised Code. 65183

If the county board does not submit a recommendation to the 65184

department regarding a contracting authority within the required 65185  
time or the department rejects the county board's recommendation 65186  
and the rejection is upheld pursuant to an appeal, if any, under 65187  
section 5123.043 of the Revised Code, the department shall appoint 65188  
an administrative receiver to administer the services for which 65189  
the county board's medicaid local administrative authority is 65190  
terminated. To the extent necessary for the department to appoint 65191  
an administrative receiver, the department may utilize employees 65192  
of the department, management personnel from another county board, 65193  
or other individuals who are not employed by or affiliated with in 65194  
any manner a person that provides home and community-based 65195  
services or medicaid case management services pursuant to a 65196  
contract with any county board. The administrative receiver shall 65197  
assume full administrative responsibility for the county board's 65198  
services for which the county board's medicaid local 65199  
administrative authority is terminated. 65200

The contracting authority or administrative receiver shall 65201  
develop and submit to the department a plan of correction to 65202  
remediate the problems that caused the department to issue the 65203  
termination order. If, after reviewing the plan, the department 65204  
approves it, the contracting authority or administrative receiver 65205  
shall implement the plan. 65206

The county board shall transfer control of state and federal 65207  
funds it is otherwise eligible to receive for the services for 65208  
which the county board's medicaid local administrative authority 65209  
is terminated and funds the county board may use under division 65210  
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 65211  
share of the services that the county board is required by 65212  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 65213  
county board shall transfer control of the funds to the 65214  
contracting authority or administrative receiver administering the 65215  
services. The amount the county board shall transfer shall be the 65216

amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board and bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. The mandamus action may not require that the county board transfer any funds other than the funds the county board is required by division (B) of this section to transfer.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code.

**Sec. 5126.131.** (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall file with the department an annual cost report detailing the board's income and expenditures.

(B)(1)(a) Unless the department establishes a later date for all regional council cost reports, each council shall file its cost report not later than the last day of April. At the written request of a regional council, the department may grant a fourteen-day extension for filing the cost report.

(b) Unless the department establishes a later date for all county board cost reports, each board shall file its cost report not later than the last day of May. At the written request of a board, the department may grant a fourteen-day extension for

filing the board's cost report. 65248

(2) The cost report shall contain information on the previous 65249  
calendar year's income and expenditures. Once filed by a regional 65250  
council or board, no changes may be made to the cost report, 65251  
including the submission of additional documentation, except as 65252  
otherwise provided in this section. 65253

(C) Each cost report filed under this section by a regional 65254  
council or board ~~shall~~ may be audited by the department or an 65255  
entity designated by the department. The department or designated 65256  
entity shall notify the regional council or board of the date on 65257  
which the audit is to begin. The department may permit a regional 65258  
council or board to submit changes to the cost report before the 65259  
audit begins. 65260

If the department or designated entity determines that a 65261  
filed cost report is not auditable, it shall provide written 65262  
notification to the regional council or board of the cost report's 65263  
deficiencies and may request additional documentation. If the 65264  
department or designated entity requests additional documentation, 65265  
the regional council or board shall be given sixty days after the 65266  
request is made to provide the additional documentation. After 65267  
sixty days, the department or designated entity shall determine 65268  
whether the cost report is auditable with any additional 65269  
documentation provided and shall notify the regional council or 65270  
board of its determination. The determination of the department or 65271  
designated entity is final. 65272

(D) The department or designated entity shall certify its 65273  
audit as complete and file a copy of the certified audit in the 65274  
office of the clerk of the governing body, executive officer of 65275  
the governing body, and chief fiscal officer of the audited 65276  
regional council or board. Changes may not be made to a cost 65277  
report once the department or designated entity files the 65278  
certified audit. The cost report is not a public record under 65279

section 149.43 of the Revised Code until copies of the cost report 65280  
are filed pursuant to this section. 65281

(E) The department may withhold any funds that it distributes 65282  
to a regional council or board as subsidy payments if either of 65283  
the following is the case: 65284

(1) The cost report is not timely filed by the regional 65285  
council or board with the department in accordance with division 65286  
(B) of this section. 65287

(2) The cost report is determined not auditable under 65288  
division (C) of this section after the department or designated 65289  
entity gives the regional council or board sixty days to provide 65290  
additional documentation. 65291

(F) Cost reports shall be retained by regional councils and 65292  
boards for seven years. The department shall provide annual 65293  
training to regional council and board employees regarding cost 65294  
reports required by this section. 65295

(G) The department, in accordance with Chapter 119. of the 65296  
Revised Code, may adopt any rules necessary to implement this 65297  
section. 65298

**Sec. 5126.15.** (A) A county board of developmental 65299  
disabilities shall provide service and support administration to 65300  
each individual three years of age or older who is eligible for 65301  
service and support administration if the individual requests, or 65302  
a person on the individual's behalf requests, service and support 65303  
administration. A board shall provide service and support 65304  
administration to each individual receiving home and 65305  
community-based services. A board may provide, in accordance with 65306  
the service coordination requirements of 34 C.F.R. 303.23, service 65307  
and support administration to an individual under three years of 65308  
age eligible for early intervention services under 34 C.F.R. part 65309

303. A board may provide service and support administration to an individual who is not eligible for other services of the board. Service and support administration shall be provided in accordance with rules adopted under section 5126.08 of the Revised Code.

A board may provide service and support administration by directly employing service and support administrators or by contracting with entities for the performance of service and support administration. Individuals employed or under contract as service and support administrators shall not be in the same collective bargaining unit as employees who perform duties that are not administrative.

A service and support administrator shall perform only the duties specified in division (B) of this section. While employed by or under contract with a board, a service and support administrator shall neither be employed by or serve in a decision-making or policy-making capacity for any other entity that provides programs or services to individuals with developmental disabilities nor provide programs or services to individuals with ~~mental retardation or~~ developmental disabilities through self-employment.

(B) A service and support administrator shall do all of the following:

(1) Establish an individual's eligibility for the services of the county board of developmental disabilities;

(2) Assess individual needs for services;

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services

included in the plans are funded through medicaid; 65340

(4) Establish budgets for services based on the individual's 65341  
assessed needs and preferred ways of meeting those needs; 65342

(5) Assist individuals in making selections from among the 65343  
providers they have chosen; 65344

(6) Ensure that services are effectively coordinated and 65345  
provided by appropriate providers; 65346

(7) Establish and implement an ongoing system of monitoring 65347  
the implementation of individual service plans to achieve 65348  
consistent implementation and the desired outcomes for the 65349  
individual; 65350

(8) ~~Perform quality assurance reviews as a distinct function 65351  
of service and support administration;~~ 65352

~~(9) Incorporate the results of quality assurance reviews and 65353  
identified trends and patterns of unusual incidents and major 65354  
unusual incidents into amendments of an individual's service plan 65355  
for the purpose of improving and enhancing the quality and 65356  
appropriateness of services rendered to the individual. 65357~~

**Sec. 5139.87.** (A) The department of youth services shall 65358  
serve as the state agent for the administration of ~~all~~ federal 65359  
juvenile justice grants awarded to the state. 65360

(B) There ~~are~~ is hereby created in the state treasury the 65361  
~~federal juvenile justice programs funds and delinquency prevention~~ 65362  
~~fund~~. A separate fund shall be established each federal fiscal 65363  
~~year~~. All federal grants and other moneys received for federal 65364  
juvenile programs shall be deposited into the ~~funds~~ fund. All 65365  
receipts deposited into the ~~funds~~ fund shall be used for federal 65366  
juvenile programs. All investment earnings on the cash balance in 65367  
~~a federal juvenile program~~ the fund shall be credited to that the 65368  
~~fund for the appropriate federal fiscal year. The department of~~ 65369

youth services shall maintain a financial activity report of each 65370  
individual grant within the fund, including any expenses or 65371  
revenues credited to those individual grants. 65372

~~(C) All rules, orders, and determinations of the office of~~ 65373  
~~eriminal justice services regarding the administration of federal~~ 65374  
~~juvenile justice grants that are in effect on the effective date~~ 65375  
~~of this amendment shall continue in effect as rules, orders, and~~ 65376  
~~determinations of the department of youth services.~~ 65377

**Sec. 5145.162.** (A) There is hereby created the office of 65378  
enterprise development advisory board to advise and assist the 65379  
department of rehabilitation and correction with the creation of 65380  
training programs and jobs for inmates and releasees through 65381  
partnerships with private sector businesses. The board shall 65382  
consist of at least five appointed members and the staff 65383  
representative assigned by the correctional institution inspection 65384  
committee, who shall serve as an ex officio member. Each member 65385  
shall have experience in labor relations, marketing, business 65386  
management, or business. The members and chairperson shall be 65387  
appointed by the director of the department of rehabilitation and 65388  
correction. 65389

(B) Each member of the advisory board shall receive no 65390  
compensation but may be reimbursed for expenses actually and 65391  
necessarily incurred in the performance of official duties of the 65392  
board. Members of the board who are state employees shall be 65393  
reimbursed for expenses pursuant to travel rules promulgated by 65394  
the office of budget and management. 65395

(C) The advisory board shall adopt procedures for the conduct 65396  
of the board's meetings. The board shall meet at least once every 65397  
quarter, and otherwise shall meet at the call of the chairperson 65398  
or the director of the department of rehabilitation and 65399  
correction. Sixty per cent of the members shall constitute a 65400

quorum. No transaction of the board's business shall be taken 65401  
without the concurrence of a quorum of the members. The board may 65402  
have committees with persons who are not members of the board but 65403  
whose experience and expertise is relevant and useful to the work 65404  
of the committee. 65405

(D) The advisory board shall have the following duties: 65406

(1) Solicit business proposals offering job training, 65407  
apprenticeship, education programs, and employment opportunities 65408  
for inmates ~~and~~, releasees, and Ohio penal industries; 65409

(2) Provide information and input to the office of enterprise 65410  
development to support the job training and employment program of 65411  
inmates and releasees and any additional, related duties as 65412  
requested by the director of the department of rehabilitation and 65413  
correction; 65414

(3) Recommend to the office of enterprise development any 65415  
legislation, administrative rule, or department policy change that 65416  
the board believes is necessary to implement the department's 65417  
program; 65418

(4) Promote public awareness of the office of enterprise 65419  
development and the office's employment program; 65420

(5) Familiarize itself and the public with avenues to access 65421  
the office of enterprise development on employment program 65422  
concerns; 65423

(6) Advocate for the needs and concerns of the office of 65424  
enterprise development in local communities, counties, and the 65425  
state; 65426

(7) Play an active role in the office of enterprise 65427  
development's efforts to reduce recidivism in the state by doing 65428  
all of the following: 65429

(a) Providing input and making recommendations for the 65430

office's consideration in monitoring employment program compliance 65431  
and effectiveness; 65432

(b) Making suggestions on the appropriate priorities for the 65433  
office's grant award criteria; 65434

(c) Being a liaison between the office and constituents of 65435  
the board's members; 65436

(d) Working to develop constituent groups interested in 65437  
employment program issues; 65438

(8) Aid in the employment program development process by 65439  
playing a leadership role in professional associations by 65440  
discussing employment program issues. 65441

(E) The department of rehabilitation and correction shall 65442  
initially screen each proposal obtained under division (D)(1) of 65443  
this section to ensure that the proposal is a viable venture to 65444  
pursue. If the department determines that a proposal is a viable 65445  
venture to pursue, the department shall submit the proposal to the 65446  
board for objective review against established guidelines. The 65447  
board shall determine whether to recommend the implementation of 65448  
the program to the department. 65449

**Sec. 5149.38.** (A) In each ~~target county and in each~~ voluntary 65450  
county, subject to division (B) of this section and not later than 65451  
~~thirty days after the effective date of this section~~ October 29, 65452  
2017, a county commissioner representing the board of county 65453  
commissioners of the county, the administrative judge of the 65454  
general division of the court of common pleas of the county, the 65455  
sheriff of the county, and an official from any municipality 65456  
operating a local correctional facility in the county to which 65457  
courts of the county sentence offenders shall agree to, sign, and 65458  
submit to the department of rehabilitation and correction for its 65459  
approval a memorandum of understanding that does both of the 65460

following: 65461

(1) Sets forth the plans by which the county will use grant 65462  
money provided to the county in state fiscal year 2018 and 65463  
succeeding state fiscal years under the targeting community 65464  
alternatives to prison (T-CAP) program. 65465

(2) Specifies the manner in which the county will address a 65466  
per diem reimbursement of local correctional facilities for 65467  
prisoners who serve a prison term in the facility pursuant to 65468  
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 65469  
diem reimbursement rate shall be the rate determined in division 65470  
(F)(1) of this section and shall be specified in the memorandum. 65471

(B) Two or more ~~target counties or~~ voluntary counties may 65472  
join together to jointly establish a memorandum of understanding 65473  
of the type described in division (A) of this section. Not later 65474  
than ~~thirty days after the effective date of this section~~ October 65475  
29, 2017, a county commissioner from each of the affiliating 65476  
~~target counties or~~ voluntary counties representing the county's 65477  
board of county commissioners, the administrative judge of the 65478  
general division of the court of common pleas of each affiliating 65479  
~~target county or~~ voluntary county, the sheriff of each affiliating 65480  
~~target county or~~ voluntary county, and an official from any 65481  
municipality operating a local correctional facility in the 65482  
affiliating ~~target counties and~~ voluntary counties to which courts 65483  
of the counties sentence offenders shall agree to, sign, and 65484  
submit to the department of rehabilitation and correction for its 65485  
approval the memorandum of understanding. The memorandum of 65486  
understanding shall set forth the plans by which, and specify the 65487  
manner in which, the affiliating counties will complete the tasks 65488  
identified in divisions (A)(1) and (2) of this section. 65489

(C) The department of rehabilitation and correction shall 65490  
adopt rules establishing standards for approval of memorandums of 65491

understanding submitted to it under division (A) or (B) of this 65492  
section. The department shall review the memorandums of 65493  
understanding submitted to it and may require the county or 65494  
counties that submit a memorandum to modify the memorandum. The 65495  
director of rehabilitation and correction shall approve 65496  
memorandums of understanding submitted to it under division (A) or 65497  
(B) of this section that the director determines satisfy the 65498  
standards adopted by the department within thirty days after 65499  
receiving each memorandum submitted. 65500

(D) Any person responsible for agreeing to, signing, and 65501  
submitting a memorandum of understanding under division (A) or (B) 65502  
of this section may delegate the person's authority to do so to an 65503  
employee of the agency, entity, or office served by the person. 65504

(E) The persons signing a memorandum of understanding under 65505  
division (A) or (B) of this section, or their successors in 65506  
office, may revise the memorandum as they determine necessary. Any 65507  
revision of the memorandum shall be signed by the parties 65508  
specified in division (A) or (B) of this section and submitted to 65509  
the department of rehabilitation and correction for its approval 65510  
under division (C) of this section within thirty days after the 65511  
beginning of the state fiscal year. 65512

(F)(1) ~~In each county, the sheriff shall determine the per 65513  
diem costs for local correctional facilities in the county for the 65514  
housing of prisoners who serve a term in the facility pursuant to 65515  
division (B)(3)(c) of section 2929.34 of the Revised Code, as 65516  
follows:~~ 65517

~~(a) In calendar year 2017, not later than the date on which 65518  
the appropriate representatives of the county enter into a 65519  
contract with the department of rehabilitation and correction 65520  
under the targeting community alternatives to prison (T-CAP) 65521  
program, the sheriff shall determine the per diem costs for each 65522  
of the facilities for the housing in the facility of prisoners 65523~~

~~serv~~ing a prison term for a felony in calendar year 2016. The per 65524  
~~diem cost so determined shall apply in calendar year 2017.~~ 65525

~~(b) Commencing~~ commencing in calendar year 2018, on or before 65526  
the first day of February of each calendar year the sheriff shall 65527  
determine the per diem costs for the preceding calendar year for 65528  
each of the local correctional facilities for the housing in the 65529  
facility of prisoners who serve a term in it pursuant to division 65530  
(B)(3)(c) of section 2929.34 of the Revised Code. The per diem 65531  
cost so determined shall apply in the calendar year in which the 65532  
determination is made. 65533

(2) For each county, the per diem cost determined under 65534  
division (F)(1) of this section that applies with respect to a 65535  
facility in a specified calendar year shall be the per diem rate 65536  
of reimbursement in that calendar year, under the targeting 65537  
community alternatives to prison (T-CAP) program, for prisoners 65538  
who serve a term in the facility pursuant to division (B)(3)(c) of 65539  
section 2929.34 of the Revised Code. 65540

(3) The per diem costs of housing determined under division 65541  
(F)(1) of this section for a facility shall be the actual costs of 65542  
housing the specified prisoners in the facility, on a per diem 65543  
basis. 65544

(G) As used in this section: 65545

(1) "Local correctional facility" means a facility of a type 65546  
described in division (C) or (D) of section 2929.34 of the Revised 65547  
Code. 65548

(2) ~~"Target county" and "voluntary~~ "Voluntary county" ~~have~~ 65549  
has the same meanings as in section 2929.34 of the Revised Code. 65550

**Sec. 5162.01.** (A) As used in the Revised Code: 65551

(1) "Medicaid" and "medicaid program" mean the program of 65552  
medical assistance established by Title XIX of the "Social 65553

Security Act," 42 U.S.C. 1396 et seq., including any medical 65554  
assistance provided under the medicaid state plan or a federal 65555  
medicaid waiver granted by the United States secretary of health 65556  
and human services. 65557

(2) "Medicare" and "medicare program" mean the federal health 65558  
insurance program established by Title XVIII of the "Social 65559  
Security Act," 42 U.S.C. 1395 et seq. 65560

(B) As used in this chapter: 65561

~~(1) "Dual eligible individual" has the same meaning as in 65562  
section 5160.01 of the Revised Code. 65563~~

~~(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 65564~~

~~(3)(2) "Federal financial participation" has the same meaning 65565  
as in section 5160.01 of the Revised Code. 65566~~

~~(4)(3) "Federal poverty line" means the official poverty line 65567  
defined by the United States office of management and budget based 65568  
on the most recent data available from the United States bureau of 65569  
the census and revised by the United States secretary of health 65570  
and human services pursuant to the "Omnibus Budget Reconciliation 65571  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 65572~~

~~(5)(4) "Healthcheck" has the same meaning as in section 65573  
5164.01 of the Revised Code. 65574~~

~~(6)(5) "Healthy start component" means the component of the 65575  
medicaid program that covers pregnant women and children and is 65576  
identified in rules adopted under section 5162.02 of the Revised 65577  
Code as the healthy start component. 65578~~

~~(7)(6) "Home and community-based services" means services 65579  
provided under a home and community-based services medicaid waiver 65580  
component. 65581~~

~~(8)(7) "Home and community-based services medicaid waiver 65582  
component" has the same meaning as in section 5166.01 of the 65583~~

Revised Code. 65584

~~(9)~~(8) "ICF/IID" has the same meaning as in section 5124.01 65585  
of the Revised Code. 65586

~~(10)~~(9) "Individualized education program" has the same 65587  
meaning as in section 3323.011 of the Revised Code. 65588

~~(11)~~(10) "Medicaid managed care organization" has the same 65589  
meaning as in section 5167.01 of the Revised Code. 65590

~~(12)~~(11) "Medicaid provider" has the same meaning as in 65591  
section 5164.01 of the Revised Code. 65592

~~(13)~~(12) "Medicaid services" has the same meaning as in 65593  
section 5164.01 of the Revised Code. 65594

~~(14)~~(13) "Medicaid waiver component" has the same meaning as 65595  
in section 5166.01 of the Revised Code; 65596

~~(15)~~(14) "Nursing facility" and "nursing facility services" 65597  
have the same meanings as in section 5165.01 of the Revised Code. 65598

~~(16)~~(15) "Ordering or referring only provider" means a 65599  
medicaid provider who orders, prescribes, refers, or certifies a 65600  
service or item reported on a claim for medicaid payment but does 65601  
not bill for medicaid services. 65602

~~(17)~~(16) "Political subdivision" means a municipal 65603  
corporation, township, county, school district, or other body 65604  
corporate and politic responsible for governmental activities only 65605  
in a geographical area smaller than that of the state. 65606

~~(18)~~(17) "Prescribed drug" has the same meaning as in section 65607  
5164.01 of the Revised Code. 65608

~~(19)~~(18) "Provider agreement" has the same meaning as in 65609  
section 5164.01 of the Revised Code. 65610

~~(20)~~(19) "Qualified medicaid school provider" means the board 65611  
of education of a city, local, or exempted village school 65612

district, the governing board of an educational service center, 65613  
the governing authority of a community school established under 65614  
Chapter 3314. of the Revised Code, the state school for the deaf, 65615  
and the state school for the blind to which both of the following 65616  
apply: 65617

(a) It holds a valid provider agreement. 65618

(b) It meets all other conditions for participation in the 65619  
medicaid school component of the medicaid program established in 65620  
rules authorized by section 5162.364 of the Revised Code. 65621

~~+21+~~(20) "State agency" means every organized body, office, 65622  
or agency, other than the department of medicaid, established by 65623  
the laws of the state for the exercise of any function of state 65624  
government. 65625

~~+22+~~(21) "Vendor offset" means a reduction of a medicaid 65626  
payment to a medicaid provider to correct a previous, incorrect 65627  
medicaid payment to that provider. 65628

**Sec. 5162.12.** (A) The medicaid director shall enter into a 65629  
contract with one or more persons to receive and process, on the 65630  
director's behalf, requests for medicaid recipient or claims 65631  
payment data, data from reports of audits conducted under section 65632  
5165.109 of the Revised Code, or extracts or analyses of any of 65633  
the foregoing data made by persons who intend to use the items 65634  
prepared pursuant to the requests for commercial or academic 65635  
purposes. 65636

(B) At a minimum, a contract entered into under this section 65637  
shall do both of the following: 65638

(1) Authorize the contracting person to engage in the 65639  
activities described in division (A) of this section for 65640  
compensation, which must be stated as a percentage of the fees 65641  
paid by persons who are provided the items; 65642

(2) Require the contracting person to charge for an item 65643  
prepared pursuant to a request a fee in an amount equal to one 65644  
hundred two per cent of the cost the department of medicaid incurs 65645  
in making the data used to prepare the item available to the 65646  
contracting person. 65647

(C) Except as required by federal or state law and subject to 65648  
division (E) of this section, both of the following conditions 65649  
apply with respect to a request for data described in division (A) 65650  
of this section: 65651

(1) The request shall be made through a person who has 65652  
entered into a contract with the medicaid director under this 65653  
section. 65654

(2) An item prepared pursuant to the request may be provided 65655  
to the department of medicaid and is confidential and not subject 65656  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 65657

(D) The medicaid director shall use fees the director 65658  
receives pursuant to a contract entered into under this section to 65659  
pay obligations specified in contracts entered under this section. 65660  
Any money remaining after the obligations are paid shall be 65661  
deposited in the health care/medicaid support and recoveries fund 65662  
created under section 5162.52 of the Revised Code. 65663

(E) This section does not apply to requests for medicaid 65664  
recipient or claims payment data, data from reports of audits 65665  
conducted under section 5165.109 of the Revised Code, or extracts 65666  
or analyses of any of the foregoing data that are for any of the 65667  
following purposes: 65668

(1) Treatment of medicaid recipients; 65669

(2) Payment of medicaid claims; 65670

(3) Establishment or management of medicaid third party 65671  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 65672

Code; 65673

(4) Compliance with the terms of an agreement the medicaid 65674  
director enters into for purposes of administering the medicaid 65675  
program; 65676

~~(5) Compliance with an operating protocol the executive 65677  
director of the office of health transformation or the executive 65678  
director's designee adopts under division (D) of section 191.06 of 65679  
the Revised Code. 65680~~

**Sec. 5162.364.** The medicaid director shall adopt rules under 65681  
section 5162.02 of the Revised Code as necessary to implement the 65682  
medicaid school component of the medicaid program, including rules 65683  
that establish or specify all of the following: 65684

(A) Conditions a board of education of a city, local, or 65685  
exempted school district, a governing board of an educational 65686  
service center, governing authority of a community school 65687  
established under Chapter 3314. of the Revised Code, the state 65688  
school for the deaf, and the state school for the blind must meet 65689  
to participate in the component; 65690

(B) Services the component covers; 65691

(C) Payment rates for the services the component covers. 65692

The rules shall be adopted in accordance with Chapter 119. of 65693  
the Revised Code. 65694

**Sec. 5162.52.** (A) The health care/medicaid support and 65695  
recoveries fund is hereby created in the state treasury. All of 65696  
the following shall be credited to the fund: 65697

(1) Except as otherwise provided by statute or as authorized 65698  
by the controlling board, the nonfederal share of all 65699  
medicaid-related revenues, collections, and recoveries; 65700

(2) Federal reimbursement received for payment adjustments 65701

made pursuant to section 1923 of the "Social Security Act," 65702  
~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to 65703  
state mental health hospitals maintained and operated by the 65704  
department of mental health and addiction services under division 65705  
(A) of section 5119.14 of the Revised Code; 65706

(3) Revenues the department of medicaid receives from another 65707  
state agency for medicaid services pursuant to an interagency 65708  
agreement; 65709

(4) The money the department of medicaid receives in a fiscal 65710  
year for performing eligibility verification services necessary 65711  
for compliance with the independent, certified audit requirement 65712  
of 42 C.F.R. 455.304; 65713

(5) The nonfederal share of all rebates paid by drug 65714  
manufacturers to the department of medicaid in accordance with a 65715  
rebate agreement required by section 1927 of the "Social Security 65716  
Act," ~~section 1927,~~ 42 U.S.C. 1396r-8; 65717

(6) The nonfederal share of all supplemental rebates paid by 65718  
drug manufacturers to the department of medicaid in accordance 65719  
with the supplemental drug rebate program established under 65720  
section 5164.755 of the Revised Code; 65721

(7) Amounts deposited into the fund pursuant to sections 65722  
5162.12, 5162.40, and 5162.41 of the Revised Code; 65723

(8) The application fees charged to providers under section 65724  
5164.31 of the Revised Code; 65725

(9) The fines collected under section 5165.1010 of the 65726  
Revised Code; 65727

(10) Amounts from assessments on hospitals under section 65728  
5168.06 of the Revised Code and intergovernmental transfers by 65729  
governmental hospitals under section 5168.07 of the Revised Code 65730  
that are deposited into the fund in accordance with the law. 65731

(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for ~~medicaid~~ all of the following:

(1) Medicaid services and costs;

(2) Costs associated with the administration of the medicaid program;

(3) Programs that serve youth involved with multiple government agencies;

(4) Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.

**Sec. 5162.72.** The medicaid director shall implement within the medicaid program strategies that address social determinants of health, including housing, transportation, food, interpersonal safety, and toxic stress.

**Sec. 5164.01.** As used in this chapter:

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.

(B) "Behavioral health redesign" means ~~proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make~~ revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services.

(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b).

(D) "Community behavioral health services" means both of the following:

(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code; 65761  
65762  
65763

(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code. 65764  
65765  
65766

(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r). 65767  
65768  
65769

(F) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 65770  
65771

(G) "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 65772  
65773

(H) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services. 65774  
65775  
65776

(I) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 65777  
65778  
65779

(J) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 65780  
65781

(K) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system. 65782  
65783

(L) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 65784  
65785

(M) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code. 65786  
65787  
65788

(N) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a 65789  
65790

condition of the state receiving federal financial participation 65791  
for the medicaid program. 65792

(O) "Medicaid managed care organization" has the same meaning 65793  
as in section 5167.01 of the Revised Code. 65794

(P) "Medicaid provider" means a person or government entity 65795  
with a valid provider agreement to provide medicaid services to 65796  
medicaid recipients. To the extent appropriate in the context, 65797  
"medicaid provider" includes a person or government entity 65798  
applying for a provider agreement, a former medicaid provider, or 65799  
both. 65800

(Q) "Medicaid services" means either or both of the 65801  
following: 65802

(1) Mandatory services; 65803

(2) Optional services that the medicaid program covers. 65804

(R) "Nursing facility" has the same meaning as in section 65805  
5165.01 of the Revised Code. 65806

(S) "Optional services" means the health care services and 65807  
items that may be covered by the medicaid state plan or a federal 65808  
medicaid waiver and for which the medicaid program receives 65809  
federal financial participation. 65810

(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 65811  
440.120. 65812

(U) "Provider agreement" means an agreement to which all of 65813  
the following apply: 65814

(1) It is between a medicaid provider and the department of 65815  
medicaid; 65816

(2) It provides for the medicaid provider to provide medicaid 65817  
services to medicaid recipients; 65818

(3) It complies with 42 C.F.R. 431.107(b). 65819

(V) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.

(W) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

**Sec. 5164.342.** (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in

section 5164.341 of the Revised Code. 65850

(B) This section does not apply to any individual who is 65851  
subject to a database review or criminal records check under 65852  
section 3701.881 of the Revised Code. If a waiver agency also is a 65853  
community-based long-term care provider or community-based 65854  
long-term care subcontractor, the waiver agency may provide for 65855  
any of its applicants and employees who are not subject to 65856  
database reviews and criminal records checks under section 173.38 65857  
of the Revised Code to undergo database reviews and criminal 65858  
records checks in accordance with that section ~~173.38 of the~~ 65859  
~~Revised Code~~ rather than this section. 65860

(C) No waiver agency shall employ an applicant or continue to 65861  
employ an employee in a position that involves providing home and 65862  
community-based services if any of the following apply: 65863

(1) A review of the databases listed in division (E) of this 65864  
section reveals any of the following: 65865

(a) That the applicant or employee is included in one or more 65866  
of the databases listed in divisions (E)(1) to (5) of this 65867  
section; 65868

(b) That there is in the state nurse aide registry 65869  
established under section 3721.32 of the Revised Code a statement 65870  
detailing findings by the director of health that the applicant or 65871  
employee abused, neglected, or exploited a long-term care facility 65872  
or residential care facility resident or misappropriated property 65873  
of such a resident; 65874

(c) That the applicant or employee is included in one or more 65875  
of the databases, if any, specified in rules authorized by this 65876  
section and the rules prohibit the waiver agency from employing an 65877  
applicant or continuing to employ an employee included in such a 65878  
database in a position that involves providing home and 65879  
community-based services. 65880

(2) After the applicant or employee is given the information 65881  
and notification required by divisions (F)(2)(a) and (b) of this 65882  
section, the applicant or employee fails to do either of the 65883  
following: 65884

(a) Access, complete, or forward to the superintendent of the 65885  
bureau of criminal identification and investigation the form 65886  
prescribed to division (C)(1) of section 109.572 of the Revised 65887  
Code or the standard impression sheet prescribed pursuant to 65888  
division (C)(2) of that section; 65889

(b) Instruct the superintendent to submit the completed 65890  
report of the criminal records check required by this section 65891  
directly to the chief administrator of the waiver agency. 65892

(3) Except as provided in rules authorized by this section, 65893  
the applicant or employee is found by a criminal records check 65894  
required by this section to have been convicted of or have pleaded 65895  
guilty to a disqualifying offense, regardless of the date of the 65896  
conviction or date of entry of the guilty plea. 65897

(D) At the time of each applicant's initial application for 65898  
employment in a position that involves providing home and 65899  
community-based services, the chief administrator of a waiver 65900  
agency shall inform the applicant of both of the following: 65901

(1) That a review of the databases listed in division (E) of 65902  
this section will be conducted to determine whether the waiver 65903  
agency is prohibited by division (C)(1) of this section from 65904  
employing the applicant in the position; 65905

(2) That, unless the database review reveals that the 65906  
applicant may not be employed in the position, a criminal records 65907  
check of the applicant will be conducted and the applicant is 65908  
required to provide a set of the applicant's fingerprint 65909  
impressions as part of the criminal records check. 65910

(E) As a condition of employing any applicant in a position 65911

that involves providing home and community-based services, the 65912  
chief administrator of a waiver agency shall conduct a database 65913  
review of the applicant in accordance with rules authorized by 65914  
this section. If rules authorized by this section so require, the 65915  
chief administrator of a waiver agency shall conduct a database 65916  
review of an employee in accordance with the rules as a condition 65917  
of continuing to employ the employee in a position that involves 65918  
providing home and community-based services. A database review 65919  
shall determine whether the applicant or employee is included in 65920  
any of the following: 65921

(1) The excluded parties list system that is maintained by 65922  
the United States general services administration pursuant to 65923  
subpart 9.4 of the federal acquisition regulation and available at 65924  
the federal web site known as the system for award management; 65925

(2) The list of excluded individuals and entities maintained 65926  
by the office of inspector general in the United States department 65927  
of health and human services pursuant to the "Social Security 65928  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 65929

(3) The registry of developmental disabilities employees 65930  
established under section 5123.52 of the Revised Code; 65931

(4) The internet-based sex offender and child-victim offender 65932  
database established under division (A)(11) of section 2950.13 of 65933  
the Revised Code; 65934

(5) The internet-based database of inmates established under 65935  
section 5120.66 of the Revised Code; 65936

(6) The state nurse aide registry established under section 65937  
3721.32 of the Revised Code; 65938

(7) Any other database, if any, specified in rules authorized 65939  
by this section. 65940

(F)(1) As a condition of employing any applicant in a 65941

position that involves providing home and community-based 65942  
services, the chief administrator of a waiver agency shall require 65943  
the applicant to request that the superintendent of the bureau of 65944  
criminal identification and investigation conduct a criminal 65945  
records check of the applicant. If rules authorized by this 65946  
section so require, the chief administrator of a waiver agency 65947  
shall require an employee to request that the superintendent 65948  
conduct a criminal records check of the employee at times 65949  
specified in the rules as a condition of continuing to employ the 65950  
employee in a position that involves providing home and 65951  
community-based services. However, a criminal records check is not 65952  
required for an applicant or employee if the waiver agency is 65953  
prohibited by division (C)(1) of this section from employing the 65954  
applicant or continuing to employ the employee in a position that 65955  
involves providing home and community-based services. If an 65956  
applicant or employee for whom a criminal records check request is 65957  
required by this section does not present proof of having been a 65958  
resident of this state for the five-year period immediately prior 65959  
to the date the criminal records check is requested or provide 65960  
evidence that within that five-year period the superintendent has 65961  
requested information about the applicant or employee from the 65962  
federal bureau of investigation in a criminal records check, the 65963  
chief administrator shall require the applicant or employee to 65964  
request that the superintendent obtain information from the 65965  
federal bureau of investigation as part of the criminal records 65966  
check. Even if an applicant or employee for whom a criminal 65967  
records check request is required by this section presents proof 65968  
of having been a resident of this state for the five-year period, 65969  
the chief administrator may require the applicant or employee to 65970  
request that the superintendent include information from the 65971  
federal bureau of investigation in the criminal records check. 65972

(2) The chief administrator shall provide the following to 65973  
each applicant and employee for whom a criminal records check is 65974

required by this section: 65975

(a) Information about accessing, completing, and forwarding 65976  
to the superintendent of the bureau of criminal identification and 65977  
investigation the form prescribed pursuant to division (C)(1) of 65978  
section 109.572 of the Revised Code and the standard impression 65979  
sheet prescribed pursuant to division (C)(2) of that section; 65980

(b) Written notification that the applicant or employee is to 65981  
instruct the superintendent to submit the completed report of the 65982  
criminal records check directly to the chief administrator. 65983

(3) A waiver agency shall pay to the bureau of criminal 65984  
identification and investigation the fee prescribed pursuant to 65985  
division (C)(3) of section 109.572 of the Revised Code for any 65986  
criminal records check required by this section. However, a waiver 65987  
agency may require an applicant to pay to the bureau the fee for a 65988  
criminal records check of the applicant. If the waiver agency pays 65989  
the fee for an applicant, it may charge the applicant a fee not 65990  
exceeding the amount the waiver agency pays to the bureau under 65991  
this section if the waiver agency notifies the applicant at the 65992  
time of initial application for employment of the amount of the 65993  
fee and that, unless the fee is paid, the applicant will not be 65994  
considered for employment. 65995

(G)(1) A waiver agency may employ conditionally an applicant 65996  
for whom a criminal records check is required by this section 65997  
prior to obtaining the results of the criminal records check if 65998  
both of the following apply: 65999

(a) The waiver agency is not prohibited by division (C)(1) of 66000  
this section from employing the applicant in a position that 66001  
involves providing home and community-based services. 66002

(b) The chief administrator of the waiver agency requires the 66003  
applicant to request a criminal records check regarding the 66004  
applicant in accordance with division (F)(1) of this section not 66005

later than five business days after the applicant begins 66006  
conditional employment. 66007

(2) A waiver agency that employs an applicant conditionally 66008  
under division (G)(1) of this section shall terminate the 66009  
applicant's employment if the results of the criminal records 66010  
check, other than the results of any request for information from 66011  
the federal bureau of investigation, are not obtained within the 66012  
period ending sixty days after the date the request for the 66013  
criminal records check is made. Regardless of when the results of 66014  
the criminal records check are obtained, if the results indicate 66015  
that the applicant has been convicted of or has pleaded guilty to 66016  
a disqualifying offense, the waiver agency shall terminate the 66017  
applicant's employment unless circumstances specified in rules 66018  
authorized by this section exist that permit the waiver agency to 66019  
employ the applicant and the waiver agency chooses to employ the 66020  
applicant. 66021

(H) The report of any criminal records check conducted 66022  
pursuant to a request made under this section is not a public 66023  
record for the purposes of section 149.43 of the Revised Code and 66024  
shall not be made available to any person other than the 66025  
following: 66026

(1) The applicant or employee who is the subject of the 66027  
criminal records check or the representative of the applicant or 66028  
employee; 66029

(2) The chief administrator of the waiver agency that 66030  
requires the applicant or employee to request the criminal records 66031  
check or the administrator's representative; 66032

(3) The medicaid director and the staff of the department who 66033  
are involved in the administration of the medicaid program; 66034

(4) The director of aging or the director's designee if the 66035  
waiver agency also is a community-based long-term care provider or 66036

community-based long-term care subcontractor;	66037
(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;	66038 66039 66040
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	66041 66042
(a) A denial of employment of the applicant or employee;	66043
(b) Employment or unemployment benefits of the applicant or employee;	66044 66045
(c) A civil or criminal action regarding the medicaid program.	66046 66047
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	66048 66049
(1) The rules may do the following:	66050
(a) Require employees to undergo database reviews and criminal records checks under this section;	66051 66052
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	66053 66054 66055
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	66056 66057 66058
(2) The rules shall specify all of the following:	66059
(a) The procedures for conducting a database review under this section;	66060 66061
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	66062 66063 66064 66065

(c) If the rules specify other databases to be checked as 66066  
part of a database review, the circumstances under which a waiver 66067  
agency is prohibited from employing an applicant or continuing to 66068  
employ an employee who is found by the database review to be 66069  
included in one or more of those databases; 66070

(d) The circumstances under which a waiver agency may employ 66071  
an applicant or employee who is found by a criminal records check 66072  
required by this section to have been convicted of or have pleaded 66073  
guilty to a disqualifying offense. 66074

(J) The amendments made by H.B. 487 of the 129th general 66075  
assembly to this section do not preclude the department of 66076  
medicaid from taking action against a person for failure to comply 66077  
with former division (H) of this section as that division existed 66078  
on the day preceding January 1, 2013. 66079

**Sec. 5164.36.** (A) As used in this section: 66080

(1) "Credible allegation of fraud" has the same meaning as in 66081  
42 C.F.R. 455.2, except that for purposes of this section any 66082  
reference in that regulation to the "state" or the "state medicaid 66083  
agency" means the department of medicaid. 66084

(2) "Disqualifying indictment" means an indictment of a 66085  
medicaid provider or its officer, authorized agent, associate, 66086  
manager, employee, or, if the provider is a noninstitutional 66087  
provider, its owner, if either of the following applies: 66088

(a) The indictment charges the person with committing an act 66089  
to which both of the following apply: 66090

(i) The act would be a felony or misdemeanor under the laws 66091  
of this state or the jurisdiction within which the act occurred. 66092

(ii) The act relates to or results from furnishing or billing 66093  
for medicaid services under the medicaid program or relates to or 66094  
results from performing management or administrative services 66095

relating to furnishing medicaid services under the medicaid 66096  
program. 66097

(b) If the medicaid provider is an independent provider, the 66098  
indictment charges the person with committing an act that would 66099  
constitute a disqualifying offense. 66100

(3) "Disqualifying offense" means any of the offenses listed 66101  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 66102  
the Revised Code. 66103

(4) "Independent provider" has the same meaning as in section 66104  
5164.341 of the Revised Code. 66105

(5) "Noninstitutional medicaid provider" means any person or 66106  
entity with a provider agreement other than a hospital, nursing 66107  
facility, or ICF/IID. 66108

(6) "Owner" has the same meaning as in section 5164.37 of the 66109  
Revised Code means any person having at least five per cent 66110  
ownership in a noninstitutional medicaid provider. 66111

(B)(1) Except as provided in division (C) of this section and 66112  
in rules authorized by this section, ~~on determining there is a~~ 66113  
~~credible allegation of fraud for which an investigation is pending~~ 66114  
~~under the medicaid program against a medicaid provider, the~~ 66115  
department of medicaid shall suspend the provider agreement held 66116  
by ~~the~~ a medicaid provider on determining either of the following: 66117

(a) There is a credible allegation of fraud against any of 66118  
the following for which an investigation is pending under the 66119  
medicaid program: 66120

(i) The medicaid provider; 66121

(ii) The medicaid provider's owner, officer, authorized 66122  
agent, associate, manager, or employee. 66123

(b) A disqualifying indictment has been issued against any of 66124  
the following: 66125

(i) The medicaid provider; 66126

(ii) The medicaid provider's officer, authorized agent, associate, manager, or employee; 66127  
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(iii) If the medicaid provider is a noninstitutional provider, its owner. Subject 66129  
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(2) Subject to division (C) of this section, the department shall also ~~terminate~~ suspend all medicaid payments to ~~the a~~ medicaid provider for services rendered, regardless of the date that the services are rendered, when the department suspends the provider's provider agreement under this section. 66131  
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~~(2)(a)(3)~~ The suspension of a provider agreement shall continue in effect until either of the following is the case occurs: 66136  
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~~(i) The (a)~~ If the suspension is the result of a credible allegation of fraud, the department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider; 66139  
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~~(ii) The (b)~~ Regardless of whether the suspension is the result of a credible allegation of fraud or a disqualifying indictment, the proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty- 66143  
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~~(b) If or, if~~ the department commences a process to terminate the suspended provider agreement, ~~the suspension shall also continue in effect until~~ the termination process is concluded. 66148  
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~~(3)(4)(a)~~ When ~~subject to a suspension~~ provider agreement is suspended under this section, a medicaid provider, owner, officer, authorized agent, associate, manager, or employee shall not own none of the following shall take, during the period of the suspension, any of the actions specified in division (B)(4)(b) of

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this section: 66156

(i) The medicaid provider; 66157

(ii) If the suspension is the result of an action taken by an officer, authorized agent, associate, manager, or employee of the medicaid provider, that person; 66158  
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(iii) If the medicaid provider is a noninstitutional provider and the suspension is the result of an action taken by the owner of the provider, the owner. 66161  
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(b) The following are the actions that persons specified in division (B)(4)(a) of this section cannot take during the suspension of a provider agreement: 66164  
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(i) Own services provided, or provide services, to any other medicaid provider or risk contractor ~~or arrange;~~ 66167  
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(ii) Arrange for, render to, or order services to any other medicaid provider or risk contractor ~~or arrange;~~ 66169  
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(iii) Arrange for, render to, or order services for medicaid recipients ~~during the period of suspension. During the period of suspension, the provider, owner, officer, authorized agent, associate, manager, or employee shall not receive;~~ 66171  
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(iv) Receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor. 66175  
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(C) The department shall not suspend a provider agreement or ~~terminate~~ medicaid payments under division (B) of this section if the medicaid provider or, if the provider is a noninstitutional provider, the owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the credible allegation of 66179  
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fraud or disqualifying indictment. 66186

~~(D) The termination of medicaid payment under division (B) of this section applies only to payments for medicaid services rendered subsequent to the date on which the notice required by division (E) of this section is sent. Claims for payment of medicaid services rendered by the medicaid provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete.~~ 66187  
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~~(E)~~ After suspending a provider agreement under division (B) of this section, the department shall, ~~as specified in 42 C.F.R. 455.23(b),~~ send notice of the suspension to the affected medicaid provider or, if the provider is a noninstitutional provider, the owner in accordance with the following ~~timeframes~~ time frames: 66197  
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(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice; 66202  
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(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section. 66205  
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~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs. 66209  
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~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section shall do all of the following: 66214  
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(1) State that payments are being suspended in accordance 66216

with this section and 42 C.F.R. 455.23; 66217

(2) Set forth the general allegations related to the nature 66218  
of the conduct leading to the suspension, except that it is not 66219  
necessary to disclose any specific information concerning an 66220  
ongoing investigation; 66221

(3) State that the suspension continues to be in effect until 66222  
either of the ~~following is the case:~~ 66223

~~(a) The department or a prosecuting authority determines that 66224  
there is insufficient evidence of fraud by the provider;~~ 66225

~~(b) The proceedings in any related criminal case are 66226  
completed through dismissal of the indictment or through 66227  
conviction, entry of a guilty plea, or finding of not guilty and, 66228  
if the department commences a process to terminate the suspended 66229  
provider agreement, until the termination process is concluded. 66230  
circumstances specified in division (B)(3) of this section occur; 66231~~

(4) Specify, if applicable, the type or types of medicaid 66232  
claims or business units of the medicaid provider that are 66233  
affected by the suspension; 66234

(5) Inform the medicaid provider or owner of the opportunity 66235  
to submit to the department, not later than thirty days after 66236  
receiving the notice, a request for reconsideration of the 66237  
suspension in accordance with division ~~(H)~~(G) of this section. 66238

~~(H)~~(G)(1) Pursuant to the procedure specified in division 66239  
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 66240  
a suspension under this section or, if the provider is a 66241  
noninstitutional provider, the owner may request a reconsideration 66242  
of the suspension. The request shall be made not later than thirty 66243  
days after receipt of a notice required by division ~~(E)~~(D) of this 66244  
section. The reconsideration is not subject to an adjudication 66245  
hearing pursuant to Chapter 119. of the Revised Code. 66246

(2) In requesting a reconsideration, the medicaid provider or owner shall submit written information and documents to the department. The information and documents may pertain to any of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of an indictment in a related criminal case.

(b) If there has been an indictment in a related criminal case, whether ~~any offense charged in the indictment resulted from an offense specified in division (E) of section 5164.37 of the Revised Code~~ is a disqualifying indictment.

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.

~~(I)~~(H) The department shall review the information and documents submitted in a request made under division ~~(H)~~(G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

Sec. 5164.37. (A) The department of medicaid may suspend a medicaid provider's provider agreement without prior notice if the

department has evidence that the provider presents a danger of 66277  
immediate and serious harm to the health, safety, or welfare of 66278  
medicaid recipients. The department also shall suspend all 66279  
medicaid payments to the medicaid provider for services rendered, 66280  
regardless of the date that the services were rendered, when the 66281  
department suspends the provider agreement under this section. 66282

(B) If the department suspends a medicaid provider's provider 66283  
agreement under this section, the department shall do both of the 66284  
following: 66285

(1) Not later than five days after suspending the provider 66286  
agreement, notify the medicaid provider of the suspension; 66287

(2) Not later than ten business days after suspending the 66288  
provider agreement, notify the medicaid provider that the 66289  
department intends to terminate the provider agreement. 66290

(C) The notice that the department provides to a medicaid 66291  
provider under division (B)(2) of this section shall include the 66292  
allegation that the provider presents a danger of immediate and 66293  
serious harm to the health, safety, or welfare of medicaid 66294  
recipients. It may also include other grounds for terminating the 66295  
provider agreement. Section 5164.38 of the Revised Code applies to 66296  
the termination of the provider agreement. 66297

(D) The suspension of a medicaid provider's provider 66298  
agreement and medicaid payments shall cease at the earliest of the 66299  
following: 66300

(1) The department's failure to provide a notice required by 66301  
division (B) of this section by the time specified in that 66302  
division; 66303

(2) The department rescinds its notice to terminate the 66304  
provider agreement. 66305

(3) The department issues an order regarding the termination 66306

of the provider agreement pursuant to an adjudication conducted in 66307  
accordance with Chapter 119. of the Revised Code. 66308

(E) This section does not limit the department's authority to 66309  
suspend or terminate a provider agreement or medicaid payments to 66310  
a medicaid provider under any other provision of the Revised Code. 66311

**Sec. 5164.38.** (A) As used in this section: 66312

(1) "Party" has the same meaning as in division (G) of 66313  
section 119.01 of the Revised Code. 66314

(2) "Revalidate" means to approve a medicaid provider's 66315  
continued enrollment as a medicaid provider in accordance with the 66316  
revalidation process established in rules authorized by section 66317  
5164.32 of the Revised Code. 66318

(B) This section does not apply to either of the following: 66319

(1) Any action taken or decision made by the department of 66320  
medicaid with respect to entering into or refusing to enter into a 66321  
contract with a managed care organization pursuant to section 66322  
5167.10 of the Revised Code; 66323

(2) Any action taken by the department under division (D)(2) 66324  
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 66325  
sections 5165.60 to 5165.89 of the Revised Code. 66326

(C) Except as provided in division (E) of this section and 66327  
section 5164.58 of the Revised Code, the department shall do any 66328  
of the following by issuing an order pursuant to an adjudication 66329  
conducted in accordance with Chapter 119. of the Revised Code: 66330

(1) Refuse to enter into a provider agreement with a medicaid 66331  
provider; 66332

(2) Refuse to revalidate a medicaid provider's provider 66333  
agreement; 66334

(3) Suspend or terminate a medicaid provider's provider 66335

agreement; 66336

(4) Take any action based upon a final fiscal audit of a 66337  
medicaid provider. 66338

(D) Any party who is adversely affected by the issuance of an 66339  
adjudication order under division (C) of this section may appeal 66340  
to the court of common pleas of Franklin county in accordance with 66341  
section 119.12 of the Revised Code. 66342

(E) The department is not required to comply with division 66343  
(C)(1), (2), or (3) of this section whenever any of the following 66344  
occur: 66345

(1) The terms of a provider agreement require the medicaid 66346  
provider to hold a license, permit, or certificate or maintain a 66347  
certification issued by an official, board, commission, 66348  
department, division, bureau, or other agency of state or federal 66349  
government other than the department of medicaid, and the license, 66350  
permit, certificate, or certification has been denied, revoked, 66351  
not renewed, suspended, or otherwise limited. 66352

(2) The terms of a provider agreement require the medicaid 66353  
provider to hold a license, permit, or certificate or maintain 66354  
certification issued by an official, board, commission, 66355  
department, division, bureau, or other agency of state or federal 66356  
government other than the department of medicaid, and the provider 66357  
has not obtained the license, permit, certificate, or 66358  
certification. 66359

(3) The medicaid provider's application for a provider 66360  
agreement is denied, or the provider's provider agreement is 66361  
terminated or not revalidated, because of or pursuant to any of 66362  
the following: 66363

(a) The termination, refusal to renew, or denial of a 66364  
license, permit, certificate, or certification by an official, 66365  
board, commission, department, division, bureau, or other agency 66366

of this state other than the department of medicaid, 66367  
notwithstanding the fact that the provider may hold a license, 66368  
permit, certificate, or certification from an official, board, 66369  
commission, department, division, bureau, or other agency of 66370  
another state; 66371

(b) Division (D) or (E) of section 5164.35 of the Revised 66372  
Code; 66373

(c) The provider's termination, suspension, or exclusion from 66374  
the medicare program or from another state's medicaid program and, 66375  
in either case, the termination, suspension, or exclusion is 66376  
binding on the provider's participation in the medicaid program in 66377  
this state; 66378

(d) The provider's pleading guilty to or being convicted of a 66379  
criminal activity materially related to either the medicare or 66380  
medicaid program; 66381

(e) The provider or its owner, officer, authorized agent, 66382  
associate, manager, or employee having been convicted of one of 66383  
the offenses that caused the provider's provider agreement to be 66384  
suspended pursuant to section 5164.36 of the Revised Code; 66385

(f) The provider's failure to provide the department the 66386  
national provider identifier assigned the provider by the national 66387  
provider system pursuant to 45 C.F.R. 162.408. 66388

(4) The medicaid provider's application for a provider 66389  
agreement is denied, or the provider's provider agreement is 66390  
terminated or suspended, as a result of action by the United 66391  
States department of health and human services and that action is 66392  
binding on the provider's medicaid participation. 66393

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the~~ 66394  
~~Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ 66395  
and medicaid payments to the provider are suspended and payments 66396  
~~to the provider are suspended pending indictment of the provider~~ 66397

under section 5164.36 or 5164.37 of the Revised Code. 66398

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete; 66399  
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(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited. 66402  
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(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code. 66406  
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(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following: 66410  
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(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450; 66412  
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(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer. 66415  
66416

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail. 66417  
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(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the 66423  
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extent that they equal amounts determined in a final fiscal audit 66428  
as being due the state. This division does not apply if the 66429  
department fails to comply with section 119.07 of the Revised 66430  
Code, requests a continuance of the hearing, or does not issue a 66431  
decision within thirty days after the hearing is completed. This 66432  
division does not apply to nursing facilities and ICFs/IID. 66433

**Sec. 5164.7510.** (A) There is hereby established the pharmacy 66434  
and therapeutics committee of the department of medicaid. The 66435  
committee shall assist the department with developing and 66436  
maintaining a preferred drug list for the medicaid program. 66437

The committee shall review and recommend to the medicaid 66438  
director the drugs that should be included on the preferred drug 66439  
list. The recommendations shall be made based on the evaluation of 66440  
competent evidence regarding the relative safety, efficacy, and 66441  
effectiveness of prescribed drugs within a class or classes of 66442  
prescribed drugs. 66443

(B) The committee shall consist of ten members and shall be 66444  
appointed by the medicaid director. The director shall seek 66445  
recommendations for membership from relevant professional 66446  
organizations. A candidate for membership recommended by a 66447  
professional organization shall have professional experience 66448  
working with medicaid recipients. 66449

The membership of the committee shall include: 66450

(1) Three pharmacists licensed under Chapter 4729. of the 66451  
Revised Code; 66452

(2) Two doctors of medicine and two doctors of osteopathy who 66453  
hold ~~certificates to practice~~ licenses issued under Chapter 4731. 66454  
of the Revised Code, one of whom is a family practice physician; 66455

(3) A registered nurse licensed under Chapter 4723. of the 66456  
Revised Code; 66457

(4) A pharmacologist who has a doctoral degree; 66458

(5) A psychiatrist who holds a ~~certificate~~ license to 66459  
practice medicine and surgery or osteopathic medicine and surgery 66460  
issued under Chapter 4731. of the Revised Code and specializes in 66461  
psychiatry. 66462

(C) The committee shall elect from among its members a 66463  
chairperson. Five committee members constitute a quorum. 66464

The committee shall establish guidelines necessary for the 66465  
committee's operation. 66466

The committee may establish one or more subcommittees to 66467  
investigate and analyze issues consistent with the duties of the 66468  
committee under this section. The subcommittees may submit 66469  
proposals regarding the issues to the committee and the committee 66470  
may adopt, reject, or modify the proposals. 66471

A vote by a majority of a quorum is necessary to make 66472  
recommendations to the director. In the case of a tie, the 66473  
chairperson shall decide the outcome. 66474

(D) The director shall act on the committee's recommendations 66475  
not later than thirty days after the recommendation is posted on 66476  
the department's web site under division (F) of this section. If 66477  
the director does not accept a recommendation of the committee, 66478  
the director shall present the basis for this determination not 66479  
later than fourteen days after making the determination or at the 66480  
next scheduled meeting of the committee, whichever is sooner. 66481

(E) An interested party may request, and shall be permitted, 66482  
to make a presentation or submit written materials to the 66483  
committee during a committee meeting. The presentation or other 66484  
materials shall be relevant to an issue under consideration by the 66485  
committee and any written material, including a transcript of 66486  
testimony to be given on the day of the meeting, may be submitted 66487  
to the committee in advance of the meeting. 66488

(F) The department shall post the following on the department's web site: 66489  
66490

(1) Guidelines established by the committee under division (C) of this section; 66491  
66492

(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee; 66493  
66494  
66495  
66496

(3) Committee recommendations not later than seven days after the meeting at which the recommendation was approved; 66497  
66498

(4) The director's final determination as to the recommendations made by the committee under this section. 66499  
66500

**Sec. 5164.91.** (A) The medicaid director may implement a demonstration project called the integrated care delivery system to test and evaluate the integration of the care that dual eligible individuals receive under medicare and medicaid. No provision of Title LI of the Revised Code applies to the integrated care delivery system if that provision implements or incorporates a provision of federal law governing medicaid and that provision of federal law does not apply to the system. 66501  
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(B) The director shall require the use of a standardized claim form for each provider type to be used by a medical provider that renders a medically necessary health care service under the integrated care delivery system. The required claim form shall be selected from among universally accepted claim forms used in the United States. 66509  
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(C) Except as otherwise provided in divisions (C)(1) to (3) of this section, the director shall require the integrated care delivery system to use the same medical claim codes used under the fee-for-service component of medicaid. 66515  
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(1) The integrated care delivery system may use other claim codes to assist in collecting information that is reported to the healthcare effectiveness data and information set (HEDIS) maintained by the national committee for quality assurance. 66519  
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(2) The director may require the integrated care delivery system to use different claim codes for program integrity standards. 66523  
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(3) The integrated care delivery system may use different claim codes if those codes are agreed to in a contract between the department or its designee and the medical provider. 66526  
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**Sec. 5165.15.** Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows: 66529  
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(A) Determine the sum of all of the following: 66535

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 66536  
66537  
66538

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 66539  
66540  
66541

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 66542  
66543  
66544

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 66545  
66546  
66547

(5) If the nursing facility qualifies as a critical access 66548

nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code. 66549  
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(B) To the sum determined under division (A) of this section, add ~~the following~~: 66551  
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~~(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;~~ 66553  
66554

~~(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:~~ 66555  
66556  
66557

~~(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;~~ 66558  
66559  
66560

~~(b) The difference between the following:~~ 66561

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;~~ 66562  
66563  
66564  
66565  
66566

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the determination is being made under division (B) of this section.~~ 66567  
66568  
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~~(3) For the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted after state fiscal year 2020, the amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year .~~ 66570  
66571  
66572  
66573  
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(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents. 66575  
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(D) To the difference determined under division (C) of this section, add the per medicaid day quality payment rate determined 66577  
66578

for the nursing facility under section 5165.25 of the Revised Code. 66579  
66580

(E) To the sum determined under division (D) of this section, 66581  
add, for the second half of state fiscal year 2020 and all of each 66582  
state fiscal year thereafter, the per medicaid day quality 66583  
incentive payment rate determined for the nursing facility under 66584  
section 5165.26 of the Revised Code. 66585

**Sec. 5165.152.** The total per medicaid day payment rate 66586  
determined under section 5165.15 of the Revised Code shall not be 66587  
paid for nursing facility services provided to low resource 66588  
utilization residents. Instead, the total rate for such nursing 66589  
facility services shall be ~~the following:~~ 66590

~~(A) One one hundred fifteen dollars per medicaid day if the~~ 66591  
~~department of medicaid is satisfied that the nursing facility's~~ 66592  
~~provider is cooperating with the long term care ombudsman program~~ 66593  
~~in efforts to help the nursing facility's low resource utilization~~ 66594  
~~residents receive the services that are most appropriate for such~~ 66595  
~~residents' level of care needs;~~ 66596

~~(B) Ninety one dollars and seventy cents per medicaid day if~~ 66597  
~~division (A) of this section does not apply to the nursing~~ 66598  
~~facility.~~ 66599

**Sec. 5165.21.** The department of medicaid shall determine each 66600  
nursing facility's per medicaid day payment rate for tax costs. 66601  
The rate for tax costs determined under this division for a 66602  
nursing facility shall be used for subsequent years until the 66603  
department conducts a rebasing. To determine a nursing facility's 66604  
rate for tax costs, the department shall ~~do both of the following:~~ 66605

~~(A) Divide divide the nursing facility's desk-reviewed,~~ 66606  
actual, allowable tax costs paid for the applicable calendar year 66607  
by the number of inpatient days the nursing facility would have 66608

had if its occupancy rate had been one hundred per cent during the applicable calendar year+ 66609  
66610

~~(B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (A) of this section using the difference between the following:~~ 66611  
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66613  
66614  
66615

~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this section;~~ 66616  
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66618  
66619  
66620

~~(2) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (B) of this section.~~ 66621  
66622  
66623

**Sec. 5165.25.** (A) As used in this section: 66624

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days. 66625  
66626

(2) "Measurement period" means the following: 66627

~~(a) For state fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015;~~ 66628  
66629

~~(b) For each subsequent state fiscal year, the calendar year immediately preceding the calendar year in which the a state fiscal year begins.~~ 66630  
66631  
66632

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 66633  
66634

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident. 66635  
66636

(B)(1) Using all of the funds made available for a state 66637

fiscal year by the rate reductions under division (C) of section 66638  
5165.15 of the Revised Code, the department of medicaid shall 66639  
determine a per medicaid day quality payment rate to be paid for 66640  
that state fiscal year to each nursing facility that meets at 66641  
least one of the quality indicators specified in division (B)(2) 66642  
of this section ~~for the measurement period~~. The largest quality 66643  
payment rate for a state fiscal year shall be paid to nursing 66644  
facilities that meet all of the quality indicators ~~for the~~ 66645  
~~measurement period~~. 66646

(2) The following are the quality indicators to be used for 66647  
the purpose of division (B)(1) of this section: 66648

(a) Not more than the target percentage of the nursing 66649  
facility's short-stay residents had new or worsened pressure 66650  
ulcers for the measurement period. 66651

(b) Not more than the target percentage of long-stay 66652  
residents at high risk for pressure ulcers had pressure ulcers for 66653  
the measurement period. 66654

(c) Not more than the target percentage of the nursing 66655  
facility's short-stay residents newly received an antipsychotic 66656  
medication for the measurement period. 66657

(d) Not more than the target percentage of the nursing 66658  
facility's long-stay residents received an antipsychotic 66659  
medication for the measurement period. 66660

(e) Not more than the target percentage of the nursing 66661  
facility's long-stay residents had an unplanned weight loss for 66662  
the measurement period. 66663

(f) The nursing facility's employee retention rate is at 66664  
least the target rate for the measurement period. 66665

(g) The nursing facility ~~utilized the nursing home version of~~ 66666  
~~the preferences for everyday living inventory for all of its~~ 66667

residents obtained at least the target score on the following: 66668

(i) For an even-numbered state fiscal year, the department of 66669  
aging's most recently published resident satisfaction survey 66670  
conducted pursuant to section 173.47 of the Revised Code; 66671

(ii) For an odd-numbered state fiscal year, the department of 66672  
aging's most recently published family satisfaction survey 66673  
conducted pursuant to section 173.47 of the Revised Code. 66674

(3) The department shall specify the target percentage for 66675  
the purpose of divisions (B)(2)(a) to (e) of this section at the 66676  
fortieth percentile of nursing facilities that have data for the 66677  
quality indicators. The department also shall specify the target 66678  
rate for the purpose of division (B)(2)(f) of this section and the 66679  
target score for the purpose of division (B)(2)(g) of this 66680  
section. In determining whether a nursing facility meets the 66681  
quality indicators specified in divisions (B)(2)(c) and (d) of 66682  
this section, the department shall exclude from consideration the 66683  
following: 66684

~~(a) In the case of the quality indicator specified in~~ 66685  
~~division (B)(2)(c) of this section, all of the nursing facility's~~ 66686  
~~short stay residents who newly received an antipsychotic~~ 66687  
~~medication in conjunction with hospice care;~~ 66688

~~(b) In the case of the quality indicator specified in~~ 66689  
~~division (B)(2)(d) of this section, all of the nursing facility's~~ 66690  
~~long stay residents who received antipsychotic medication in~~ 66691  
~~conjunction with hospice care.~~ 66692

(C) If a nursing facility undergoes a change of operator 66693  
during a state fiscal year, the per medicaid day quality payment 66694  
rate to be paid to the entering operator for nursing facility 66695  
services that the nursing facility provides during the period 66696  
beginning on the effective date of the change of operator and 66697  
ending on the last day of the state fiscal year shall be the same 66698

amount as the per medicaid day quality payment rate that was in 66699  
effect on the day immediately preceding the effective date of the 66700  
change of operator and paid to the nursing facility's exiting 66701  
operator. For the immediately following state fiscal year, the per 66702  
medicaid day quality payment rate shall be ~~the following:~~ 66703

~~(1) If the effective date of the change of operator is on or 66704  
before the first day of October of the calendar year immediately 66705  
preceding the state fiscal year, the amount determined for the 66706  
nursing facility in accordance with division (B) of this section 66707  
for the state fiscal year;~~ 66708

~~(2) If the effective date of the change of operator is after 66709  
the first day of October of the calendar year immediately 66710  
preceding the state fiscal year, the mean per medicaid day quality 66711  
payment rate for all nursing facilities for the state fiscal year. 66712~~

Sec. 5165.26. (A) As used in this section: 66713

(1) "Base rate" means the portion of a nursing facility's 66714  
total per medicaid day payment rate determined under divisions (A) 66715  
and (B) of section 5165.15 of the Revised Code. 66716

(2) "CMS" means the United States centers for medicare and 66717  
medicaid services. 66718

(3) "Long-stay resident" and "measurement period" have the 66719  
same meanings as in section 5165.25 of the Revised Code. 66720

(B) For the second half of state fiscal year 2020 and all of 66721  
each state fiscal year thereafter, and subject to divisions (D) 66722  
and (E) of this section, the department of medicaid shall 66723  
determine each nursing facility's per medicaid day quality 66724  
incentive payment rate as follows: 66725

(1) Determine the sum of the quality scores determined under 66726  
division (C) of this section for all nursing facilities. 66727

(2) Determine the average quality score by dividing the sum 66728

determined under division (B)(1) of this section by the number of 66729  
nursing facilities for which a quality score was determined. 66730

(3) Determine the following: 66731

(a) For the second half of state fiscal year 2020, the sum of 66732  
the total number of medicaid days for the second half of calendar 66733  
year 2018 for all nursing facilities for which a quality score was 66734  
determined; 66735

(b) For all of state fiscal year 2021 and each state fiscal 66736  
year thereafter, the sum of the total number of medicaid days for 66737  
the measurement period applicable to the state fiscal year for all 66738  
nursing facilities for which a quality score was determined. 66739

(4) Multiply the average quality score determined under 66740  
division (B)(2) of this section by the sum determined under 66741  
division (B)(3) of this section. 66742

(5) Determine the value per quality point by determining the 66743  
quotient of the following: 66744

(a) The following: 66745

(i) For the second half of state fiscal year 2020, the sum 66746  
determined under division (E)(1)(b) of this section; 66747

(ii) For all of state fiscal year 2021 and each state fiscal 66748  
year thereafter, the sum determined under division (E)(2)(b) of 66749  
this section. 66750

(b) The product determined under division (B)(4) of this 66751  
section. 66752

(6) Multiply the value per quality point determined under 66753  
division (B)(5) of this section by the nursing facility's quality 66754  
score determined under division (C) of this section. 66755

(C)(1) Except as provided in divisions (C)(2) and (3) of this 66756  
section, a nursing facility's quality score for a state fiscal 66757  
year shall be the sum of the total number of points that CMS 66758

assigned to the nursing facility under CMS's nursing facility 66759  
five-star quality rating system for the following quality metrics: 66760

(a) The percentage of the nursing facility's long-stay 66761  
residents at high risk for pressure ulcers who had pressure ulcers 66762  
during the measurement period; 66763

(b) The percentage of the nursing facility's long-stay 66764  
residents who had a urinary tract infection during the measurement 66765  
period; 66766

(c) The percentage of the nursing facility's long-stay 66767  
residents whose ability to move independently worsened during the 66768  
measurement period; 66769

(d) The percentage of the nursing facility's long-stay 66770  
residents who had a catheter inserted and left in their bladder 66771  
during the measurement period. 66772

(2) In determining a nursing facility's quality score for a 66773  
state fiscal year, the department shall make the following 66774  
adjustment to the number of points that CMS assigned to the 66775  
nursing facility for each of the quality metrics specified in 66776  
division (C)(1) of this section: 66777

(a) Unless division (C)(2)(b) of this section applies, divide 66778  
the number of the nursing facility's points for the quality metric 66779  
by twenty. 66780

(b) If CMS assigned the nursing facility to the lowest 66781  
percentile for the quality metric, reduce the number of the 66782  
nursing facility's points for the quality metric to zero. 66783

(3) A nursing facility's quality score shall be zero for a 66784  
state fiscal year if it is not to receive a quality incentive 66785  
payment for that state fiscal year because of division (D) of this 66786  
section. 66787

(D)(1) Except as provided in division (D)(2) of this section, 66788

a nursing facility shall not receive a quality incentive payment 66789  
for a state fiscal year, other than the second half of state 66790  
fiscal year 2020, if the nursing facility's licensed occupancy 66791  
percentage is less than seventy per cent. 66792

(2) Division (D)(1) of this section does not apply to a 66793  
nursing facility for a state fiscal year if either of the 66794  
following apply: 66795

(a) The nursing facility has a quality score under division 66796  
(C) of this section for the state fiscal year of at least ten 66797  
points; 66798

(b) Either of the following occurred less than four years 66799  
before the first day of the state fiscal year: 66800

(i) The nursing facility was initially certified for 66801  
participation in the medicaid program. 66802

(ii) The nursing facility underwent a renovation during which 66803  
the nursing facility temporarily removed one or more of its 66804  
licensed beds from service. 66805

(3) A nursing facility's licensed occupancy percentage for a 66806  
state fiscal year shall be determined as follows: 66807

(a) Multiply the nursing facility's licensed capacity on the 66808  
last day of the measurement period applicable to the state fiscal 66809  
year by the number of days in that measurement period; 66810

(b) Divide the number of the nursing facility's inpatient 66811  
days for the measurement period applicable to the state fiscal 66812  
year by the product determined under division (D)(3)(a) of this 66813  
section. 66814

(E) The total amount to be spent on quality incentive 66815  
payments for a state fiscal year shall be the following: 66816

(1) For the second half of state fiscal year 2020, the amount 66817  
determined as follows: 66818

<u>(a) Determine the following amount for each nursing facility,</u>	66819
<u>including those that do not receive a quality incentive payment</u>	66820
<u>because of division (D) of this section:</u>	66821
<u>(i) The amount that is two and four-tenths per cent of the</u>	66822
<u>nursing facility's base rate for nursing facility services</u>	66823
<u>provided on January 1, 2020;</u>	66824
<u>(ii) Multiply the amount determined under division</u>	66825
<u>(E)(1)(a)(i) of this section by the number of the nursing</u>	66826
<u>facility's medicaid days for the second half of calendar year</u>	66827
<u>2018.</u>	66828
<u>(b) Determine the sum of the products determined under</u>	66829
<u>division (E)(1)(a)(ii) of this section for all nursing facilities</u>	66830
<u>for which the product was determined for the second half of state</u>	66831
<u>fiscal year 2020.</u>	66832
<u>(2) For all of state fiscal year 2021 and each state fiscal</u>	66833
<u>year thereafter, the amount determined as follows:</u>	66834
<u>(a) Determine the following amount for each nursing facility,</u>	66835
<u>including those that do not receive a quality incentive payment</u>	66836
<u>because of division (D) of this section:</u>	66837
<u>(i) The amount that is two and four-tenths per cent of the</u>	66838
<u>nursing facility's base rate for nursing facility services</u>	66839
<u>provided on the first day of the state fiscal year;</u>	66840
<u>(ii) Add the amount determined under division (E)(2)(a)(i) of</u>	66841
<u>this section to the nursing facility's base rate for nursing</u>	66842
<u>facility services provided on the first day of the state fiscal</u>	66843
<u>year;</u>	66844
<u>(iii) Multiply the sum determined under division</u>	66845
<u>(E)(2)(a)(ii) of this section by the medicare skilled nursing</u>	66846
<u>facility market basket index for federal fiscal year 2020;</u>	66847
<u>(iv) Determine the sum of the amounts determined under</u>	66848

divisions (E)(2)(a)(i) and (iii) of this section; 66849

(v) Multiply the sum determined under division (E)(2)(a)(iv) 66850  
of this section by the number of the nursing facility's medicaid 66851  
days for the measurement period applicable to the state fiscal 66852  
year. 66853

(b) Determine the sum of the products determined under 66854  
division (E)(2)(a)(v) of this section for all nursing facilities 66855  
for which the product was determined for the state fiscal year. 66856

**Sec. 5165.361.** It is the general assembly's intent to specify 66857  
in statute the factor to be used for state fiscal year 2020 and 66858  
each state fiscal year thereafter (other than the first state 66859  
fiscal year in a group of consecutive state fiscal years for which 66860  
a rebasing is conducted) as the budget reduction adjustment factor 66861  
for the purpose of sections ~~5165.15~~, 5165.16, 5165.17, and 66862  
5165.19, ~~and 5165.21~~ of the Revised Code. The budget reduction 66863  
adjustment factor to be used for a state fiscal year shall not 66864  
exceed the medicare skilled nursing facility market basket index 66865  
determined for the federal fiscal year that begins during the 66866  
state fiscal year immediately preceding the state fiscal year for 66867  
which the budget reduction adjustment factor is being used. If the 66868  
general assembly fails to specify in statute the factor to be used 66869  
for a state fiscal year as the budget reduction adjustment factor, 66870  
the budget reduction adjustment factor shall be zero. 66871

**Sec. 5166.01.** As used in this chapter: 66872

"209(b) option" means the option described in section 1902(f) 66873  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 66874  
medicaid program's eligibility requirements for aged, blind, and 66875  
disabled individuals are more restrictive than the eligibility 66876  
requirements for the supplemental security income program. 66877

"Administrative agency" means, with respect to a home and 66878

community-based services medicaid waiver component, the department 66879  
of medicaid or, if a state agency or political subdivision 66880  
contracts with the department under section 5162.35 of the Revised 66881  
Code to administer the component, that state agency or political 66882  
subdivision. 66883

"Care management system" ~~means the system established under~~ 66884  
has the same meaning as in section ~~5167.03~~ 5167.01 of the Revised 66885  
Code. 66886

"Dual eligible individual" has the same meaning as in section 66887  
5160.01 of the Revised Code. 66888

"Expansion eligibility group" has the same meaning as in 66889  
section 5163.01 of the Revised Code. 66890

"Federal poverty line" has the same meaning as in section 66891  
5162.01 of the Revised Code. 66892

"Home and community-based services medicaid waiver component" 66893  
means a medicaid waiver component under which home and 66894  
community-based services are provided as an alternative to 66895  
hospital services, nursing facility services, or ICF/IID services. 66896

"Hospital" has the same meaning as in section 3727.01 of the 66897  
Revised Code. 66898

"Hospital long-term care unit" has the same meaning as in 66899  
section 5168.40 of the Revised Code. 66900

"ICDS participant" has the same meaning as in section 5164.01 66901  
of the Revised Code. 66902

"ICF/IID" and "ICF/IID services" have the same meanings as in 66903  
section 5124.01 of the Revised Code. 66904

"Integrated care delivery system" and "ICDS" have the same 66905  
meanings as in section 5164.01 of the Revised Code. 66906

"Level of care determination" means a determination of 66907  
whether an individual needs the level of care provided by a 66908

hospital, nursing facility, or ICF/IID and whether the individual, 66909  
if determined to need that level of care, would receive hospital 66910  
services, nursing facility services, or ICF/IID services if not 66911  
for a home and community-based services medicaid waiver component. 66912

"Medicaid buy-in for workers with disabilities program" has 66913  
the same meaning as in section 5163.01 of the Revised Code. 66914

"Medicaid provider" has the same meaning as in section 66915  
5164.01 of the Revised Code. 66916

"Medicaid services" has the same meaning as in section 66917  
5164.01 of the Revised Code. 66918

"Medicaid waiver component" means a component of the medicaid 66919  
program authorized by a waiver granted by the United States 66920  
department of health and human services under the "Social Security 66921  
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 66922  
waiver component" does not include a the care management system 66923  
~~established under section 5167.03 of the Revised Code.~~ 66924

"Medically fragile child" means an individual who is under 66925  
eighteen years of age, has intensive health care needs, and is 66926  
considered blind or disabled under section 1614(a)(2) or (3) of 66927  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 66928

"Medicare skilled nursing facility market basket index" has 66929  
the same meaning as in section 5165.01 of the Revised Code. 66930

"Nursing facility" and "nursing facility services" have the 66931  
same meanings as in section 5165.01 of the Revised Code. 66932

"Ohio home care waiver program" means the home and 66933  
community-based services medicaid waiver component that is known 66934  
as Ohio home care and was created pursuant to section 5166.11 of 66935  
the Revised Code. 66936

"Provider agreement" has the same meaning as in section 66937  
5164.01 of the Revised Code. 66938

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

**Sec. 5166.04.** The following requirements apply to each home and community-based services medicaid waiver component:

(A) Only an individual who qualifies for a component shall receive that component's medicaid services.

(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.

(C) A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ICF/IID shall be created for each individual determined eligible for a component.

(D) Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the

individual's level of care determination and written plan of care 66969  
or individual service plan. 66970

(E) No individual may receive medicaid services under a 66971  
component while the individual is a hospital inpatient or resident 66972  
of a skilled nursing facility, nursing facility, or ICF/IID. 66973

(F) No individual may receive prevocational, educational, or 66974  
supported employment services under a component if the individual 66975  
is eligible for such services that are funded with federal funds 66976  
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 66977  
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 66978

(G) Safeguards shall be taken to protect the health and 66979  
welfare of individuals receiving medicaid services under a 66980  
component, including safeguards established in rules adopted under 66981  
section 5166.02 of the Revised Code and safeguards established by 66982  
licensing and certification requirements that are applicable to 66983  
the providers of that component's medicaid services. 66984

(H) No medicaid services may be provided under a component by 66985  
a provider that is subject to standards that the "Social Security 66986  
Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be 66987  
established if the provider fails to comply with the standards 66988  
applicable to the provider. 66989

(I) Individuals determined to be eligible for a component, or 66990  
such individuals' representatives, shall be informed of that 66991  
component's medicaid services, including any choices that the 66992  
individual or representative may make regarding the component's 66993  
medicaid services, and given the choice of either receiving 66994  
medicaid services under that component or, as appropriate, 66995  
hospital services, nursing facility services, or ICF/IID services. 66996

(J) No individual shall lose eligibility for services under a 66997  
component, or have the services reduced or otherwise disrupted, on 66998  
the basis that the individual also receives services under the 66999

medicaid buy-in for workers with disabilities program. 67000

(K) No individual shall lose eligibility for services under a 67001  
component, or have the services reduced or otherwise disrupted, on 67002  
the basis that the individual's income or resources increase to an 67003  
amount above the eligibility limit for the component if the 67004  
individual is participating in the medicaid buy-in for workers 67005  
with disabilities program and the amount of the individual's 67006  
income or resources does not exceed the eligibility limit for the 67007  
medicaid buy-in for workers with disabilities program. 67008

(L) No individual receiving services under a component shall 67009  
be required to pay any cost sharing expenses for the services for 67010  
any period during which the individual also participates in the 67011  
medicaid buy-in for workers with disabilities program. 67012

(M) If a component covers home-delivered meals, both of the 67013  
following shall apply: 67014

(1) The format in which the meals are delivered to an 67015  
individual and the frequency of the deliveries shall be consistent 67016  
with the individual's needs as specified in the individual's 67017  
written plan of care or individual service plan; 67018

(2) The individual who delivers the meals shall not leave the 67019  
meals with the individual to whom they are delivered unless the 67020  
individuals meet face-to-face at the time of the delivery. 67021

**Sec. 5166.09.** (A) Each state fiscal year beginning with state 67022  
fiscal year 2022, the medicaid payment rate for personal care 67023  
services provided under a home and community-based services 67024  
medicaid waiver component that is an alternative to nursing 67025  
facility services shall be increased by the difference between the 67026  
following: 67027

(1) The medicare skilled nursing facility market basket index 67028  
determined for the federal fiscal year that begins during the 67029

state fiscal year immediately preceding the state fiscal year for 67030  
which the determination is being made under this division; 67031

(2) The budget reduction adjustment factor for the state 67032  
fiscal year for which the determination is being made under this 67033  
division. 67034

(B) The budget reduction adjustment factor for a state fiscal 67035  
year shall be the same as the budget reduction adjustment factor 67036  
that, pursuant to section 5165.361 of the Revised Code, is used 67037  
for that state fiscal year for the purpose of determining the 67038  
medicaid payment rate for nursing facility services. 67039

**Sec. 5166.22.** (A) Subject to division (B) of this section, 67040  
when the department of developmental disabilities allocates 67041  
enrollment numbers to a county board of developmental disabilities 67042  
for home and community-based services specified in division (A)(1) 67043  
of section 5166.20 of the Revised Code and provided under any of 67044  
the medicaid waiver components that the department administers 67045  
under section 5166.21 of the Revised Code, the department shall 67046  
consider ~~all~~ both of the following: 67047

(1) The number of individuals with developmental disabilities 67048  
placed on the county board's waiting list established for the 67049  
services pursuant to section 5126.042 of the Revised Code; 67050

~~(2) The implementation component required by division (A)(3)~~ 67051  
~~of section 5126.054 of the Revised Code of the county board's plan~~ 67052  
~~approved under section 5123.046 of the Revised Code;~~ 67053

~~(3)~~ Anything else the department considers necessary to 67054  
enable the county board to provide the services to individuals 67055  
placed on the county board's waiting list established for the 67056  
services pursuant to section 5126.042 of the Revised Code. 67057

(B) Division (A) of this section applies to home and 67058  
community-based services provided under the medicaid waiver 67059

component known as the transitions developmental disabilities 67060  
waiver only to the extent, if any, provided by the contract 67061  
required by section 5166.21 of the Revised Code regarding the 67062  
component. 67063

**Sec. 5167.01.** As used in this chapter: 67064

(A) "Care management system" means the system established 67065  
under section 5167.03 of the Revised Code. 67066

(B) "Controlled substance" has the same meaning as in section 67067  
3719.01 of the Revised Code. 67068

~~(B)~~(C) "Dual eligible individual" has the same meaning as in 67069  
section 5160.01 of the Revised Code. 67070

~~(C)~~(D) "Emergency services" has the same meaning as in the 67071  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 67072  
1396u-2(b)(2). 67073

~~(D)~~(E) "Enrollee" means a medicaid recipient who participates 67074  
in the care management system and enrolls in a medicaid MCO plan. 67075

(F) "ICDS participant" has the same meaning as in section 67076  
5164.01 of the Revised Code. 67077

~~(E)~~(G) "Medicaid managed care organization" means a managed 67078  
care organization under contract with the department of medicaid 67079  
pursuant to section 5167.10 of the Revised Code. 67080

~~(F)~~(H) "Medicaid MCO plan" means a plan that a medicaid 67081  
managed care organization, pursuant to its contract with the 67082  
department of medicaid under section 5167.10 of the Revised Code, 67083  
makes available to medicaid recipients participating in the care 67084  
management system. 67085

(I) "Medicaid waiver component" has the same meaning as in 67086  
section 5166.01 of the Revised Code. 67087

~~(G)~~(J) "Nursing facility services" has the same meaning as in 67088

section 5165.01 of the Revised Code. 67089

~~(H)~~(K) "Pharmacy benefit manager" has the same meaning as in 67090  
section 3959.01 of the Revised Code. 67091

(L) "Prescribed drug" has the same meaning as in section 67092  
5164.01 of the Revised Code. 67093

(M) "Prior authorization requirement" has the same meaning as 67094  
in section 5160.34 of the Revised Code. 67095

~~(I)~~(N) "Provider" means any person or government entity that 67096  
furnishes services to a medicaid recipient enrolled in a medicaid 67097  
~~managed care organization~~ MCO plan, regardless of whether the 67098  
person or entity has a provider agreement. 67099

~~(J)~~(O) "Provider agreement" has the same meaning as in 67100  
section 5164.01 of the Revised Code. 67101

**Sec. 5167.03.** As part of the medicaid program, the department 67102  
of medicaid shall establish a care management system. The 67103  
department shall implement the system in some or all counties. 67104

The department shall designate the medicaid recipients who 67105  
are required or permitted to participate in the care management 67106  
system. Those who shall be required to participate in the system 67107  
include medicaid recipients who receive cognitive behavioral 67108  
therapy as described in division (A)(2) of section 5167.16 of the 67109  
Revised Code. Except as provided in section 5166.406 of the 67110  
Revised Code, no medicaid recipient participating in the healthy 67111  
Ohio program established under section 5166.40 of the Revised Code 67112  
shall participate in the system. 67113

The general assembly's authorization through the enactment of 67114  
legislation is needed before home and community-based services 67115  
available under a medicaid waiver component or nursing facility 67116  
services are included in the care management system, except that 67117  
ICDS participants may be required or permitted to obtain such 67118

services under the system. Medicaid recipients who receive such 67119  
services may be designated for voluntary or mandatory 67120  
participation in the system in order to receive other health care 67121  
services included in the system. 67122

The department may require or permit participants in the care 67123  
management system to ~~obtain~~ do either or both of the following: 67124

(A) Obtain health care services from providers designated by 67125  
the department. ~~The department may require or permit participants~~ 67126  
~~to obtain health care services through medicaid managed care~~ 67127  
~~organizations;~~ 67128

(B) Enroll in a medicaid MCO plan. 67129

**Sec. 5167.04.** The department of medicaid shall include 67130  
alcohol, drug addiction, and mental health services covered by 67131  
medicaid in the care management system ~~established under section~~ 67132  
~~5167.03 of the Revised Code. The services shall not be included in~~ 67133  
~~the system before July 1, 2018.~~ 67134

**Sec. 5167.05.** The department of medicaid may include 67135  
prescribed drugs covered by the medicaid program in the care 67136  
management system. 67137

**Sec. ~~5167.121~~ 5167.051.** If the medicaid program covers the 67138  
pharmacist services described in section 5164.14 of the Revised 67139  
Code, the department of medicaid may ~~require a medicaid managed~~ 67140  
~~care organization to provide coverage of the pharmacist services~~ 67141  
~~to the same extent when the services are provided to a medicaid~~ 67142  
~~recipient who is enrolled in the organization as a part of include~~ 67143  
the services in the care management system ~~established under~~ 67144  
~~section 5167.03 of the Revised Code.~~ 67145

**Sec. 5167.10.** ~~(A)~~ The department of medicaid may enter into 67146

contracts with managed care organizations, including health 67147  
insuring corporations, under which the organizations are 67148  
authorized to provide, or arrange for the provision of, health 67149  
care services to medicaid recipients who are required or permitted 67150  
to obtain health care services through managed care organizations 67151  
as part of participate in the care management system established 67152  
under section 5167.03 of the Revised Code. 67153

~~(B)(1) Subject to division (B)(2)(a) of this section, the 67154  
department or its actuary shall base the hospital inpatient 67155  
capital payment portion of the payment made to managed care 67156  
organizations on data for services provided to all recipients 67157  
enrolled in managed care organizations with which the department 67158  
contracts, as reported by hospitals on relevant cost reports 67159  
submitted pursuant to rules adopted under section 5167.02 of the 67160  
Revised Code. 67161~~

~~(2)(a) The hospital inpatient capital payment portion of the 67162  
payment made to medicaid managed care organizations shall not 67163  
exceed any maximum rate established by the department pursuant to 67164  
rules adopted under this section. 67165~~

~~(b) If a maximum rate is established, a medicaid managed care 67166  
organization shall not compensate hospitals for inpatient capital 67167  
costs in an amount that exceeds that rate. 67168~~

~~(C) The department of medicaid shall allow a medicaid managed 67169  
care organization to use providers to render care upon completion 67170  
of the medicaid managed care organization's credentialing process. 67171~~

**Sec. 5167.101.** (A) Subject to division (B) of this section, 67172  
the department of medicaid or its actuary shall base the hospital 67173  
inpatient capital payment portion of the payment made to a 67174  
medicaid managed care organization on data for services provided 67175  
to all of the organization's enrollees, as reported by hospitals 67176  
on relevant cost reports submitted pursuant to rules adopted under 67177

section 5167.02 of the Revised Code. 67178

(B) The hospital inpatient capital payment portion of the 67179  
payment made to medicaid managed care organizations shall not 67180  
exceed any maximum rate established in rules adopted under section 67181  
5167.02 of the Revised Code. 67182

If a maximum rate is established, a medicaid managed care 67183  
organization shall not compensate hospitals for inpatient capital 67184  
costs in an amount that exceeds that rate. 67185

**Sec. 5167.102.** The department of medicaid shall allow a 67186  
medicaid managed care organization to use providers to render care 67187  
to the organization's enrollees upon completion of the 67188  
organization's credentialing process. 67189

**Sec. 5167.103.** In addition to the managed care performance 67190  
payment program created under section 5167.30 of the Revised Code, 67191  
the department of medicaid shall establish performance metrics 67192  
that will be used to evaluate and compare how medicaid managed 67193  
care organizations perform under the contracts entered into under 67194  
section 5167.10 of the Revised Code. The performance metrics may 67195  
include financial incentives and penalties. 67196

The department shall make available on its internet web site 67197  
the metrics the department uses to determine how well medicaid 67198  
managed care organizations perform. The department shall update 67199  
its internet web site each quarter to reflect any changes it makes 67200  
to the metrics. 67201

**Sec. 5167.104.** The department of medicaid shall periodically 67202  
audit each medicaid managed care organization to ensure compliance 67203  
with the organization's contract entered into under section 67204  
5167.10 of the Revised Code as well as state and federal law and 67205  
regulations. 67206

~~Sec. 5167.11. When contracting under section 5167.10 of the~~ 67207  
~~Revised Code with a health insuring corporation that holds a~~ 67208  
~~certificate of authority under Chapter 1751. of the Revised Code,~~ 67209  
~~the department of medicaid~~ Each medicaid managed care organization 67210  
~~shall require the health insuring corporation to provide a~~ 67211  
~~grievance process for medicaid recipients~~ the organization's 67212  
enrollees in accordance with 42 C.F.R. 438, subpart F. 67213

~~Sec. 5167.12. (A) When contracting under section 5167.10 of~~ 67214  
~~the Revised Code with a managed care organization that is a health~~ 67215  
~~insuring corporation, the department of medicaid shall require the~~ 67216  
~~health insuring corporation to provide coverage of prescribed~~ 67217  
~~drugs for medicaid recipients enrolled in the health insuring~~ 67218  
~~corporation. In providing the required coverage, the health~~ 67219  
~~insuring corporation may use~~ If prescribed drugs are included in 67220  
the care management system: 67221

(A) Medicaid MCO plans may include strategies for the 67222  
management of drug utilization, but any such strategies are 67223  
subject to the limitations and requirements of this section and 67224  
the ~~department's~~ approval of the department of medicaid. 67225

~~(B) The department~~ A medicaid MCO plan shall not ~~permit a~~ 67226  
~~health insuring corporation to~~ impose a prior authorization 67227  
requirement in the case of a drug to which all of the following 67228  
apply: 67229

(1) The drug is an antidepressant or antipsychotic. 67230

(2) The drug is administered or dispensed in a standard 67231  
tablet or capsule form, except that in the case of an 67232  
antipsychotic, the drug also may be administered or dispensed in a 67233  
long-acting injectable form. 67234

(3) The drug is prescribed by any of the following: 67235

(a) A physician ~~who is allowed by~~ whom the health insuring 67236

~~corporation~~ medicaid managed care organization that offers the 67237  
plan allows to provide care as a psychiatrist through its 67238  
credentialing process, ~~as described in division (C) of section~~ 67239  
~~5167.10 of the Revised Code;~~ 67240

(b) A psychiatrist who is practicing at a location on behalf 67241  
of a community mental health services provider whose mental health 67242  
services are certified by the department of mental health and 67243  
addiction services under section 5119.36 of the Revised Code; 67244

(c) A certified nurse practitioner, as defined in section 67245  
4723.01 of the Revised Code, who is certified in psychiatric 67246  
mental health by a national certifying organization approved by 67247  
the board of nursing under section 4723.46 of the Revised Code; 67248

(d) A clinical nurse specialist, as defined in section 67249  
4723.01 of the Revised Code, who is certified in psychiatric 67250  
mental health by a national certifying organization approved by 67251  
the board of nursing under section 4723.46 of the Revised Code. 67252

(4) The drug is prescribed for a use that is indicated on the 67253  
drug's labeling, as approved by the federal food and drug 67254  
administration. 67255

~~(C) Subject to division (E) of this section, the~~ The 67256  
department shall authorize a ~~health insuring corporation~~ medicaid 67257  
MCO plan to ~~develop and implement~~ include a pharmacy utilization 67258  
management program under which prior authorization through the 67259  
program is established as a condition of obtaining a controlled 67260  
substance pursuant to a prescription. 67261

~~(D) The department shall require a health insuring~~ 67262  
~~corporation to~~ Each medicaid managed care organization and 67263  
medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 67264  
5164.7512, and 5164.7514 of the Revised Code, ~~as if the health~~ 67265  
~~insuring corporation~~ organization were the department and the plan 67266  
were the medicaid program. 67267

<u>Sec. 5167.122. The department of medicaid shall establish a</u>	67268
<u>single preferred drug list for the care management system. Each</u>	67269
<u>medicaid managed care organization and its contracted pharmacy</u>	67270
<u>benefit manager, if any, shall comply with the preferred drug</u>	67271
<u>list. The preferred drug list shall do all of the following:</u>	67272
<u>(A) Streamline pharmacy benefits under the care management</u>	67273
<u>system;</u>	67274
<u>(B) Ease administrative burdens for prescribers;</u>	67275
<u>(C) Reduce misinterpretation of prescription decisions by</u>	67276
<u>health care providers and medicaid managed care organizations or</u>	67277
<u>their contracted pharmacy benefit managers;</u>	67278
<u>(D) Decrease unnecessary prior authorization requirements;</u>	67279
<u>(E) Reduce the possibility of errors relating to prescribing</u>	67280
<u>and dispensing prescribed drugs;</u>	67281
<u>(F) Reduce confusion and the burden on medicaid recipients</u>	67282
<u>when receiving a prescription from a health care provider and</u>	67283
<u>filling that prescription at a pharmacy;</u>	67284
<u>(G) Ensure that all supplemental rebates are sent directly to</u>	67285
<u>the department and are not retained by the medicaid managed care</u>	67286
<u>organization or its pharmacy benefit manager.</u>	67287
<u>Sec. 5167.123. Beginning on January 1, 2020, a medicaid</u>	67288
<u>managed care organization shall contract with a specialty pharmacy</u>	67289
<u>as a participating provider for the organization's medicaid MCO</u>	67290
<u>plan if the pharmacy meets all of the following criteria:</u>	67291
<u>(A) Meets the medicaid managed care organization's standards</u>	67292
<u>for pharmacy providers under the medicaid MCO plan;</u>	67293
<u>(B) Can provide pharmacy services at the same or a lower cost</u>	67294
<u>than other specialty pharmacies participating in the medicaid MCO</u>	67295
<u>plan;</u>	67296

(C) Seeks to become a participating provider under the 67297  
medicaid MCO plan. 67298

Sec. 5167.124. (A) A pharmacy benefit manager under contract 67299  
with a medicaid managed care organization for the administration 67300  
of pharmacy services under the care management system shall do 67301  
both of the following: 67302

(1) Upon request from the department of medicaid, disclose to 67303  
the department all sources of payment it receives for prescribed 67304  
drugs, including any financial benefits such as drug rebates, 67305  
discounts, credits, clawbacks, fees, grants, chargebacks, 67306  
reimbursements, or other payments related to services provided for 67307  
the medicaid managed care organization. 67308

(2) At least annually, contract with an independent third 67309  
party to complete a service organization controls report (commonly 67310  
known as an SOC-1) audit of the pharmacy benefit manager's 67311  
services and activities. The pharmacy benefit manager shall 67312  
provide the report to the contracting medicaid managed care 67313  
organization and, upon request, to the department. 67314

(B) In addition to audits conducted under division (A)(2) of 67315  
this section, a medicaid managed care organization and its 67316  
contracted pharmacy benefit manager shall cooperate with and grant 67317  
full access to any independent entity retained by the department 67318  
to perform periodic compliance audits of the pharmacy benefit 67319  
manager to measure the pharmacy benefit manager's compliance with 67320  
its obligations under its contract with the medicaid managed care 67321  
organization and with federal and state requirements. 67322

(C) If a pharmacy benefit manager fails to comply with this 67323  
section or an audit conducted under this section reveals that the 67324  
pharmacy benefit manager has failed to comply with its contract 67325  
obligations or federal and state requirements, the medicaid 67326  
director may do either or both of the following: 67327

(1) Assess against the medicaid managed care organization any financial penalty permitted under the medicaid managed care organization's contract with the department; 67328  
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(2) Make a recommendation to the superintendent of insurance that the pharmacy benefit manager's administrator license under Chapter 3959. of the Revised Code be suspended in accordance with that chapter. 67331  
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~~Sec. 5167.13. Each contract the department of medicaid enters into with a managed care organization under section 5167.10 of the Revised Code shall require the medicaid managed care organization to shall implement a coordinated services program for medicaid recipients enrolled in the organization organization's enrollees who are found to have obtained prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is consistent with section 1915(a)(2) of the "Social Security Act," section 1915(a)(2), 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 431.54(e).~~ 67335  
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~~Sec. 5167.14. Each contract the department of medicaid enters into with a medicaid managed care organization under section 5167.10 of the Revised Code shall require the managed care organization to enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code.~~ 67346  
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This section does not apply if the board no longer maintains the drug database. 67353  
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Sec. 5167.15. A medicaid managed care organization may include in its medicaid MCO plans any service or product that would have a beneficial effect on the health of enrollees and 67355  
67356  
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that, because of the beneficial effect, is likely to reduce the 67358  
per recipient per month costs under the plan by the end of the 67359  
first three years that the service or product is covered. 67360

~~Sec. 5167.17. When contracting under section 5167.10 of the~~ 67361  
~~Revised Code with a~~ Each medicaid managed care organization ~~that~~ 67362  
~~is a health insuring corporation, the department of medicaid shall~~ 67363  
~~require the health insuring corporation to~~ provide enhanced care 67364  
management services for pregnant women and women capable of 67365  
becoming pregnant in the communities specified in rules adopted 67366  
under section 3701.142 of the Revised Code. ~~The contract shall~~ 67367  
~~specify that the services are to~~ shall be provided in a manner 67368  
intended to decrease the incidence of prematurity, low birth 67369  
weight, and infant mortality, as well as improve the overall 67370  
health status of women capable of becoming pregnant for the 67371  
purpose of ensuring optimal future birth outcomes. 67372

~~Sec. 5167.171. When contracting with a~~ Each medicaid managed 67373  
care organization ~~that is a health insuring corporation, the~~ 67374  
~~department of medicaid shall require the organization, if the~~ 67375  
organization requires practitioners to obtain prior approval 67376  
before administering progesterone to the organization's enrollees 67377  
who are pregnant medicaid recipients enrolled in the organization, 67378  
~~to~~ use a uniform prior approval form for progesterone that is not 67379  
more than one page. 67380

~~Sec. 5167.172. When contracting with a~~ Each medicaid managed 67381  
care organization ~~that is a health insuring corporation, the~~ 67382  
~~department of medicaid shall require the organization to~~ promote 67383  
the use of technology-based resources, such as mobile telephone or 67384  
text messaging applications, that offer tips on having a healthy 67385  
pregnancy and healthy baby to ~~medicaid recipients~~ the 67386  
organization's enrollees who are enrolled in the organization and 67387

are pregnant or have an infant who is less than one year of age. 67388

**Sec. 5167.173.** (A) As used in this section: 67389

(1) "Board of health" means the board of health of a city or 67390  
general health district or the authority having the duties of a 67391  
board of health under section 3709.05 of the Revised Code. 67392

(2) "Certified community health worker" has the same meaning 67393  
as in section 4723.01 of the Revised Code. 67394

(3) "Community health worker services" means the services 67395  
described in section 4723.81 of the Revised Code. 67396

(4) "Public health nurse" means a registered nurse employed 67397  
or contracted by a board of health. 67398

(5) "Qualified community hub" means a central clearinghouse 67399  
for a network of community care coordination agencies that meets 67400  
all of the following criteria: 67401

(a) Demonstrates to the director of health that it uses an 67402  
evidenced-based, pay-for-performance community care coordination 67403  
model (endorsed by the federal agency for healthcare research and 67404  
quality, the national institutes of health, and the centers for 67405  
medicare and medicaid services or their successors) or uses 67406  
certified community health workers or public health nurses to 67407  
connect at-risk individuals to health, housing, transportation, 67408  
employment, education, and other social services; 67409

(b) Is a board of health or demonstrates to the director of 67410  
health that it has achieved, or is engaged in achieving, 67411  
certification from a national hub certification program; 67412

(c) Has a plan, approved by the medicaid director, specifying 67413  
how the board of health or community hub ensures that children 67414  
served by it receive appropriate developmental screenings as 67415  
specified in the publication titled "Bright Futures: Guidelines 67416

for Health Supervision of Infants, Children, and Adolescents," 67417  
available from the American academy of pediatrics, as well as 67418  
appropriate early and periodic screening, diagnostic, and 67419  
treatment services. 67420

(B) ~~When contracting with a~~ Each medicaid managed care 67421  
~~organization that is a health insuring corporation, the department~~ 67422  
~~of medicaid~~ shall ~~require the organization to~~ provide to a 67423  
~~medicaid recipient~~ an enrollee who meets the criteria in division 67424  
(C) of this section, or arrange for the ~~medicaid recipient~~ 67425  
enrollee to receive, both of the following services provided by a 67426  
certified community health worker or public health nurse, as 67427  
applicable, who is employed by, or works under a contract with, a 67428  
qualified community hub: 67429

(1) Community health worker services or services provided by 67430  
a public health nurse; 67431

(2) Other services that are not community health worker 67432  
services or services provided by a public health nurse but are 67433  
performed for the purpose of ensuring that the ~~medicaid recipient~~ 67434  
enrollee is linked to employment services, housing, educational 67435  
services, social services, or medically necessary physical and 67436  
behavioral health services. 67437

(C) ~~A medicaid recipient~~ An enrollee qualifies to receive the 67438  
services specified in division (B) of this section if the ~~medicaid~~ 67439  
~~recipient~~ enrollee is pregnant or capable of becoming pregnant, 67440  
resides in a community served by a qualified community hub, and 67441  
has been recommended to receive the services by a physician, 67442  
public health nurse, or another licensed health professional 67443  
specified in rules adopted under division (D) of this section, ~~and~~ 67444  
~~is enrolled in the medicaid managed care organization providing or~~ 67445  
~~arranging for the services.~~ 67446

(D) The medicaid director shall adopt rules under section 67447

5167.02 of the Revised Code specifying the licensed health 67448  
professionals, in addition to physicians and public health nurses, 67449  
who may recommend that ~~a medicaid recipient~~ an enrollee receive 67450  
the services specified in division (B) of this section. 67451

**Sec. 5167.18.** Each ~~contract the department of medicaid enters~~ 67452  
~~into with a medicaid~~ managed care organization ~~under section~~ 67453  
~~5167.10 of the Revised Code shall require the managed care~~ 67454  
~~organization to~~ comply with federal and state efforts to identify 67455  
fraud, waste, and abuse in the medicaid program. 67456

**Sec. 5167.20.** (A) Except as provided in division (B) of this 67457  
section, when a ~~participant in the care management system~~ 67458  
~~established under this chapter is enrolled in a~~ medicaid managed 67459  
care organization ~~and the organization~~ refers the ~~participant an~~ 67460  
enrollee to receive services, other than emergency services 67461  
provided on or after January 1, 2007, at a hospital that 67462  
participates in the medicaid program but is not under contract 67463  
with the organization, the hospital shall provide the service for 67464  
which the referral was made and shall accept from the 67465  
organization, as payment in full, the amount derived from the 67466  
payment rate used by the department of medicaid to pay other 67467  
hospitals of the same type for providing the same service to a 67468  
medicaid recipient who is not enrolled in a medicaid ~~managed care~~ 67469  
~~organization~~ MCO plan. 67470

(B) A hospital is not subject to division (A) of this section 67471  
if all of the following are the case: 67472

(1) The hospital is located in a county in which participants 67473  
in the care management system are required before January 1, 2006, 67474  
to be enrolled in a medicaid ~~managed care organization that is a~~ 67475  
~~health insuring corporation~~ MCO plan; 67476

(2) The hospital has entered into a contract before January 67477

1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section;

(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a ~~health insuring corporation~~ medicaid MCO plan.

(C) The medicaid director shall adopt rules under section 5167.02 of the Revised Code specifying the circumstances under which a medicaid managed care organization is permitted to refer a ~~participant in the care management system~~ an enrollee to a hospital that is not under contract with the organization.

**Sec. 5167.201.** When a ~~participant in the care management system established under this chapter is enrolled in a~~ medicaid managed care ~~organization and~~ organization's enrollee receives emergency services on or after January 1, 2007, from a provider that is not under contract with the organization, the provider shall accept from the organization, as payment in full, not more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that the provider could collect if the ~~participant~~ enrollee received medicaid other than through enrollment in a ~~managed care organization~~ medicaid MCO plan.

An agreement entered into by a ~~participant~~ an enrollee, a ~~participant's~~ an enrollee's parent, or a ~~participant's~~ an enrollee's legal guardian that requires payment for emergency services in violation of this section is void and unenforceable.

**Sec. 5167.22.** When a medicaid managed care organization seeks to recoup an overpayment made to a provider, it shall provide the provider all of the details of the recoupment, including all of the following information:

(A) The name, address, and medicaid identification number of 67508  
the enrollee to whom the services were provided; 67509

(B) The date or dates that the services were provided; 67510

(C) The reason for the recoupment; 67511

(D) The method by which the provider may contest the proposed 67512  
recoupment. 67513

**Sec. 5167.26.** For the purpose of determining the amount the 67514  
department of medicaid pays hospitals under section 5168.09 of the 67515  
Revised Code and the amount of disproportionate share hospital 67516  
payments paid by the medicare program pursuant to section 1915 of 67517  
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 67518  
medicaid managed care organization shall keep detailed records for 67519  
each hospital with which it contracts, including records regarding 67520  
the cost to the hospital of providing hospital services for the 67521  
organization, payments made by the organization to the hospital 67522  
for the services, utilization of hospital services by ~~medicaid~~ 67523  
~~recipients enrolled in the organization~~ organization's enrollees, 67524  
and other utilization data required by the department. 67525

**Sec. 5167.41.** The department of medicaid may disenroll some 67526  
or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan 67527  
offered by a medicaid managed care organization if the department 67528  
proposes to terminate or not to renew the contract entered into 67529  
under section 5167.10 of the Revised Code and determines that the 67530  
recipients' access to medically necessary services is jeopardized 67531  
by the proposal to terminate or not to renew the contract. The 67532  
disenrollment is not subject to Chapter 119. of the Revised Code, 67533  
but the medicaid managed care organization may request a 67534  
reconsideration of the disenrollment. Reconsiderations shall be 67535  
requested and conducted in accordance with rules the medicaid 67536  
director shall adopt under section 5167.02 of the Revised Code. 67537

The request for, or conduct of, a reconsideration regarding a 67538  
proposed disenrollment shall not delay the disenrollment. 67539

**Sec. 5168.03.** The requirements of sections 5168.06 to 5168.09 67540  
of the Revised Code apply only as long as the United States ~~health~~ 67541  
~~care financing administration~~ centers for medicare and medicaid 67542  
services determines that the assessment imposed under section 67543  
5168.06 of the Revised Code is a permissible health care-related 67544  
tax pursuant to the "Social Security Act," section 1903(w), 42 67545  
U.S.C. 1396b(w). Whenever the department of medicaid is informed 67546  
that the assessment is an impermissible health care-related tax, 67547  
the department shall promptly refund to each hospital the amount 67548  
of money currently in the hospital care assurance program fund 67549  
created by section 5168.11 of the Revised Code that has been paid 67550  
by the hospital under section 5168.06 or 5168.07 of the Revised 67551  
Code, plus any investment earnings on that amount. 67552

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**Sec. 5168.05.** (A) Except as provided in division (C) of this 67554  
section, each hospital, on or before the first day of July of each 67555  
year or at a later date approved by the medicaid director, shall 67556  
submit to the department of medicaid a financial statement for the 67557  
preceding calendar year that accurately reflects the income, 67558  
expenses, assets, liabilities, and net worth of the hospital, and 67559  
accompanying notes. A hospital that has a fiscal year different 67560  
from the calendar year shall file its financial statement within 67561  
one hundred eighty days of the end of its fiscal year or at a 67562  
later date approved by the director. The financial statement shall 67563  
be prepared by an independent certified public accountant and 67564  
reflect an official audit report prepared in a manner consistent 67565  
with generally accepted accounting principles. The financial 67566  
statement shall, to the extent that the hospital has sufficient 67567

financial records, show bad debt and charity care separately from 67568  
courtesy care and contractual allowances. 67569

(B) Except as provided in division (C) of this section, each 67570  
hospital, within one hundred eighty days after the end of the 67571  
hospital's cost reporting period, shall submit to the department a 67572  
cost report in a format prescribed in rules adopted under section 67573  
5168.02 of the Revised Code. The department shall grant a hospital 67574  
an extension of the one hundred eighty day period if the ~~health~~ 67575  
~~care financing administration of the United States department of~~ 67576  
~~health and human~~ centers for medicare and medicaid services 67577  
extends the date by which the hospital must submit its cost report 67578  
for the hospital's cost reporting period. 67579

(C) The director may adopt rules under section 5168.02 of the 67580  
Revised Code specifying financial information that must be 67581  
submitted by hospitals for which no financial statement or cost 67582  
report is available. The rules shall specify deadlines for 67583  
submitting the information. Each such hospital shall submit the 67584  
information specified in the rules not later than the deadline 67585  
specified in the rules. 67586

**Sec. 5168.06.** (A) For the purpose of distributing funds to 67587  
hospitals under the medicaid program pursuant to sections 5168.01 67588  
to 5168.14 of the Revised Code and depositing funds into the 67589  
health care/medicaid support and recoveries fund created under 67590  
section 5162.52 of the Revised Code, there is hereby imposed an 67591  
assessment on all hospitals. Each hospital's assessment shall be 67592  
based on total facility costs. All hospitals shall be assessed 67593  
according to the rate or rates established each program year in 67594  
rules adopted under section 5168.02 of the Revised Code. The 67595  
department shall assess all hospitals uniformly and in a manner 67596  
consistent with federal statutes and regulations. During any 67597  
program year, the department shall not assess any hospital more 67598

than two per cent of the hospital's total facility costs. 67599

The department shall establish an assessment rate or rates 67600  
each program year that will do both of the following: 67601

(1) Yield funds that, when combined with intergovernmental 67602  
transfers and federal matching funds, will produce a program of 67603  
sufficient size to pay a substantial portion of the indigent care 67604  
provided by hospitals; 67605

(2) Yield funds that, when combined with intergovernmental 67606  
transfers and federal matching funds, will produce amounts for 67607  
distribution to disproportionate share hospitals that do not 67608  
exceed, in the aggregate, the limits prescribed by the United 67609  
States health care financing administration centers for medicare 67610  
and medicaid services under the "Social Security Act," section 67611  
1923(f), 42 U.S.C. 1396r-4(f). 67612

(B)(1) Except as provided in division (B)(3) of this section, 67613  
each hospital shall pay its assessment in periodic installments in 67614  
accordance with a schedule established in rules adopted under 67615  
section 5168.02 of the Revised Code. 67616

(2) The installments shall be equal in amount, unless either 67617  
of the following applies: 67618

(a) The department makes adjustments during a program year 67619  
under division (D) of section 5168.08 of the Revised Code in the 67620  
total amount of hospitals' assessments; 67621

(b) The medicaid director determines that adjustments in the 67622  
amounts of installments are necessary for the administration of 67623  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 67624  
installments will not create cash flow difficulties for hospitals. 67625

(3) The director may adopt rules under section 5168.02 of the 67626  
Revised Code establishing alternate schedules for hospitals to pay 67627  
assessments under this section in order to reduce hospitals' cash 67628

flow difficulties. 67629

**Sec. 5168.07.** (A) The department of medicaid may require 67630  
governmental hospitals to make intergovernmental transfers each 67631  
program year for the purpose of distributing funds to hospitals 67632  
under the medicaid program pursuant to sections 5168.01 to 5168.14 67633  
of the Revised Code and depositing funds into the health 67634  
care/medicaid support and recoveries fund created under section 67635  
5162.52 of the Revised Code. The department shall not require 67636  
transfers in an amount that, when combined with hospital 67637  
assessments paid under section 5168.06 of the Revised Code and 67638  
federal matching funds, produce amounts for distribution to 67639  
disproportionate share hospitals that, in the aggregate, exceed 67640  
limits prescribed by the United States ~~health care financing~~ 67641  
~~administration~~ centers for medicare and medicaid services under 67642  
the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 67643

(B) Before or during each program year, the department shall 67644  
notify each governmental hospital of the amount of the 67645  
intergovernmental transfer it is required to make during the 67646  
program year. Each governmental hospital shall make 67647  
intergovernmental transfers as required by the department under 67648  
this section in periodic installments, executed by electronic fund 67649  
transfer, in accordance with a schedule established in rules 67650  
adopted under section 5168.02 of the Revised Code. 67651

**Sec. 5168.08.** (A) Before or during each program year, the 67652  
department of medicaid shall mail to each hospital by certified 67653  
mail, return receipt requested, the preliminary determination of 67654  
the amount that the hospital is assessed under section 5168.06 of 67655  
the Revised Code during the program year. The preliminary 67656  
determination of a hospital's assessment shall be calculated for a 67657  
cost-reporting period that is specified in rules adopted under 67658  
section 5168.02 of the Revised Code. 67659

The department shall consult with hospitals each year when 67660  
determining the date on which it will mail the preliminary 67661  
determinations in order to minimize hospitals' cash flow 67662  
difficulties. 67663

If no hospital submits a request for reconsideration under 67664  
division (B) of this section, the preliminary determination 67665  
constitutes the final reconciliation of each hospital's assessment 67666  
under section 5168.06 of the Revised Code. The final 67667  
reconciliation is subject to adjustments under division (D) of 67668  
this section. 67669

(B) Not later than fourteen days after the preliminary 67670  
determinations are mailed, any hospital may submit to the 67671  
department a written request to reconsider the preliminary 67672  
determinations. The request shall be accompanied by written 67673  
materials setting forth the basis for the reconsideration. If one 67674  
or more hospitals submit a request, the department shall hold a 67675  
public hearing not later than thirty days after the preliminary 67676  
determinations are mailed to reconsider the preliminary 67677  
determinations. The department shall mail to each hospital a 67678  
written notice of the date, time, and place of the hearing at 67679  
least ten days prior to the hearing. On the basis of the evidence 67680  
submitted to the department or presented at the public hearing, 67681  
the department shall reconsider and may adjust the preliminary 67682  
determinations. The result of the reconsideration is the final 67683  
reconciliation of the hospital's assessment under section 5168.06 67684  
of the Revised Code. The final reconciliation is subject to 67685  
adjustments under division (D) of this section. 67686

(C) The department shall mail to each hospital a written 67687  
notice of its assessment for the program year under the final 67688  
reconciliation. A hospital may appeal the final reconciliation of 67689  
its assessment to the court of common pleas of Franklin county. 67690  
While a judicial appeal is pending, the hospital shall pay, in 67691

accordance with the schedules required by division (B) of section 67692  
5168.06 of the Revised Code, any amount of its assessment that is 67693  
not in dispute into the hospital care assurance program fund 67694  
created in section 5168.11 of the Revised Code. 67695

(D) In the course of any program year, the department may 67696  
adjust the assessment rate or rates established in rules pursuant 67697  
to section 5168.06 of the Revised Code or adjust the amounts of 67698  
intergovernmental transfers required under section 5168.07 of the 67699  
Revised Code and, as a result of the adjustment, adjust each 67700  
hospital's assessment and intergovernmental transfer, to reflect 67701  
refinements made by the United States ~~health care financing~~ 67702  
~~administration~~ centers for medicare and medicaid services during 67703  
that program year to the limits it prescribed under the "Social 67704  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 67705  
adjusted, the assessment rate or rates must comply with division 67706  
(A) of section 5168.06 of the Revised Code. An adjusted 67707  
intergovernmental transfer must comply with division (A) of 67708  
section 5168.07 of the Revised Code. The department shall notify 67709  
hospitals of adjustments made under this division and adjust for 67710  
the remainder of the program year the installments paid by 67711  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 67712  
in accordance with rules adopted under section 5168.02 of the 67713  
Revised Code. 67714

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the 67715  
Revised Code: 67716

(A) "Franchise permit fee rate" means the following: 67717

(1) For fiscal year ~~2016~~ 2020, ~~eighteen~~ twenty-three dollars 67718  
and ~~seven~~ ninety-five cents; 67719

(2) For fiscal year ~~2017~~ 2021 and each fiscal year 67720  
thereafter, ~~eighteen~~ twenty-four dollars and ~~two~~ eighty-nine 67721  
cents. 67722

(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(C) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(D) Except as provided in division (B) of section 5168.62 of the Revised Code, "inpatient days" has the same meaning as in section 5124.01 of the Revised Code.

(E) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

~~(E)~~(F) "Provider agreement" has the same meaning as in section 5124.01 of the Revised Code.

**Sec. 5168.61.** The department of developmental disabilities shall do all of the following:

(A) Subject to section 5168.64 of the Revised Code and divisions (B) and (C) of this section and for the purposes specified in section 5168.69 of the Revised Code, quarterly assess ~~for each fiscal year~~ each ICF/IID a franchise permit fee equal to the product of the following:

(1) The franchise permit fee rate ~~multiplied by the product of the following~~:

(1)i 67752

~~(2) The number of the ICF/IID's medicaid-certified capacity on the first day of May of the calendar year in which the assessment is determined pursuant to division (A) of section 5168.63 of the Revised Code;~~ 67753  
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~~(2) The number of days in the fiscal year inpatient days for the quarter as determined using the monthly reports submitted to the department under section 5168.62 of the Revised Code.~~ 67757  
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(B) If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds the indirect guarantee percentage of the actual net patient revenue for all ICFs/IID for that fiscal year and seventy-five per cent or more of the total number of ICFs/IID receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise permit fee assessments, do both of the following: 67760  
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(1) Recalculate the assessments under division (A) of this section using a per ~~bed-per~~ inpatient day rate equal to the indirect guarantee percentage of actual net patient revenue for all ICFs/IID for that fiscal year; 67768  
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(2) Refund the difference between the total amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the quarters of the subsequent fiscal year. 67772  
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(C) If the United States secretary of health and human services determines that the franchise permit fee established by sections 5168.60 to 5168.71 of the Revised Code would be an impermissible health care-related tax under section 1903(w) of the "Social Security Act," ~~section 1903(w)~~, 42 U.S.C. 1396b(w), take 67778  
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all necessary actions to cease implementation of those sections in 67783  
accordance with rules adopted under section 5168.71 of the Revised 67784  
Code. 67785

Sec. 5168.62. (A) Each ICF/IID shall submit to the department 67786  
of developmental disabilities a monthly report containing the 67787  
number of the ICF/IID's inpatient days for that month. A report is 67788  
due not later than fifteen days after the last day of the month 67789  
for which it is submitted. Reports shall be submitted to the 67790  
department in a manner the department shall prescribe. The 67791  
department may review the data included in a report for accuracy. 67792  
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(B) If an ICF/IID fails to submit a report for a month, the 67794  
number of its inpatient days for that month shall be the product 67795  
of the following: 67796

(1) The ICF/IID's medicaid-certified capacity; 67797

(2) The number of days in the month. 67798

Sec. 5168.63. (A) Not later than the ~~fifteenth~~ last day of 67799  
~~August~~ of each year October, January, April, and July, the 67800  
department of developmental disabilities shall ~~determine the~~ 67801  
~~annual franchise permit fee for each ICF/IID in accordance with~~ 67802  
~~section 5168.61 of the Revised Code.~~ 67803

~~(B) Not later than the first day of September of each year,~~ 67804  
the department shall notify, electronically or by United States 67805  
postal service, each ICF/IID of the amount of the quarterly 67806  
franchise permit fee the ICF/IID has been assessed under section 67807  
5168.61 of the Revised Code. 67808

~~(C)~~(B) Subject to section 5168.64 of the Revised Code, each 67809  
ICF/IID shall pay its quarterly franchise permit fee under section 67810  
5168.61 of the Revised Code to the department ~~in quarterly~~ 67811  
~~installment payments~~ not later than forty-five days after the last 67812

day of each ~~September, December, March, and June~~ October, January, 67813  
April, and July. 67814

**Sec. 5168.64.** ~~(A)~~ If the operator of an ICF/IID converts, 67815  
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 67816  
the ICF/IID's beds to providing home and community-based services 67817  
and the operator's provider agreement for the ICF/IID is 67818  
terminated as a consequence, the department of developmental 67819  
disabilities shall terminate the ICF/IID's franchise permit fee 67820  
effective on the first day of the quarter immediately following 67821  
the quarter in which the conversion takes place. 67822

~~(B)(1) If, during the period beginning on the first day of 67823  
May of a calendar year and ending on the first day of January of 67824  
the immediately following calendar year, the operator of an 67825  
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 67826  
Revised Code, some but not all of the ICF/IID's beds to providing 67827  
home and community based services and the ICF/IID's 67828  
medicaid certified capacity is reduced as a consequence, the 67829  
department shall redetermine the ICF/IID's franchise permit fee 67830  
for the second half of the fiscal year for which the fee is 67831  
assessed. To redetermine the ICF/IID's franchise permit fee, the 67832  
department shall multiply the franchise permit fee rate by the 67833  
product of the following: 67834~~

~~(a) The ICF/IID's medicaid certified capacity as of the date 67835  
the conversion takes effect; 67836~~

~~(b) The number of days in the second half of the fiscal year 67837  
for which the redetermination is made. 67838~~

~~(2) The ICF/IID shall pay its franchise permit fee as 67839  
redetermined under division (B)(1) of this section in installment 67840  
payments not later than forty five days after the last day of 67841  
March and June of the fiscal year for which the redetermination is 67842  
made. 67843~~

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code:

(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code.

(B) "Care management system" ~~means the system established under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the Revised Code.

(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

(D) "Franchise fee" means the fee imposed on health insuring corporation plans under section 5168.76 of the Revised Code.

(E) "Health insuring corporation" has the same meaning as in section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services.

(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following:

(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services;

(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would

violate 5 U.S.C. 8909(f);	67874
(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.	67875 67876
(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:	67877 67878 67879 67880 67881 67882 67883 67884
(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;	67885 67886
(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.	67887 67888
(H) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	67889 67890
(I) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	67891 67892
(J) "Ohio medicaid member month" means a month in which a medicaid recipient residing in this state is enrolled in a health insuring corporation plan.	67893 67894 67895
(K) "Other Ohio member month" means a month in which a resident of this state who is not a medicaid recipient is enrolled in a health insuring corporation plan.	67896 67897 67898
(L) "Rate year" means the fiscal year for which a franchise fee is imposed.	67899 67900
<b>Sec. 5501.20.</b> (A) As used in this section:	67901
(1) "Career professional service" means that part of the	67902

competitive classified service that consists of employees of the 67903  
department of transportation who, regardless of job 67904  
classification, meet both of the following qualifications: 67905

(a) They are supervisors, professional employees who are not 67906  
in a collective bargaining unit, confidential employees, or 67907  
management level employees, all as defined in section 4117.01 of 67908  
the Revised Code. 67909

(b) They exercise authority that is not merely routine or 67910  
clerical in nature and report only to a higher level unclassified 67911  
employee or employee in the career professional service. 67912

(2) "Demoted" means that an employee is placed in a position 67913  
where the employee's wage rate equals, or is not more than twenty 67914  
per cent less than, the employee's wage rate immediately prior to 67915  
demotion or where the employee's job responsibilities are reduced, 67916  
or both. 67917

(3) "Employee in the career professional service with 67918  
restoration rights" means an employee in the career professional 67919  
service who has been in the classified civil service for at least 67920  
two years and who has a cumulative total of at least ten years of 67921  
continuous service with the department of transportation. 67922

~~(B) Not later than the first day of July of each odd numbered 67923  
year, the director of transportation shall adopt a rule in 67924  
accordance with section 111.15 of the Revised Code that 67925  
establishes a business plan for the department of transportation 67926  
that states the department's mission, business objectives, and 67927  
strategies and that establishes a procedure by which employees in 67928  
the career professional service will be held accountable for their 67929  
performance. The director shall adopt a rule that establishes a 67930  
business plan for the department only once in each two years. 67931  
Within sixty days after the effective date of a rule that 67932  
establishes a business plan for the department, the The director 67933~~

shall adopt a rule in accordance with section 111.15 of the Revised Code that identifies specific positions within the department of transportation that are included in the career professional service. The director may amend the rule that identifies the specific positions included in the career professional service whenever the director determines necessary. Any rule adopted under this division is subject to review and invalidation by the joint committee on agency rule review as provided in division (D) of section 111.15 of the Revised Code. The director shall provide a copy of any rule adopted under this division to the director of budget and management.

~~Except as otherwise provided in this section, an An employee in the career professional service is subject to the provisions of Chapter 124. of the Revised Code that govern employees in the classified civil service.~~

~~(C) After an employee is appointed to a position in the career professional service, the employee's direct supervisor shall provide the employee appointed to that position with a written performance action plan that describes the department's expectations for that employee in fulfilling the mission, business objectives, and strategies stated in the department's business plan. No sooner than four months after being appointed to a position in the career professional service, an employee appointed to that position shall receive a written performance review based on the employee's fulfillment of the mission, business objectives, and strategies stated in the department's business plan. After the initial performance review, the An employee in the career professional service shall receive a written performance review at least once each year or as often as the director considers necessary. The department shall give an employee whose performance is unsatisfactory an opportunity to improve performance for a period of at least six months, by means of a written ~~corrective~~~~

~~action performance improvement plan, before the department takes 67966  
any disciplinary action under this section ~~or section 124.34 of 67967  
the Revised Code. The department shall base its performance review 67968  
forms on its business plan. 67969~~~~

(D) An employee in the career professional service may be 67970  
suspended, demoted, or removed ~~because of performance that hinders 67971  
or restricts the fulfillment of the department's business plan 67972  
pursuant to division (C) of this section or for disciplinary 67973  
reasons under section 124.34 or 124.57 of the Revised Code. An 67974  
employee in the career professional service may appeal only the 67975  
employee's removal to the state personnel board of review. An 67976  
employee in the career professional service may appeal a demotion 67977  
or a suspension of more than three days pursuant to rules the 67978  
director adopts in accordance with section 111.15 of the Revised 67979  
Code. 67980~~

(E) An employee in the career professional service with 67981  
restoration rights has restoration rights if demoted because of 67982  
performance ~~that hinders or restricts fulfillment of the mission, 67983  
business objectives, or strategies stated in the department's 67984  
business plan, but not if involuntarily demoted or removed for any 67985  
of the reasons described in section 124.34 or for a violation of 67986  
section 124.57 of the Revised Code. The director shall demote an 67987  
employee who has restoration rights of that nature to a position 67988  
in the classified service that in the director's judgment is 67989  
similar in nature to the position the employee held immediately 67990  
prior to being appointed to the position in the career 67991  
professional service. The director shall assign to an employee who 67992  
is demoted to a position in the classified service as provided in 67993  
this division a wage rate that equals, or that is not more than 67994  
twenty per cent less than, the wage rate assigned to the employee 67995  
in the career professional service immediately prior to the 67996  
employee's demotion. 67997~~

Sec. 5501.91. (A) As used in this section, "port authority" means a port authority created under Chapter 4582. of the Revised Code. 67998  
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(B) There is hereby established the Ohio maritime assistance program, which the department of transportation shall administer. Under the program, a port authority may apply to the department for a grant to be used as prescribed in division (D) of this section. In order to be eligible for a grant under this section, a port authority is required to meet either of the following requirements: 68001  
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(1) At the time of application for a grant, the port authority owns an active marine cargo terminal located on the shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 68008  
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(2) At the time of application for a grant, the port authority is located in a federally qualified opportunity zone and the federally qualified opportunity zone has an active marine cargo terminal with a stevedoring operation that is located on the shore of Lake Erie. 68011  
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(C)(1) Every applicant for a grant shall submit with its application a written business justification for the investment that indicates the operational and market need for the project in a form the director of transportation shall prescribe. 68016  
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(2) The department shall evaluate all grant applications according to the following criteria: 68020  
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(a) The degree to which the proposed project will increase the efficiency or capacity of maritime cargo terminal operations; 68022  
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(b) Whether the project will result in the handling of new types of cargo or an increase in cargo volume; 68024  
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(c) Whether the project will meet an identified supply chain need or benefit Ohio firms that export goods to foreign markets, 68026  
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or import goods to Ohio for use in manufacturing or for 68028  
value-added distribution; 68029

(d) Any other criteria the director determines to be 68030  
appropriate. 68031

(3) If a grant application does not meet the criteria 68032  
specified in divisions (C)(2)(b) and (c) of this section, an 68033  
applicant is not eligible for a grant under this section. 68034

(D) A port authority shall use a grant awarded under this 68035  
section only for any of the following purposes: 68036

(1) Land acquisition and site development for marine cargo 68037  
terminal and associated uses, including demolition and 68038  
environmental remediation; 68039

(2) Construction of wharves, quay walls, bulkheads, jetties, 68040  
revetments, breakwaters, shipping channels, dredge disposal 68041  
facilities, projects for the beneficial use of dredge material, 68042  
and other structures and improvements directly related to maritime 68043  
commerce and harbor infrastructure; 68044

(3) Construction and repair of warehouses, transit sheds, 68045  
railroad tracks, roadways, gates and gatehouses, fencing, bridges, 68046  
offices, shipyards, and other improvements needed for marine cargo 68047  
terminal and associated uses, including shipyards; 68048

(4) Acquisition of cargo handling equipment, including mobile 68049  
shore cranes, stationary cranes, tow motors, fork lifts, yard 68050  
tractors, craneways, conveyor and bulk material handling 68051  
equipment, and all types of ship loading and unloading equipment; 68052

(5) Planning and design services and other services 68053  
associated with construction. 68054

(E) A port authority shall pay a matching amount of at least 68055  
one dollar for each grant dollar received for the proposed 68056  
project. 68057

(F) The director of transportation, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the program established under this section, including the grant application, evaluation, award processes, and how the grant money may be spent by a port authority.

**Sec. 5502.011.** (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety.

(B) The director of public safety is the chief executive and administrative officer of the department. The director may establish policies governing the department, the performance of its employees and officers, the conduct of its business, and the custody, use, and preservation of departmental records, papers, books, documents, and property. The director also may authorize and approve investigations to be conducted by any of the department's divisions. Whenever the Revised Code imposes a duty upon or requires an action of the department, the director may perform the action or duty in the name of the department or direct such performance to be performed by the director's designee.

(C) In addition to any other duties enumerated in the Revised Code, the director or the director's designee shall do all of the following:

(1) Administer and direct the performance of the duties of the department;

(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department;

(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering

into contracts, agreements, and other business arrangements; 68088

(4) Make appointments for the department as needed to comply 68089  
with requirements of the Revised Code; 68090

(5) Approve employment actions of the department, including 68091  
appointments, promotions, discipline, investigations, and 68092  
terminations; 68093

(6) Accept, hold, and use, for the benefit of the department, 68094  
any gift, donation, bequest, or devise, and may agree to and 68095  
perform all conditions of the gift, donation, bequest, or devise, 68096  
that are not contrary to law; 68097

(7) Apply for, allocate, disburse, and account for grants 68098  
made available under federal law or from other federal, state, or 68099  
private sources; 68100

(8) Develop a list of disqualifying offenses for licensure as 68101  
a private investigator or a security guard provider pursuant to 68102  
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 68103  
Code; 68104

(9) Do all other acts necessary or desirable to carry out 68105  
this chapter. 68106

(D)(1) The director of public safety may assess a reasonable 68107  
fee, plus the amount of any charge or fee passed on from a 68108  
financial institution, on a drawer or indorser for each of the 68109  
following: 68110

(a) A check, draft, or money order that is returned or 68111  
dishonored; 68112

(b) An automatic bank transfer that is declined, due to 68113  
insufficient funds or for any other reason; 68114

(c) Any financial transaction device that is returned or 68115  
dishonored for any reason. 68116

(2) The director shall deposit any fee collected under this 68117

division in an appropriate fund as determined by the director 68118  
based on the tax, fee, or fine being paid. 68119

(3) As used in this division, "financial transaction device" 68120  
has the same meaning as in section 113.40 of the Revised Code. 68121

(E)(1) The director shall establish a homeland security 68122  
advisory council to advise the director on homeland security, 68123  
including homeland security funding efforts. ~~The~~ 68124

(2) The advisory council shall include, but not be limited 68125  
to, state consist of the following members, who shall serve 68126  
without compensation: 68127

(a) The secretary of state; 68128

(b) State and local government officials, appointed by the 68129  
director, who have homeland security or emergency management 68130  
responsibilities and who represent first responders. ~~The director~~ 68131  
shall appoint the i 68132

(c) Any other members of the council, who shall serve without 68133  
compensation appointed by the director. 68134

**Sec. 5502.63.** (A) The division of criminal justice services 68135  
in the department of public safety shall prepare a poster and a 68136  
brochure that describe safe firearms practices. The poster and 68137  
brochure shall contain typeface that is at least one-quarter inch 68138  
tall. The division shall furnish copies of the poster and brochure 68139  
free of charge to each federally licensed firearms dealer in this 68140  
state. 68141

As used in this division, "federally licensed firearms 68142  
dealer" means an importer, manufacturer, or dealer having a 68143  
license to deal in destructive devices or their ammunition, issued 68144  
and in effect pursuant to the federal "Gun Control Act of 1968," 68145  
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 68146  
additions to that act or reenactments of that act. 68147

(B)(1) The division of criminal justice services shall create 68148  
a poster that provides information regarding the national human 68149  
trafficking resource center hotline. The poster shall be no 68150  
smaller than eight and one-half inches by eleven inches in size 68151  
and shall include a statement in substantially the following form: 68152

"If you or someone you know is being forced to engage in any 68153  
activity and cannot leave - whether it is commercial sex, 68154  
housework, farm work, or any other activity - call the National 68155  
Human Trafficking Resource Center Hotline at 1-888-373-7888 to 68156  
access help and services. 68157

Victims of human trafficking are protected under U.S. and 68158  
Ohio law. 68159

The toll-free Hotline is: 68160

- Available 24 hours a day, 7 days a week 68161
- Operated by a non-profit, non-governmental organization 68162
- Anonymous & confidential 68163
- Accessible in 170 languages 68164
- Able to provide help, referral to services, training, 68165  
and general information." 68166

The statement shall appear on each poster in English, 68167  
Spanish, and, for each county, any other language required for 68168  
voting materials in that county under section 1973aa-1a of the 68169  
"Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as 68170  
amended. In addition to the national human trafficking resource 68171  
center hotline, the statement may contain any additional hotlines 68172  
regarding human trafficking for access to help and services. 68173

(2) The division shall make the poster available for print on 68174  
its public web site and shall make the poster available to and 68175  
encourage its display at each of the following places: 68176

(a) A highway truck stop; 68177

(b) A hotel, as defined in section 3731.01 of the Revised Code;	68178 68179
(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;	68180 68181
(d) A beauty salon, as defined in section 4713.01 of the Revised Code;	68182 68183
(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;	68184 68185
(f) A hospital or urgent care center;	68186
(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;	68187 68188 68189 68190 68191 68192
(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid <del>certificate</del> <u>license</u> from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;	68193 68194 68195 68196 68197
(i) A fair.	68198
(3) As used in this section:	68199
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	68200 68201 68202
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	68203 68204 68205
<b>Sec. 5513.06.</b> (A) The director of transportation may debar a	68206

vendor from consideration for contract awards upon a finding based 68207  
upon a reasonable belief that the vendor has done any of the 68208  
following: 68209

(1) Abused the solicitation process by repeatedly withdrawing 68210  
bids before purchase orders or contracts are issued or failing to 68211  
accept orders based upon firm bids; 68212

(2) Failed to substantially perform a contract according to 68213  
its terms, conditions, and specifications within specified time 68214  
limits; 68215

(3) Failed to cooperate in monitoring contract performance by 68216  
refusing to provide information or documents required in a 68217  
contract, failed to respond and correct matters related to 68218  
complaints to the vendor, or accumulated repeated justified 68219  
complaints regarding performance of a contract; 68220

(4) Attempted to influence a public employee to breach 68221  
ethical conduct standards; 68222

(5) Colluded with other bidders to restrain competition by 68223  
any means; 68224

(6) Been convicted of a criminal offense related to the 68225  
application for or performance of any public or private contract, 68226  
including, but not limited to, embezzlement, theft, forgery, 68227  
bribery, falsification or destruction of records, receiving stolen 68228  
property, and any other offense that directly reflects on the 68229  
vendor's business integrity; 68230

(7) Been convicted under state or federal antitrust laws; 68231

(8) Deliberately or willfully submitted false or misleading 68232  
information in connection with the application for or performance 68233  
of a public contract; 68234

(9) Has been debarred by a state agency, another state, or by 68235  
any agency or department of the federal government; 68236

(10) Violated any other responsible business practice or 68237  
performed in an unsatisfactory manner as determined by the 68238  
director. 68239

(B) When the director reasonably believes that grounds for 68240  
debarment exist, the director shall send the vendor a notice of 68241  
proposed debarment. If the vendor is a partnership, association, 68242  
or corporation, the director also may debar from consideration for 68243  
contract awards any partner of the partnership, or the officers 68244  
and directors of the association or corporation, being debarred. 68245  
When the director reasonably believes that grounds for debarment 68246  
exist, the director shall send the individual involved a notice of 68247  
proposed debarment. A notice of proposed debarment shall indicate 68248  
the grounds for the debarment of the vendor or individual and the 68249  
procedure for requesting a hearing. The notice and hearing shall 68250  
be in accordance with Chapter 119. of the Revised Code. If the 68251  
vendor or individual does not respond with a request for a hearing 68252  
in the manner specified in Chapter 119. of the Revised Code, the 68253  
director shall issue the debarment decision without a hearing and 68254  
shall notify the vendor or individual of the decision by certified 68255  
mail, return receipt requested. The debarment period may be of any 68256  
length determined by the director and the director may modify or 68257  
rescind the debarment at any time. During the period of debarment, 68258  
the director shall not include on a bidder list or consider for a 68259  
contract award any partnership, association, or corporation 68260  
affiliated with a debarred individual. After the debarment period 68261  
expires, the vendor or individual, and any partnership, 68262  
association, or corporation affiliated with the individual, may 68263  
reapply for inclusion on bidder lists through the regular 68264  
application process if such entity or individual is not otherwise 68265  
debarred. 68266

**Sec. 5525.03. (A)** All prospective bidders other than 68267  
environmental remediators and specialty contractors for which 68268

there are no classes of work provided for in the rules adopted by 68269  
the director of transportation shall apply for qualification on 68270  
forms prescribed and furnished by the director. The application 68271  
shall be accompanied by a certificate of compliance with 68272  
affirmative action programs issued pursuant to section 9.47 of the 68273  
Revised Code and dated no earlier than one hundred eighty days 68274  
~~prior to~~ before the date fixed for the opening of bids for a 68275  
particular project. ~~The~~ 68276

(B) The director shall act upon an application for 68277  
qualification within thirty days after it is presented to the 68278  
director. Upon the receipt of any application for qualification, 68279  
the director shall examine the application to determine whether 68280  
the applicant is competent and responsible and possesses the 68281  
financial resources required by section 5525.04 of the Revised 68282  
Code. If the applicant is found to possess the qualifications 68283  
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 68284  
by rules adopted by the director, including a certificate of 68285  
compliance with affirmative action programs, a certificate of 68286  
qualification shall be issued to the applicant, which shall be 68287  
valid for the period of one year or such shorter period of time as 68288  
the director prescribes, unless revoked by the director for cause 68289  
as defined by rules adopted by the director under section 5525.05 68290  
of the Revised Code. ~~The~~ 68291

(C) The certificate of qualification shall contain a 68292  
statement fixing the aggregate amount of work, for any or all 68293  
owners, that the applicant may have under construction and 68294  
uncompleted at any one time and may contain a statement limiting 68295  
such bidder to the submission of bids upon a certain class of 68296  
work. Subject to any restriction as to amount or class of work 68297  
therein contained, the certificate of qualification shall 68298  
authorize its holder to bid on all work on which bids are taken by 68299  
the department of transportation during the period of time therein 68300

specified. ~~An~~ 68301

(D) An applicant who has received a certificate of 68302  
qualification and desires to amend the certificate by the dollar 68303  
amount or by the classes of work may submit to the director such 68304  
documentation as the director considers appropriate. The director 68305  
shall review the documentation submitted by the applicant and, 68306  
within fifteen days, shall either amend the certificate of 68307  
qualification or deny the request. If the director denies the 68308  
request to amend the certificate, the applicant may appeal that 68309  
decision to the ~~director & request~~ director's prequalification 68310  
review board in accordance with section 5525.07 of the Revised 68311  
Code. Two or more persons, partnerships, or corporations may bid 68312  
jointly on any one project, but only on condition that prior to 68313  
the time bids are taken on the project the bidders make a joint 68314  
application for qualification and obtain a joint certificate 68315  
qualification. 68316

(E) The director may debar from participating in future 68317  
contracts with the department any bidding company as well as any 68318  
partner of a partnership, or the officers and directors of an 68319  
association or corporation if the certificate of qualification of 68320  
the company, partnership, association, or corporation is revoked 68321  
or not renewed by the director. When the director reasonably 68322  
believes that grounds for revocation and debarment exist, the 68323  
director shall send the bidding company and any individual 68324  
involved a notice of proposed revocation and debarment indicating 68325  
the grounds for such action as established in rules adopted by the 68326  
director under section 5525.05 of the Revised Code and the 68327  
procedure for requesting a hearing. The notice and hearing shall 68328  
be in accordance with Chapter 119. of the Revised Code. If the 68329  
bidding company or individual does not respond with a request for 68330  
a hearing in the manner specified in Chapter 119. of the Revised 68331  
Code, the director shall revoke the certificate and issue the 68332

debarment decision without a hearing and shall notify the bidding 68333  
company or individual of the decision by certified mail, return 68334  
receipt requested. ~~The~~ 68335

(F) The debarment period may be of any length determined by 68336  
the director and the director may modify or rescind the debarment 68337  
at any time. During the period of debarment, the director shall 68338  
not issue a certificate of qualification for any company, 68339  
partnership, association, or corporation affiliated with a 68340  
debarred individual. After the debarment period expires, the 68341  
bidding company or individual, and any partnership, association, 68342  
or corporation affiliated with the individual may make an 68343  
application for qualification if such entity or individual is not 68344  
otherwise debarred. 68345

**Sec. 5534.152.** The bridge spanning ~~the Tuscarawas river~~ state 68346  
route number twenty-one, located in ~~the municipal corporation of~~ 68347  
~~Canal Fulton~~ Lawrence township in Stark county and being a part of 68348  
the highway known as state route ninety-three, shall be known as 68349  
"Lance Corporal Michael Stangelo, USMC, Memorial Bridge." 68350

The director of transportation may erect suitable markers 68351  
upon the bridge or its approaches indicating its name. 68352  
68353

**Sec. 5537.07.** (A) When the cost to the Ohio turnpike and 68354  
infrastructure commission under any contract with a person other 68355  
than a governmental agency involves an expenditure of more than 68356  
fifty thousand dollars, the commission shall make a written 68357  
contract with the lowest responsive and responsible bidder, in 68358  
accordance with section 9.312 of the Revised Code, after 68359  
advertisement, in accordance with section 7.16 of the Revised 68360  
Code, for not less than two consecutive weeks in a newspaper of 68361  
general circulation ~~in Franklin county~~, and in such other 68362

publications as the commission determines, ~~which.~~ The notice shall 68363  
state the general character of the work and the general character 68364  
of the materials to be furnished, the place where plans and 68365  
specifications therefor may be examined, and the time and place of 68366  
receiving bids. The commission may require that the cost estimate 68367  
for the construction, demolition, alteration, repair, improvement, 68368  
renovation, or reconstruction of roadways and bridges for which 68369  
the commission is required to receive bids be kept confidential 68370  
and remain confidential until after all bids for the public 68371  
improvement have been received or the deadline for receiving bids 68372  
has passed. Thereafter, and before opening the bids submitted for 68373  
the roadways and bridges, the commission shall make the cost 68374  
estimate public knowledge by reading the cost estimate in a public 68375  
place. The commission may reject any and all bids. The 68376  
requirements of this division do not apply to contracts for the 68377  
acquisition of real property or compensation for professional or 68378  
other personal services. 68379

(B) Each bid for a contract for construction, demolition, 68380  
alteration, repair, improvement, renovation, or reconstruction 68381  
shall contain the full name of every person interested in it and 68382  
shall meet the requirements of section 153.54 of the Revised Code. 68383

(C) Other than for a contract referred to in division (B) of 68384  
this section, each bid for a contract that involves an expenditure 68385  
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 68386  
contract with a service facility operator shall contain the full 68387  
name of every person interested in it and shall be accompanied by 68388  
a sufficient bond or certified check on a solvent bank that if the 68389  
bid is accepted a contract will be entered into and the 68390  
performance of its proposal secured. 68391

(D) Other than a contract referred to in division (B) of this 68392  
section, a bond with good and sufficient surety, in a form as 68393  
prescribed and approved by the commission, shall be required of 68394

every contractor awarded a contract that involves an expenditure 68395  
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 68396  
contract with a service facility operator. The bond shall be in an 68397  
amount equal to at least fifty per cent of the contract price and 68398  
shall be conditioned upon the faithful performance of the 68399  
contract. 68400

(E)(1) Notwithstanding any other provisions of this section, 68401  
the commission may establish a program to expedite special 68402  
turnpike projects by combining the design and construction 68403  
elements of any public improvement project into a single contract. 68404  
The commission shall prepare and distribute a scope of work 68405  
document upon which the bidders shall base their bids. At a 68406  
minimum, bidders shall meet the requirements of section 4733.161 68407  
of the Revised Code. Except in regard to those requirements 68408  
relating to providing plans, the commission shall award contracts 68409  
following the requirements set forth in divisions (A), (B), (C), 68410  
and (D) of this section. 68411

(2) Notwithstanding any other provision of this section or 68412  
any other provision of the Revised Code to the contrary, the 68413  
commission may use a value-based selection process when selecting 68414  
a contractor to perform a project that contains both design and 68415  
construction elements in a single contract under this division. 68416

(F) Other than for a contract referred to in division (B) or 68417  
(E) of this section, and notwithstanding any other provision of 68418  
the Revised Code to the contrary, the commission may enter into a 68419  
written contract after submission of competitive proposals when 68420  
the commission determines that competitive bidding is not 68421  
practical or advantageous to the commission. The commission may 68422  
conduct discussions with anyone that submits a competitive 68423  
proposal when that proposal might be selected to ensure that the 68424  
person understands and is responsive to the requirements of the 68425  
project. The commission may award the contract to the person that 68426

submits the best proposal, as determined by the commission. The 68427  
commission shall consider multiple factors in awarding a contract 68428  
under this division, including price and the evaluation criteria 68429  
set forth in the request for competitive proposals. 68430

(G) The commission may contract for the purchase of 68431  
equipment, materials, and services without public advertisement in 68432  
any of the following circumstances: 68433

(1) The construction of a temporary bridge; 68434

(2) The making of temporary emergency repairs to a highway or 68435  
bridge when necessary because of a storm, flood, landslide, or 68436  
other natural disaster; 68437

(3) While responding to circumstances created by an 68438  
extraordinary emergency, as determined by the commission. 68439

**Sec. 5537.13.** (A) Subject to division (C)(1) of this section 68440  
and section 5537.26 of the Revised Code, the Ohio turnpike and 68441  
infrastructure commission may fix, revise, charge, and collect 68442  
tolls for each turnpike project, and contract in the manner 68443  
provided by this section with any person desiring the use of any 68444  
part thereof, including the right-of-way adjoining the paved 68445  
portion, for placing thereon telephone, electric light, or power 68446  
lines, service facilities, or for any other purpose, and fix the 68447  
terms, conditions, rents, and rates of charge for such use, 68448  
provided that no toll, charge, or rental may be made by the 68449  
commission for placing in, on, along, over, or under the turnpike 68450  
project, equipment or public utility facilities that are necessary 68451  
to serve service facilities or to interconnect any public utility 68452  
facilities. 68453

(B) Contracts for the operation of service facilities shall 68454  
be made in writing. Such contracts, except contracts with state 68455  
agencies or other governmental agencies, shall be made with the 68456

bidder whose bid is determined by the commission to be the best 68457  
bid received, after advertisement, in accordance with section 7.16 68458  
of the Revised Code, for two consecutive weeks in a newspaper of 68459  
general circulation in ~~Franklin county~~, and in other publications 68460  
that the commission determines. The notice shall state the general 68461  
character of the service facilities operation proposed, the place 68462  
where plans and specifications may be examined, and the time and 68463  
place of receiving bids. Bids shall contain the full name of each 68464  
person interested in them, and shall be in such form as the 68465  
commission requires. The commission may reject any and all bids. 68466  
All contracts for service facilities shall be preserved in the 68467  
principal office of the commission. 68468

(C)(1) Except as necessary to comply with covenants in bond 68469  
proceedings in existence before July 1, 2013, for calendar years 68470  
2013 through 2023, the commission shall not increase the toll 68471  
rates for any class of passenger vehicle as fixed on ~~the effective~~ 68472  
~~date of this amendment~~ July 1, 2013, when both of the following 68473  
apply: 68474

(a) The tolls are collected and remitted in accordance with a 68475  
multi-jurisdiction electronic toll collection agreement; and 68476

(b) The distance traveled is thirty miles or less. 68477

(2) Subject to division (C)(1) of this section, tolls shall 68478  
be so fixed and adjusted as to provide funds at least sufficient 68479  
with other revenues of the Ohio turnpike system, if any, to pay: 68480

(a) The cost of maintaining, improving, repairing, 68481  
constructing, and operating the Ohio turnpike system and its 68482  
different parts and sections, and to create and maintain any 68483  
reserves for those purposes; 68484

(b) Any unpaid bond service charges on outstanding bonds 68485  
payable from pledged revenues as such charges become due and 68486  
payable, and to create and maintain any reserves for that purpose. 68487

(D) Tolls are not subject to supervision, approval, or 68488  
regulation by any state agency other than the turnpike and 68489  
infrastructure commission. 68490

(E) Revenues derived from each turnpike project shall be 68491  
first applied to pay the cost of maintenance, improvement, repair, 68492  
and operation and to provide any reserves therefor that are 68493  
provided for in the bond proceedings authorizing the issuance of 68494  
those outstanding bonds, and otherwise as provided by the 68495  
commission. The bond proceedings also shall provide, subject to 68496  
the provisions of any other applicable bond proceedings, for the 68497  
pledge of all, or such part as the commission may determine of the 68498  
pledged revenues and the applicable special fund or funds to the 68499  
payment of the bond service charges, which pledge may be made to 68500  
secure the bonds senior or subordinate to or on a parity with 68501  
bonds theretofore or thereafter issued, if and to the extent 68502  
provided in the bond proceedings. The pledge shall be valid and 68503  
binding from the time the pledge is made; the revenues and the 68504  
pledged revenues thereafter received by the commission immediately 68505  
shall be subject to the lien of the pledge without any physical 68506  
delivery thereof or further act, and the lien of the pledge shall 68507  
be valid and binding as against all parties having claims of any 68508  
kind in tort, contract, or otherwise against the commission, 68509  
whether or not those parties have notice thereof. The bond 68510  
proceedings by which a pledge is created need not be filed or 68511  
recorded except in the records of the commission. The use and 68512  
disposition of moneys to the credit of a bond service fund shall 68513  
be subject to the applicable bond proceedings. 68514

(F) The proceeds of bonds issued for the payment of the costs 68515  
of infrastructure projects, net of the payment of all financing 68516  
expenses and deposits into debt service reserves or other special 68517  
funds as may be required in the applicable bond proceedings, shall 68518  
be deposited to the infrastructure fund or funds and shall be 68519

exclusively used to pay the cost of infrastructure projects 68520  
approved by the commission, except that income earned by the 68521  
infrastructure fund may be used by the commission towards the 68522  
payment of bond service charges. 68523

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 68524  
be maintained and kept in good condition and repair by the Ohio 68525  
turnpike and infrastructure commission. The Ohio turnpike system 68526  
shall be policed and operated by a force of police, toll 68527  
collectors, and other employees and agents that the commission 68528  
employs or contracts for. 68529

(B) All public or private property damaged or destroyed in 68530  
carrying out the powers granted by this chapter shall be restored 68531  
or repaired and placed in its original condition, as nearly as 68532  
practicable, or adequate compensation or consideration made 68533  
therefor out of moneys provided under this chapter. 68534

(C) All governmental agencies may lease, lend, grant, or 68535  
convey to the commission at its request, upon terms that the 68536  
proper authorities of the governmental agencies consider 68537  
reasonable and fair and without the necessity for an 68538  
advertisement, order of court, or other action or formality, other 68539  
than the regular and formal action of the authorities concerned, 68540  
any property that is necessary or convenient to the effectuation 68541  
of the purposes of the commission, including public roads and 68542  
other property already devoted to public use. 68543

(D) Each bridge constituting part of a turnpike project shall 68544  
be inspected at least once each year by a professional engineer 68545  
employed or retained by the commission. 68546

~~(E) On or before the first day of July in each year, the 68547  
commission shall make an annual report of its activities for the 68548  
preceding calendar year to the governor and the general assembly. 68549  
Each such report shall set forth a complete operating and 68550~~

~~financial statement covering the commission's operations and~~ 68551  
~~funding of any turnpike projects and infrastructure projects~~ 68552  
~~during the year.~~ The commission shall cause an audit of its books 68553  
and accounts to be made at least once each year by certified 68554  
public accountants approved by the auditor of state, and the cost 68555  
thereof may be treated as a part of the cost of operations of the 68556  
commission. ~~The~~ Additionally, the auditor of state, at least once 68557  
a every other year and ~~without previous notice to the commission,~~ 68558  
shall audit the accounts and transactions of the commission. On or 68559  
before the first day of July in each year, the commission shall 68560  
submit a comprehensive annual financial report containing its 68561  
audited financial statements for the preceding calendar year to 68562  
the governor, the general assembly, and the director of budget and 68563  
management. Each such report shall set forth a complete operating 68564  
and financial statement covering the commission's operations and 68565  
funding of any turnpike projects and infrastructure projects 68566  
during the year. 68567

(F) The commission shall submit a copy of its ~~annual audit by~~ 68568  
~~the auditor of state~~ and its proposed annual budget for each 68569  
calendar or fiscal year to the governor, the presiding officers of 68570  
each house of the general assembly, the director of budget and 68571  
management, and the legislative service commission no later than 68572  
the first day of that calendar or fiscal year. 68573

(G) Upon request of the chairperson of the appropriate 68574  
standing committee or subcommittee of the senate and house of 68575  
representatives that is primarily responsible for considering 68576  
transportation budget matters, the commission shall appear at 68577  
least one time before each committee or subcommittee during the 68578  
period when that committee or subcommittee is considering the 68579  
biennial appropriations for the department of transportation and 68580  
shall provide testimony outlining its budgetary results for the 68581  
last two calendar years, including a comparison of budget and 68582

actual revenue and expenditure amounts. The commission also shall 68583  
address its current budget and long-term capital plan. 68584

(H) Not more than sixty nor less than thirty days before 68585  
adopting its annual budget, the commission shall submit a copy of 68586  
its proposed annual budget to the governor, the presiding officers 68587  
of each house of the general assembly, the director of budget and 68588  
management, and the legislative service commission. The office of 68589  
budget and management shall review the proposed budget and may 68590  
provide recommendations to the commission for its consideration. 68591

**Sec. 5703.05.** All powers, duties, and functions of the 68592  
department of taxation are vested in and shall be performed by the 68593  
tax commissioner, which powers, duties, and functions shall 68594  
include, but shall not be limited to, the following: 68595

(A) Prescribing all blank forms which the department is 68596  
authorized to prescribe, and to provide such forms and distribute 68597  
the same as required by law and the rules of the department. 68598

(B) Exercising the authority provided by law, including 68599  
orders from bankruptcy courts, relative to remitting or refunding 68600  
taxes or assessments, including penalties and interest thereon, 68601  
illegally or erroneously assessed or collected, or for any other 68602  
reason overpaid, and in addition, the commissioner may on written 68603  
application of any person, firm, or corporation claiming to have 68604  
overpaid to the treasurer of state at any time within five years 68605  
prior to the making of such application any tax payable under any 68606  
law which the department of taxation is required to administer 68607  
which does not contain any provision for refund, or on the 68608  
commissioner's own motion investigate the facts and make in 68609  
triplicate a written statement of the commissioner's findings, 68610  
and, if the commissioner finds that there has been an overpayment, 68611  
issue in triplicate a certificate of abatement payable to the 68612  
taxpayer, the taxpayer's assigns, or legal representative which 68613

shows the amount of the overpayment and the kind of tax overpaid. 68614  
One copy of such statement shall be entered on the journal of the 68615  
commissioner, one shall be certified to the attorney general, and 68616  
one certified copy shall be delivered to the taxpayer. All copies 68617  
of the certificate of abatement shall be transmitted to the 68618  
attorney general, and if the attorney general finds it to be 68619  
correct the attorney general shall so certify on each copy, and 68620  
deliver one copy to the taxpayer, one copy to the commissioner, 68621  
and the third copy to the treasurer of state. Except as provided 68622  
in section 5725.08 of the Revised Code, the taxpayer's copy of any 68623  
certificates of abatement may be tendered by the payee or 68624  
transferee thereof to the treasurer of state, or to the 68625  
commissioner on behalf of the treasurer, as payment, to the extent 68626  
of the amount thereof, of any tax payable to the treasurer of 68627  
state. 68628

(C) Exercising the authority provided by law relative to 68629  
consenting to the compromise and settlement of tax claims; 68630

(D) Exercising the authority provided by law relative to the 68631  
use of alternative tax bases by taxpayers in the making of 68632  
personal property tax returns; 68633

(E) Exercising the authority provided by law relative to 68634  
authorizing the prepayment of taxes on retail sales of tangible 68635  
personal property or on the storage, use, or consumption of 68636  
personal property, and waiving the collection of such taxes from 68637  
the consumers; 68638

(F) Exercising the authority provided by law to revoke 68639  
licenses; 68640

(G) Maintaining a continuous study of the practical operation 68641  
of all taxation and revenue laws of the state, the manner in which 68642  
and extent to which such laws provide revenues for the support of 68643  
the state and its political subdivisions, the probable effect upon 68644

such revenue of possible changes in existing laws, and the 68645  
possible enactment of measures providing for other forms of 68646  
taxation. For this purpose the commissioner may establish and 68647  
maintain a division of research and statistics, and may appoint 68648  
necessary employees who shall be in the unclassified civil 68649  
service; the results of such study shall be available to the 68650  
members of the general assembly and the public. 68651

(H) Making all tax assessments, valuations, findings, 68652  
determinations, computations, and orders the department of 68653  
taxation is by law authorized and required to make and, pursuant 68654  
to time limitations provided by law, on the commissioner's own 68655  
motion, reviewing, redetermining, or correcting any tax 68656  
assessments, valuations, findings, determinations, computations, 68657  
or orders the commissioner has made, but the commissioner shall 68658  
not review, redetermine, or correct any tax assessment, valuation, 68659  
finding, determination, computation, or order which the 68660  
commissioner has made as to which an appeal or application for 68661  
rehearing, review, redetermination, or correction has been filed 68662  
with the board of tax appeals, unless such appeal or application 68663  
is withdrawn by the appellant or applicant or dismissed; 68664

(I) Appointing not more than five deputy tax commissioners, 68665  
who, under such regulations as the rules of the department of 68666  
taxation prescribe, may act for the commissioner in the 68667  
performance of such duties as the commissioner prescribes in the 68668  
administration of the laws which the commissioner is authorized 68669  
and required to administer, and who shall serve in the 68670  
unclassified civil service at the pleasure of the commissioner, 68671  
but if a person who holds a position in the classified service is 68672  
appointed, it shall not affect the civil service status of such 68673  
person. The commissioner may designate not more than two of the 68674  
deputy commissioners to act as commissioner in case of the 68675  
absence, disability, or recusal of the commissioner or vacancy in 68676

the office of commissioner. The commissioner may adopt rules 68677  
relating to the order of precedence of such designated deputy 68678  
commissioners and to their assumption and administration of the 68679  
office of commissioner. 68680

(J) Appointing and prescribing the duties of all other 68681  
employees of the department of taxation necessary in the 68682  
performance of the work of the department which the tax 68683  
commissioner is by law authorized and required to perform, and 68684  
creating such divisions or sections of employees as, in the 68685  
commissioner's judgment, is proper; 68686

(K) Organizing the work of the department, which the 68687  
commissioner is by law authorized and required to perform, so 68688  
that, in the commissioner's judgment, an efficient and economical 68689  
administration of the laws will result; 68690

(L) Maintaining a journal, which is open to public 68691  
inspection, in which the tax commissioner shall keep a record of 68692  
all final determinations of the commissioner; 68693

(M) Adopting and promulgating, in the manner provided by 68694  
section 5703.14 of the Revised Code, all rules of the department, 68695  
~~including rules for the administration of sections 3517.16,~~ 68696  
~~3517.17, and 5747.081 of the Revised Code;~~ 68697

(N) Destroying any or all returns or assessment certificates 68698  
in the manner authorized by law; 68699

(O) Adopting rules, in accordance with division (B) of 68700  
section 325.31 of the Revised Code, governing the expenditure of 68701  
moneys from the real estate assessment fund under that division; 68702

(P) Informing taxpayers in a timely manner to resolve credit 68703  
account balances as required by section 5703.77 of the Revised 68704  
Code. 68705

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 68706

of this section, no agent of the department of taxation, except in 68707  
the agent's report to the department or when called on to testify 68708  
in any court or proceeding, shall divulge any information acquired 68709  
by the agent as to the transactions, property, or business of any 68710  
person while acting or claiming to act under orders of the 68711  
department. Whoever violates this provision shall thereafter be 68712  
disqualified from acting as an officer or employee or in any other 68713  
capacity under appointment or employment of the department. 68714

68715

(B)(1) For purposes of an audit pursuant to section 117.15 of 68716  
the Revised Code, or an audit of the department pursuant to 68717  
Chapter 117. of the Revised Code, or an audit, pursuant to that 68718  
chapter, the objective of which is to express an opinion on a 68719  
financial report or statement prepared or issued pursuant to 68720  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 68721  
officers and employees of the auditor of state charged with 68722  
conducting the audit shall have access to and the right to examine 68723  
any state tax returns and state tax return information in the 68724  
possession of the department to the extent that the access and 68725  
examination are necessary for purposes of the audit. Any 68726  
information acquired as the result of that access and examination 68727  
shall not be divulged for any purpose other than as required for 68728  
the audit or unless the officers and employees are required to 68729  
testify in a court or proceeding under compulsion of legal 68730  
process. Whoever violates this provision shall thereafter be 68731  
disqualified from acting as an officer or employee or in any other 68732  
capacity under appointment or employment of the auditor of state. 68733

(2) For purposes of an internal audit pursuant to section 68734  
126.45 of the Revised Code, the officers and employees of the 68735  
office of internal audit in the office of budget and management 68736  
charged with directing the internal audit shall have access to and 68737  
the right to examine any state tax returns and state tax return 68738

information in the possession of the department to the extent that 68739  
the access and examination are necessary for purposes of the 68740  
internal audit. Any information acquired as the result of that 68741  
access and examination shall not be divulged for any purpose other 68742  
than as required for the internal audit or unless the officers and 68743  
employees are required to testify in a court or proceeding under 68744  
compulsion of legal process. Whoever violates this provision shall 68745  
thereafter be disqualified from acting as an officer or employee 68746  
or in any other capacity under appointment or employment of the 68747  
office of internal audit. 68748

(3) As provided by section 6103(d)(2) of the Internal Revenue 68749  
Code, any federal tax returns or federal tax information that the 68750  
department has acquired from the internal revenue service, through 68751  
federal and state statutory authority, may be disclosed to the 68752  
auditor of state or the office of internal audit solely for 68753  
purposes of an audit of the department. 68754

(4) For purposes of Chapter 3739. of the Revised Code, an 68755  
agent of the department of taxation may share information with the 68756  
division of state fire marshal that the agent finds during the 68757  
course of an investigation. 68758

(C) Division (A) of this section does not prohibit any of the 68759  
following: 68760

(1) Divulging information contained in applications, 68761  
complaints, and related documents filed with the department under 68762  
section 5715.27 of the Revised Code or in applications filed with 68763  
the department under section 5715.39 of the Revised Code; 68764

(2) Providing information to the office of child support 68765  
within the department of job and family services pursuant to 68766  
section 3125.43 of the Revised Code; 68767

(3) Disclosing to the motor vehicle repair board any 68768  
information in the possession of the department that is necessary 68769

for the board to verify the existence of an applicant's valid 68770  
vendor's license and current state tax identification number under 68771  
section 4775.07 of the Revised Code; 68772

(4) Providing information to the administrator of workers' 68773  
compensation pursuant to sections 4123.271 and 4123.591 of the 68774  
Revised Code; 68775

(5) Providing to the attorney general information the 68776  
department obtains under division (J) of section 1346.01 of the 68777  
Revised Code; 68778

(6) Permitting properly authorized officers, employees, or 68779  
agents of a municipal corporation from inspecting reports or 68780  
information pursuant to section 718.84 of the Revised Code or 68781  
rules adopted under section 5745.16 of the Revised Code; 68782

(7) Providing information regarding the name, account number, 68783  
or business address of a holder of a vendor's license issued 68784  
pursuant to section 5739.17 of the Revised Code, a holder of a 68785  
direct payment permit issued pursuant to section 5739.031 of the 68786  
Revised Code, or a seller having a use tax account maintained 68787  
pursuant to section 5741.17 of the Revised Code, or information 68788  
regarding the active or inactive status of a vendor's license, 68789  
direct payment permit, or seller's use tax account; 68790

(8) Releasing invoices or invoice information furnished under 68791  
section 4301.433 of the Revised Code pursuant to that section; 68792

(9) Providing to a county auditor notices or documents 68793  
concerning or affecting the taxable value of property in the 68794  
county auditor's county. Unless authorized by law to disclose 68795  
documents so provided, the county auditor shall not disclose such 68796  
documents; 68797

(10) Providing to a county auditor sales or use tax return or 68798  
audit information under section 333.06 of the Revised Code; 68799

(11) Subject to section 4301.441 of the Revised Code, 68800  
disclosing to the appropriate state agency information in the 68801  
possession of the department of taxation that is necessary to 68802  
verify a permit holder's gallonage or noncompliance with taxes 68803  
levied under Chapter 4301. or 4305. of the Revised Code; 68804

(12) Disclosing to the department of natural resources 68805  
information in the possession of the department of taxation that 68806  
is necessary for the department of taxation to verify the 68807  
taxpayer's compliance with section 5749.02 of the Revised Code or 68808  
to allow the department of natural resources to enforce Chapter 68809  
1509. of the Revised Code; 68810

(13) Disclosing to the department of job and family services, 68811  
industrial commission, and bureau of workers' compensation 68812  
information in the possession of the department of taxation solely 68813  
for the purpose of identifying employers that misclassify 68814  
employees as independent contractors or that fail to properly 68815  
report and pay employer tax liabilities. The department of 68816  
taxation shall disclose only such information that is necessary to 68817  
verify employer compliance with law administered by those 68818  
agencies. 68819

(14) Disclosing to the Ohio casino control commission 68820  
information in the possession of the department of taxation that 68821  
is necessary to verify a casino operator's compliance with section 68822  
5747.063 or 5753.02 of the Revised Code and sections related 68823  
thereto; 68824

(15) Disclosing to the state lottery commission information 68825  
in the possession of the department of taxation that is necessary 68826  
to verify a lottery sales agent's compliance with section 5747.064 68827  
of the Revised Code. 68828

(16) Disclosing to the development services agency 68829  
information in the possession of the department of taxation that 68830

is necessary to ensure compliance with the laws of this state 68831  
governing taxation and to verify information reported to the 68832  
development services agency for the purpose of evaluating 68833  
potential tax credits, grants, or loans. Such information shall 68834  
not include information received from the internal revenue service 68835  
the disclosure of which is prohibited by section 6103 of the 68836  
Internal Revenue Code. No officer, employee, or agent of the 68837  
development services agency shall disclose any information 68838  
provided to the development services agency by the department of 68839  
taxation under division (C)(16) of this section except when 68840  
disclosure of the information is necessary for, and made solely 68841  
for the purpose of facilitating, the evaluation of potential tax 68842  
credits, grants, or loans. 68843

(17) Disclosing to the department of insurance information in 68844  
the possession of the department of taxation that is necessary to 68845  
ensure a taxpayer's compliance with the requirements with any tax 68846  
credit administered by the development services agency and claimed 68847  
by the taxpayer against any tax administered by the superintendent 68848  
of insurance. No officer, employee, or agent of the department of 68849  
insurance shall disclose any information provided to the 68850  
department of insurance by the department of taxation under 68851  
division (C)(17) of this section. 68852

(18) Disclosing to the division of liquor control information 68853  
in the possession of the department of taxation that is necessary 68854  
for the division and department to comply with the requirements of 68855  
sections 4303.26 and 4303.271 of the Revised Code. 68856

(19) Disclosing orally to the department of education 68857  
information in the possession of the department of taxation that 68858  
is necessary only to verify family incomes of students applying 68859  
for and receiving scholarships under the educational choice pilot 68860  
project scholarship program pursuant to section 3310.02 of the 68861  
Revised Code. 68862

Sec. 5703.263. (A)(1) "Tax return preparer" means any person 68863  
other than an accountant or an attorney that operates a business 68864  
that prepares, or directly or indirectly employs another person to 68865  
prepare, for a taxpayer a tax return or application for refund in 68866  
exchange for compensation or remuneration from the taxpayer or the 68867  
taxpayer's related member. The preparation of a substantial 68868  
portion of a tax return or application for refund shall be 68869  
considered to be the same as the preparation of the return or 68870  
application for refund. "Tax return preparer" does not include an 68871  
individual who performs only one or more of the following 68872  
activities: 68873

(a) Furnishes typing, reproducing, or other mechanical 68874  
assistance; 68875

(b) Prepares an application for refund or a return on behalf 68876  
of an employer by whom the individual is regularly and 68877  
continuously employed, or on behalf of an officer or employee of 68878  
that employer; 68879

(c) Prepares as a fiduciary an application for refund or a 68880  
return; 68881

(d) Prepares an application for refund or a return for a 68882  
taxpayer in response to a notice of deficiency issued to the 68883  
taxpayer or the taxpayer's related member, or in response to a 68884  
waiver of restriction after the commencement of an audit of the 68885  
taxpayer or the taxpayer's related member. 68886

(2) "Related member" has the same meaning as in section 68887  
5733.042 of the Revised Code. 68888

(3) "Accountant" means any of the following: 68889

(a) An individual who holds both a CPA certificate and an 68890  
Ohio permit or Ohio registration issued by the accountancy board 68891  
under section 4701.10 of the Revised Code; 68892

<u>(b) An individual who holds a foreign certificate;</u>	68893
<u>(c) An individual who is employed by a public accounting firm</u>	68894
<u>with respect to any return prepared under the supervision of an</u>	68895
<u>individual described in division (A)(3)(a) or (b) of this section,</u>	68896
<u>regardless of whether the public accounting firm is required to</u>	68897
<u>register with the accountancy board under section 4701.04 of the</u>	68898
<u>Revised Code.</u>	68899
<u>(4) "CPA certificate" and "foreign certificate" have the same</u>	68900
<u>meanings as in section 4701.01 of the Revised Code.</u>	68901
<u>(5) "Attorney" means an individual who has been admitted to</u>	68902
<u>the bar by order of the supreme court in compliance with its</u>	68903
<u>prescribed and published rules, is permitted to practice as an</u>	68904
<u>attorney and counselor at law in this state under Chapter 4705. of</u>	68905
<u>the Revised Code, and is not currently suspended or removed from</u>	68906
<u>such practice under that chapter.</u>	68907
<u>(6) A tax return preparer engages in "prohibited conduct" if</u>	68908
<u>the preparer does any of the following:</u>	68909
<u>(a) Prepares any return or application for refund that</u>	68910
<u>includes an understatement of a taxpayer's tax liability due to an</u>	68911
<u>unreasonable position or due to willful or reckless conduct. For</u>	68912
<u>the purposes of this division, "unreasonable position" and</u>	68913
<u>"willful or reckless conduct" have the meanings as used in section</u>	68914
<u>6694 of the Internal Revenue Code.</u>	68915
<u>(b) When required under any provision of Title LVII of the</u>	68916
<u>Revised Code, the preparer fails to do any of the following:</u>	68917
<u>(i) Provide copies of a return or application for refund;</u>	68918
<u>(ii) Provide the preparer's signature or federal preparer tax</u>	68919
<u>identification number on a return or application for refund;</u>	68920
<u>(iii) Retain copies of the preparer's records;</u>	68921
<u>(iv) Provide any information or documents requested by the</u>	68922

<u>tax commissioner;</u>	68923
<u>(v) Act diligently in determining a taxpayer's eligibility</u>	68924
<u>for tax credits, deductions, or exemptions.</u>	68925
<u>(c) Negotiates a check or other negotiable instrument issued</u>	68926
<u>to a taxpayer by the department of taxation without the permission</u>	68927
<u>of the taxpayer;</u>	68928
<u>(d) Engages in any conduct subject to criminal penalties</u>	68929
<u>under Title LVII of the Revised Code;</u>	68930
<u>(e) Misrepresents the preparer's eligibility to file returns</u>	68931
<u>or applications for refund on behalf of taxpayers, or otherwise</u>	68932
<u>misrepresents the preparer's experience or education;</u>	68933
<u>(f) Guarantees the payment of any tax refund or the allowance</u>	68934
<u>of any tax credit, deduction, or exemption;</u>	68935
<u>(g) Engages in any other fraudulent or deceptive conduct that</u>	68936
<u>substantially interferes with the proper administration of any</u>	68937
<u>provision of Title LVII of the Revised Code.</u>	68938
<u>(7) "State" means a state of the United States, the District</u>	68939
<u>of Columbia, the commonwealth of Puerto Rico, or any territory or</u>	68940
<u>possession of the United States.</u>	68941
<u>(B) When a tax return preparer engages in prohibited conduct,</u>	68942
<u>the commissioner, may do either or both of the following:</u>	68943
<u>(1) If the commissioner has previously warned the tax return</u>	68944
<u>preparer in writing of the consequences of continuing to engage in</u>	68945
<u>prohibited conduct, impose a penalty not exceeding one hundred</u>	68946
<u>dollars per instance of prohibited conduct;</u>	68947
<u>(2) Regardless of whether the commissioner has previously</u>	68948
<u>warned the tax return preparer, request that the attorney general</u>	68949
<u>apply to a court of competent jurisdiction for an injunction to</u>	68950
<u>restrain the preparer from further engaging in the prohibited</u>	68951
<u>conduct. The court may take either of the following actions:</u>	68952

(a) If the court finds that injunctive relief is appropriate to prevent the recurrence of the prohibited conduct, the court shall issue an injunction against the preparer enjoining the preparer from engaging in such conduct. 68953  
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(b) If the court finds that the preparer has continually or repeatedly engaged in prohibited conduct, and that enjoining the preparer solely from engaging in such conduct would not be sufficient to prevent the preparer's interference with the proper administration of any provision of Title LVII of the Revised Code, the court may issue an injunction against the preparer enjoining the preparer from acting as a tax return preparer in this state. 68957  
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If a tax return preparer has been enjoined from preparing tax returns or applications for refunds by a federal court or by another state court in the five years preceding the date on which an injunction is requested under this section, that prior injunction shall be sufficient to establish a prima facie case for the issuance of an injunction under division (B)(2) of this section. 68964  
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(C) The commissioner may require a tax return preparer to include the preparer's name and federal preparer tax identification number when filing any return or application for refund. If a tax return preparer fails to include this information when required to do so by the commissioner, or if the information provided is false, inaccurate, or incomplete, the commissioner may impose a penalty of fifty dollars for each such failure, provided that the maximum penalty imposed on a preparer under this division in a calendar year shall not exceed twenty-five thousand dollars. 68971  
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(D) The penalties imposed under divisions (B)(1) and (C) of this section may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., section 718.90, or sections 3734.90 to 3734.9014 of the Revised 68980  
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Code. The commissioner may abate all or a portion of any penalty 68985  
imposed under this section upon the showing of good cause by the 68986  
tax return preparer. 68987

**Sec. 5705.21.** (A) At any time, the board of education of any 68988  
city, local, exempted village, cooperative education, or joint 68989  
vocational school district, by a vote of two-thirds of all its 68990  
members, may declare by resolution that the amount of taxes that 68991  
may be raised within the ten-mill limitation by levies on the 68992  
current tax duplicate will be insufficient to provide an adequate 68993  
amount for the necessary requirements of the school district, that 68994  
it is necessary to levy a tax in excess of such limitation for one 68995  
of the purposes specified in division (A), (D), (F), (H), or (DD) 68996  
of section 5705.19 of the Revised Code, for general permanent 68997  
improvements, for the purpose of operating a cultural center, for 68998  
the purpose of providing for school safety and security, or for 68999  
the purpose of providing education technology, and that the 69000  
question of such additional tax levy shall be submitted to the 69001  
electors of the school district at a special election on a day to 69002  
be specified in the resolution. In the case of a qualifying 69003  
library levy for the support of a library association or private 69004  
corporation, the question shall be submitted to the electors of 69005  
the association library district. If the resolution states that 69006  
the levy is for the purpose of operating a cultural center, the 69007  
ballot shall state that the levy is "for the purpose of operating 69008  
the..... (name of cultural center)." 69009

As used in this division, "cultural center" means a 69010  
freestanding building, separate from a public school building, 69011  
that is open to the public for educational, musical, artistic, and 69012  
cultural purposes; "education technology" means, but is not 69013  
limited to, computer hardware, equipment, materials, and 69014  
accessories, equipment used for two-way audio or video, and 69015  
software; "general permanent improvements" means permanent 69016

improvements without regard to the limitation of division (F) of 69017  
section 5705.19 of the Revised Code that the improvements be a 69018  
specific improvement or a class of improvements that may be 69019  
included in a single bond issue; and "providing for school safety 69020  
and security" includes but is not limited to providing for 69021  
permanent improvements to provide or enhance security, employment 69022  
of or contracting for the services of safety personnel, providing 69023  
mental health services and counseling, or providing training in 69024  
safety and security practices and responses. 69025

A resolution adopted under this division shall be confined to 69026  
a single purpose and shall specify the amount of the increase in 69027  
rate that it is necessary to levy, the purpose of the levy, and 69028  
the number of years during which the increase in rate shall be in 69029  
effect. The number of years may be any number not exceeding five 69030  
or, if the levy is for current expenses of the district or for 69031  
general permanent improvements, for a continuing period of time. 69032

(B)(1) The board of education of a qualifying school 69033  
district, by resolution, may declare that it is necessary to levy 69034  
a tax in excess of the ten-mill limitation for the purpose of 69035  
paying the current expenses of partnering community schools and, 69036  
if any of the levy proceeds are so allocated, of the district. A 69037  
qualifying school district that is not a municipal school district 69038  
may allocate all of the levy proceeds to partnering community 69039  
schools. A municipal school district shall allocate a portion of 69040  
the levy proceeds to the current expenses of the district. The 69041  
resolution shall declare that the question of the additional tax 69042  
levy shall be submitted to the electors of the school district at 69043  
a special election on a day to be specified in the resolution. The 69044  
resolution shall state the purpose of the levy, the rate of the 69045  
tax expressed in mills per dollar of taxable value, the number of 69046  
such mills to be levied for the current expenses of the partnering 69047  
community schools and the number of such mills, if any, to be 69048

levied for the current expenses of the school district, the number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2)(a) If any portion of the levy proceeds are to be allocated to the current expenses of the qualifying school district, the form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current expenses of the school district and of partnering community schools at a rate not exceeding..... (insert the number of mills) mills for each one dollar of valuation, of which..... (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the

ballot shall be as follows: 69081

"Shall a levy be imposed by the..... (insert the name of 69082  
the qualifying school district) for the purpose of current 69083  
expenses of partnering community schools at a rate not 69084  
exceeding..... (insert the number of mills) mills for each one 69085  
dollar of valuation which amounts to..... (insert the rate 69086  
expressed in dollars and cents) for each one hundred dollars of 69087  
valuation, for..... (insert the number of years the levy is to be 69088  
imposed, or that it will be levied for a continuing period of 69089  
time), beginning..... (insert first year the tax is to be 69090  
levied), which will first be payable in calendar year..... 69091  
(insert the first calendar year in which the tax would be 69092  
payable)? 69093

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

(3) Upon each receipt of a tax distribution by the qualifying 69096  
school district, the board of education shall credit the portion 69097  
allocated to partnering community schools to the partnering 69098  
community schools fund. All income from the investment of money in 69099  
the partnering community schools fund shall be credited to that 69100  
fund. 69101

(a) If the qualifying school district is a municipal school 69102  
district, the board of education shall distribute the partnering 69103  
community schools amount among the then qualifying community 69104  
schools not more than forty-five days after the school district 69105  
receives and deposits each tax distribution. From each tax 69106  
distribution, each such partnering community school shall receive 69107  
a portion of the partnering community schools amount in the 69108  
proportion that the number of its resident students bears to the 69109  
aggregate number of resident students of all such partnering 69110  
community schools as of the date of receipt and deposit of the tax 69111  
distribution. 69112

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools on or before the first day of June of the preceding fiscal year. Each such partnering community school shall receive a portion of the amount distributed by the board from the partnering community schools fund during the fiscal year in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date the school district received and deposited the most recent tax distribution. On or before the fifteenth day of June of each fiscal year, the board of education shall announce an estimated allocation to partnering community schools for the ensuing fiscal year. The board is not required to allocate to partnering community schools the entire partnering community schools amount in the fiscal year in which a tax distribution is received and deposited in the partnering community schools fund. The estimated allocation shall be published on the web site of the school district and expressed as a dollar amount per resident student. The actual allocation to community schools in a fiscal year need not conform to the estimate published by the school district so long if the estimate was made in good faith.

Distributions by a school district under division (B)(3)(b) of this section shall be made in accordance with distribution agreements entered into by the board of education and each partnering community school eligible for distributions under this division. The distribution agreements shall be certified to the department of education each fiscal year before the thirtieth day of July. Each agreement shall provide for at least three distributions by the school district to the partnering community school during the fiscal year and shall require the initial distribution be made on or before the thirtieth day of July.

(c) For the purposes of division (B) of this section, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the date of receipt and deposit of the tax distribution.

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is

located within the territory of the qualifying school district and 69177  
meets one of the following criteria: 69178

(i) If the qualifying school district is a municipal school 69179  
district, the community school is sponsored by the district or is 69180  
a party to an agreement with the district whereby the district and 69181  
the community school endorse each other's programs; 69182

(ii) If the qualifying school district is not a municipal 69183  
school district, the community school is sponsored by a sponsor 69184  
that was rated as "exemplary" in the ratings most recently 69185  
published under section 3314.016 of the Revised Code before the 69186  
resolution proposing the levy is certified to the board of 69187  
elections. 69188

(c) "Partnering community schools amount" means the product 69189  
obtained, as of the receipt and deposit of the tax distribution, 69190  
by multiplying the amount of a tax distribution by a fraction, the 69191  
numerator of which is the number of mills per dollar of taxable 69192  
value of the property tax to be allocated to partnering community 69193  
schools, and the denominator of which is the total number of mills 69194  
per dollar of taxable value authorized by the electors in the 69195  
election held under division (B) of this section, each as set 69196  
forth in the resolution levying the tax. If the resolution 69197  
allocates all of the levy proceeds to partnering community 69198  
schools, the "partnering schools amount" equals the amount of the 69199  
tax distribution. 69200

(d) "Partnering community schools fund" means a separate fund 69201  
established by the board of education of a qualifying school 69202  
district for the deposit of partnering community school amounts 69203  
under this section. 69204

(e) "Resident student" means a student enrolled in a 69205  
partnering community school who is entitled to attend school in 69206  
the qualifying school district under section 3313.64 or 3313.65 of 69207

the Revised Code. 69208

(f) "Tax distribution" means a distribution of proceeds of 69209  
the tax authorized by division (B) of this section under section 69210  
321.24 of the Revised Code and distributions that are attributable 69211  
to that tax under sections 323.156 and 4503.068 of the Revised 69212  
Code or other applicable law. 69213

(C) A resolution adopted under this section shall specify the 69214  
date of holding the election, which shall not be earlier than 69215  
ninety days after the adoption and certification of the resolution 69216  
and which shall be consistent with the requirements of section 69217  
3501.01 of the Revised Code. 69218

A resolution adopted under this section may propose to renew 69219  
one or more existing levies imposed under division (A) or (B) of 69220  
this section or to increase or decrease a single levy imposed 69221  
under either such division. 69222

If the board of education imposes one or more existing levies 69223  
for the purpose specified in division (F) of section 5705.19 of 69224  
the Revised Code, the resolution may propose to renew one or more 69225  
of those existing levies, or to increase or decrease a single such 69226  
existing levy, for the purpose of general permanent improvements. 69227

If the resolution proposes to renew two or more existing 69228  
levies, the levies shall be levied for the same purpose. The 69229  
resolution shall identify those levies and the rates at which they 69230  
are levied. The resolution also shall specify that the existing 69231  
levies shall not be extended on the tax lists after the year 69232  
preceding the year in which the renewal levy is first imposed, 69233  
regardless of the years for which those levies originally were 69234  
authorized to be levied. 69235

If the resolution proposes to renew an existing levy imposed 69236  
under division (B) of this section, the rates allocated to the 69237  
qualifying school district and to partnering community schools 69238

each may be increased or decreased or remain the same, and the 69239  
total rate may be increased, decreased, or remain the same. The 69240  
resolution and notice of election shall specify the number of the 69241  
mills to be levied for the current expenses of the partnering 69242  
community schools and the number of the mills, if any, to be 69243  
levied for the current expenses of the qualifying school district. 69244

A resolution adopted under this section shall go into 69245  
immediate effect upon its passage, and no publication of the 69246  
resolution shall be necessary other than that provided for in the 69247  
notice of election. A copy of the resolution shall immediately 69248  
after its passing be certified to the board of elections of the 69249  
proper county in the manner provided by section 5705.25 of the 69250  
Revised Code. That section shall govern the arrangements for the 69251  
submission of such question and other matters concerning the 69252  
election to which that section refers, including publication of 69253  
notice of the election, except that the election shall be held on 69254  
the date specified in the resolution. In the case of a resolution 69255  
adopted under division (B) of this section, the publication of 69256  
notice of that election shall state the number of the mills, if 69257  
any, to be levied for the current expenses of partnering community 69258  
schools and the number of the mills to be levied for the current 69259  
expenses of the qualifying school district. If a majority of the 69260  
electors voting on the question so submitted in an election vote 69261  
in favor of the levy, the board of education may make the 69262  
necessary levy within the school district or, in the case of a 69263  
qualifying library levy for the support of a library association 69264  
or private corporation, within the association library district, 69265  
at the additional rate, or at any lesser rate in excess of the 69266  
ten-mill limitation on the tax list, for the purpose stated in the 69267  
resolution. A levy for a continuing period of time may be reduced 69268  
pursuant to section 5705.261 of the Revised Code. The tax levy 69269  
shall be included in the next tax budget that is certified to the 69270  
county budget commission. 69271

(D)(1) After the approval of a levy on the current tax list 69272  
and duplicate for current expenses, for recreational purposes, for 69273  
community centers provided for in section 755.16 of the Revised 69274  
Code, or for a public library of the district under division (A) 69275  
of this section, and prior to the time when the first tax 69276  
collection from the levy can be made, the board of education may 69277  
anticipate a fraction of the proceeds of the levy and issue 69278  
anticipation notes in a principal amount not exceeding fifty per 69279  
cent of the total estimated proceeds of the levy to be collected 69280  
during the first year of the levy. 69281

(2) After the approval of a levy for general permanent 69282  
improvements for a specified number of years or for permanent 69283  
improvements having the purpose specified in division (F) of 69284  
section 5705.19 of the Revised Code, the board of education may 69285  
anticipate a fraction of the proceeds of the levy and issue 69286  
anticipation notes in a principal amount not exceeding fifty per 69287  
cent of the total estimated proceeds of the levy remaining to be 69288  
collected in each year over a period of five years after the 69289  
issuance of the notes. 69290

The notes shall be issued as provided in section 133.24 of 69291  
the Revised Code, shall have principal payments during each year 69292  
after the year of their issuance over a period not to exceed five 69293  
years, and may have a principal payment in the year of their 69294  
issuance. 69295

(3) After approval of a levy for general permanent 69296  
improvements for a continuing period of time, the board of 69297  
education may anticipate a fraction of the proceeds of the levy 69298  
and issue anticipation notes in a principal amount not exceeding 69299  
fifty per cent of the total estimated proceeds of the levy to be 69300  
collected in each year over a specified period of years, not 69301  
exceeding ten, after the issuance of the notes. 69302

The notes shall be issued as provided in section 133.24 of 69303

the Revised Code, shall have principal payments during each year 69304  
after the year of their issuance over a period not to exceed ten 69305  
years, and may have a principal payment in the year of their 69306  
issuance. 69307

(4) After the approval of a levy on the current tax list and 69308  
duplicate under division (B) of this section, and prior to the 69309  
time when the first tax collection from the levy can be made, the 69310  
board of education may anticipate a fraction of the proceeds of 69311  
the levy for the current expenses of the school district and issue 69312  
anticipation notes in a principal amount not exceeding fifty per 69313  
cent of the estimated proceeds of the levy to be collected during 69314  
the first year of the levy and allocated to the school district. 69315  
The portion of the levy proceeds to be allocated to partnering 69316  
community schools under that division shall not be included in the 69317  
estimated proceeds anticipated under this division and shall not 69318  
be used to pay debt charges on any anticipation notes. 69319

The notes shall be issued as provided in section 133.24 of 69320  
the Revised Code, shall have principal payments during each year 69321  
after the year of their issuance over a period not to exceed five 69322  
years, and may have a principal payment in the year of their 69323  
issuance. 69324

(E) The submission of questions to the electors under this 69325  
section is subject to the limitation on the number of election 69326  
dates established by section 5705.214 of the Revised Code. 69327

(F) The board of education of any school district that levies 69328  
a tax under this section for the purpose of providing for school 69329  
safety and security may report to the department of education how 69330  
the district is using revenue from that tax. 69331

The board of education of any school district that proposes 69332  
to levy a tax for the purpose of providing for school safety and 69333  
security may share the proceeds of the tax with chartered 69334

nonpublic schools, as defined by section 3310.01 of the Revised Code, that are located in the territory of the school district as provided in this division. The resolution levying the tax and the form of the ballot shall state that proceeds from the levy are to be shared with chartered nonpublic schools and shall state the percentage of the proceeds that is to be shared with those schools. 69335  
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If a percentage of the proceeds of such a tax are to be shared with chartered nonpublic schools under this division, such proceeds shall be shared with all chartered nonpublic schools located in the territory of the school district. Of the percentage of the proceeds to be shared with chartered nonpublic schools, each such school shall receive an amount that bears the same proportion of that percentage that the number of resident students attending that school bears to the total number of resident students attending all such schools in the territory of the school district. For the purposes of this section, a resident student is a student enrolled in a chartered nonpublic school located in the territory of the school district who is entitled to attend school in the school district under section 3313.64 or 3313.65 of the Revised Code. 69342  
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All proceeds of the levy shall be credited to a fund of the school district created for that purpose, and the board of education shall pay each chartered nonpublic school its share of the proceeds from that fund not less frequently than once after each settlement of taxes under divisions (A) and (C) of section 321.24 of the Revised Code. Any chartered nonpublic school receiving payments under this section shall use all of such payments only for providing for school safety and security. 69356  
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**Sec. 5705.222.** (A) At any time the board of county commissioners of any county by a majority vote of the full 69364  
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membership may declare by resolution and certify to the board of 69366  
elections of the county that the amount of taxes which may be 69367  
raised within the ten-mill limitation by levies on the current tax 69368  
duplicate will be insufficient to provide the necessary 69369  
requirements of the county board of developmental disabilities 69370  
established pursuant to Chapter 5126. of the Revised Code and that 69371  
it is necessary to levy a tax in excess of such limitation for the 69372  
operation of community programs and services authorized by county 69373  
boards of developmental disabilities, for the acquisition, 69374  
construction, renovation, financing, maintenance, and operation of 69375  
developmental disabilities facilities, or for both of such 69376  
purposes. 69377

The resolution shall conform to section 5705.19 of the 69378  
Revised Code, except that the increased rate may be in effect for 69379  
any number of years not exceeding ten or for a continuing period 69380  
of time. 69381

The resolution shall be certified and submitted in the manner 69382  
provided in section 5705.25 of the Revised Code, except that it 69383  
may be placed on the ballot in any election, and shall be 69384  
certified to the board of elections not less than ninety days 69385  
before the election at which it will be voted upon. 69386

If the majority of the electors voting on a levy for the 69387  
support of the programs and services of the county board of 69388  
developmental disabilities vote in favor of the levy, the board of 69389  
county commissioners may levy a tax within the county at the 69390  
additional rate outside the ten-mill limitation during the 69391  
specified or continuing period, for the purpose stated in the 69392  
resolution. 69393

The county board of developmental disabilities, within its 69394  
budget and with the approval of the board of county commissioners 69395  
through annual appropriations, shall use the proceeds of a levy 69396  
approved under this section or division (L) of section 5705.19 of 69397

the Revised Code solely for the purposes authorized by that 69398  
section or division. 69399

A board of county commissioners that levies a tax under this 69400  
section or for the purpose authorized by division (L) of section 69401  
5705.19 of the Revised Code, by a majority vote of the full 69402  
membership, may adopt a resolution to renew such a levy, or renew 69403  
two or more such levies as a single ballot question, in the manner 69404  
provided by section 5705.25 of the Revised Code for the renewal of 69405  
existing levies. The purpose of the renewal levy may be for any of 69406  
the purposes authorized for a levy imposed under this section or 69407  
division (L) of section 5705.19 of the Revised Code. The term of 69408  
the renewal levy may be for any number of years not exceeding ten 69409  
or for a continuing period of time. 69410

(B) When electors have approved a tax levy under this 69411  
section, the county commissioners may anticipate a fraction of the 69412  
proceeds of the levy and issue anticipation notes in accordance 69413  
with section 5705.191 or 5705.193 of the Revised Code. 69414

(C) The county auditor, upon receipt of a resolution from the 69415  
county board of developmental disabilities, shall establish a 69416  
capital improvements account or a reserve balance account, or 69417  
both, as specified in the resolution. The capital improvements 69418  
account shall be a contingency account for the necessary 69419  
acquisition, replacement, renovation, or construction of 69420  
facilities and movable and fixed equipment. Upon the request of 69421  
the county board of developmental disabilities, moneys not needed 69422  
to pay for current expenses may be appropriated to this account, 69423  
in amounts such that this account does not exceed twenty-five per 69424  
cent of the replacement value of all capital facilities and 69425  
equipment currently used by the county board of developmental 69426  
disabilities for developmental disabilities programs and services. 69427  
Other moneys available for current capital expenses from federal, 69428  
state, or local sources may also be appropriated to this account. 69429

The reserve balance account shall contain those moneys that  
are not needed to pay for current operating expenses and not  
deposited in the capital improvements account but that will be  
needed to pay for operating expenses in the future. Upon the  
request of a county board of developmental disabilities, the board  
of county commissioners may appropriate ~~moneys~~ county funds,  
including funds from federal and state sources, to the reserve  
balance account.

The total balance in a reserve balance account shall not  
exceed forty per cent of the county board of developmental  
disabilities' expenditures for all services in the preceding  
calendar year.

Amounts in a capital improvements account or reserve balance  
account that are not in excess of the limitations prescribed in  
this division shall be considered reasonable and shall not be  
taken into consideration by the county budget commission when  
determining whether to reduce the taxing authority of a county  
under section 5705.32 of the Revised Code.

**Sec. 5705.322.** In determining whether to reduce the taxing  
authority of a county under section 5705.32 of the Revised Code in  
connection with the balance of a county developmental disabilities  
general fund, the county budget commission shall take into  
consideration the five-year projection of revenues and  
expenditures prepared by the county board of developmental  
disabilities pursuant to section 5126.053 of the Revised Code.

Before making such a determination, the commission shall hold  
a hearing solely on the question of whether to reduce the taxing  
authority of the county in connection with the balance of that  
fund. The commission shall publish notice of the hearing in a  
newspaper of general circulation in the county once a week for two  
consecutive weeks or as provided in section 7.16 of the Revised

Code. The second publication shall be not less than ten nor more than thirty days before the date of the hearing, and the notice shall include the date, time, place, and subject of the hearing, and a statement that a determination to reduce the taxing authority of the county may result in a decrease in revenue available to the county board of developmental disabilities.

Upon publishing the notice, the commission shall notify the board of county commissioners or board of developmental disabilities of the date, time, place, and subject of the hearing. Any board entitled to notice under this division may designate an officer or employee of such board to whom the commission shall deliver the notice.

The commission shall permit representatives of the county that established the fund to appear at such hearing and explain the financial needs of the county board of developmental disabilities.

**Sec. 5709.084.** Real and personal property comprising a convention center that is constructed or, in the case of personal property, acquired, after January 1, 2010, are exempt from taxation if the convention center is located in a county having a population, when construction of the convention center commences, of more than one million two hundred thousand according to the most recent federal decennial census, and if the convention center, or the land upon which the convention center is situated, is owned or leased by the county. For the purposes of this section, construction of the convention center commences upon the earlier of issuance of debt to finance all or a portion of the convention center, demolition of existing structures on the site, or grading of the site in preparation for construction.

Real and personal property comprising a convention center owned by the largest city in a county having a population greater

than seven hundred thousand but less than nine hundred thousand 69492  
according to the most recent federal decennial census is exempt 69493  
from taxation, regardless of whether the property is leased to or 69494  
otherwise operated or managed by a person other than the city. 69495

Real and personal property comprising a convention center or 69496  
arena owned by a convention facilities authority in a county 69497  
having a population greater than ~~one million~~ seven hundred fifty  
thousand according to the most recent federal decennial census is 69498  
exempt from taxation, regardless of whether the property is leased 69499  
to or otherwise operated or managed by a person other than the 69500  
convention facilities authority, notwithstanding section 351.12 of 69501  
the Revised Code. 69502  
69503

Real and personal property comprising a convention center or 69504  
arena owned by the largest city in a county having a population 69505  
greater than two hundred thirty-five thousand but less than three 69506  
hundred thousand according to the most recent federal decennial 69507  
census at the time of the construction of the convention center or 69508  
arena is exempt from taxation, regardless of whether the property 69509  
is leased to or otherwise operated or managed by a person other 69510  
than the city. 69511

Real and personal property comprising a convention center or 69512  
arena owned by the city in which the convention center or arena is 69513  
located, and located in a county having a population greater than 69514  
five hundred thousand but less than six hundred thousand according 69515  
to the most recent federal decennial census at the time of the 69516  
construction of the convention center or arena, is exempt from 69517  
taxation, regardless of whether the property is leased to or 69518  
otherwise operated or managed by a person other than the city. 69519

As used in this section, "convention center" and "arena" have 69520  
the same meanings as in section 307.695 of the Revised Code. 69521

**Sec. 5709.17.** The following property shall be exempted from 69522

taxation: 69523

(A) Real estate held or occupied by an association or 69524  
corporation, organized or incorporated under the laws of this 69525  
state relative to soldiers' memorial associations or monumental 69526  
building associations and that, in the opinion of the trustees, 69527  
directors, or managers thereof, is necessary and proper to carry 69528  
out the object intended for such association or corporation; 69529

(B) Real estate and tangible personal property held or 69530  
occupied by a qualifying veterans' organization and used primarily 69531  
for meetings and administration of the qualifying veterans' 69532  
organization or for providing, on a not-for-profit basis, programs 69533  
and supportive services to past or present members of the armed 69534  
forces of the United States and their families, except real estate 69535  
held by such an organization for the production of rental income 69536  
in excess of thirty-six thousand dollars in a tax year, before 69537  
accounting for any cost or expense incurred in the production of 69538  
such income. For the purposes of this division, rental income 69539  
includes only income arising directly from renting the real estate 69540  
to others for consideration, but does not include income arising 69541  
from renting the real estate to a qualifying veterans' 69542  
organization. 69543

As used in this division, "qualifying veterans' organization" 69544  
means an organization that is incorporated under the laws of this 69545  
state or the United States and that meets either of the following 69546  
requirements: 69547

(1) The organization qualifies for exemption from taxation 69548  
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 69549  
Code. 69550

(2) The organization meets the criteria for exemption under 69551  
section 501(c)(19) of the Internal Revenue Code and regulations 69552  
adopted pursuant thereto, but is exempt from taxation under 69553

section 501(c)(4) of the Internal Revenue Code. 69554

(C) Tangible personal property held by a corporation 69555  
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 69556  
section 501(c)(3) of the Internal Revenue Code, and exempt from 69557  
taxation under section 501(a) of the Internal Revenue Code shall 69558  
be exempt from taxation if it is property obtained as described in 69559  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 69560

(D) Real estate held or occupied by a fraternal organization 69561  
and used primarily for meetings of and the administration of the 69562  
fraternal organization or for providing, on a not-for-profit 69563  
basis, educational or health services, except real estate held by 69564  
such an organization for the production of rental income in excess 69565  
of thirty-six thousand dollars in a tax year before accounting for 69566  
any cost or expense incurred in the production of such income. For 69567  
the purposes of this division, rental income includes only income 69568  
arising directly from renting the real estate to others for 69569  
consideration, but does not include income arising from renting 69570  
the real estate to any fraternal organization for use primarily 69571  
for meetings of and the administration of such fraternal 69572  
organization or for providing, on a not-for-profit basis, 69573  
educational or health services. As used in this division, "~~rental~~ 69574  
~~income~~" has the same meaning as in division (B) of this section, 69575  
~~and~~ "fraternal organization" means a domestic fraternal society, 69576  
order, or association operating under the lodge, council, or 69577  
grange system that qualifies for exemption from taxation under 69578  
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 69579  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 69580  
that provides financial support for charitable purposes, as 69581  
defined in division (B)(12) of section 5739.02 of the Revised 69582  
Code; and that operates under a state governing body that has been 69583  
operating in this state for at least eighty-five years. 69584

<b>Sec. 5709.40.</b> (A) As used in this section:	69585
(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.	69586 69587
(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.	69588 69589 69590
(3) "Housing renovation" means a project carried out for residential purposes.	69591 69592
(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.	69593 69594 69595 69596 69597
(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:	69598 69599 69600 69601
(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;	69602 69603 69604 69605 69606 69607
(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.	69608 69609 69610 69611
(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C.	69612 69613 69614

5301, as amended, and regulations adopted pursuant to that act. 69615

(d) The district is a blighted area. 69616

(e) The district is in a situational distress area as 69617  
designated by the director of development services under division 69618  
(F) of section 122.23 of the Revised Code. 69619

(f) As certified by the engineer for the political 69620  
subdivision, the public infrastructure serving the district is 69621  
inadequate to meet the development needs of the district as 69622  
evidenced by a written economic development plan or urban renewal 69623  
plan for the district that has been adopted by the legislative 69624  
authority of the subdivision. 69625

(g) The district is comprised entirely of unimproved land 69626  
that is located in a distressed area as defined in section 122.23 69627  
of the Revised Code. 69628

(6) "Overlay" means an area of not more than three hundred 69629  
acres that is a square, or that is a rectangle having two longer 69630  
sides that are not more than twice the length of the two shorter 69631  
sides, that the legislative authority of a municipal corporation 69632  
delineates on a map of a proposed incentive district. 69633

(7) "Project" means development activities undertaken on one 69634  
or more parcels, including, but not limited to, construction, 69635  
expansion, and alteration of buildings or structures, demolition, 69636  
remediation, and site development, and any building or structure 69637  
that results from those activities. 69638

(8) "Public infrastructure improvement" includes, but is not 69639  
limited to, public roads and highways; water and sewer lines; the 69640  
continued maintenance of those public roads and highways and water 69641  
and sewer lines; environmental remediation; land acquisition, 69642  
including acquisition in aid of industry, commerce, distribution, 69643  
or research; demolition, including demolition on private property 69644  
when determined to be necessary for economic development purposes; 69645

stormwater and flood remediation projects, including such projects 69646  
on private property when determined to be necessary for public 69647  
health, safety, and welfare; the provision of gas, electric, and 69648  
communications service facilities, including the provision of gas 69649  
or electric service facilities owned by nongovernmental entities 69650  
when such improvements are determined to be necessary for economic 69651  
development purposes; and the enhancement of public waterways 69652  
through improvements that allow for greater public access. 69653

(B) The legislative authority of a municipal corporation, by 69654  
ordinance, may declare improvements to certain parcels of real 69655  
property located in the municipal corporation to be a public 69656  
purpose. Improvements with respect to a parcel that is used or to 69657  
be used for residential purposes may be declared a public purpose 69658  
under this division only if the parcel is located in a blighted 69659  
area of an impacted city. For this purpose, "parcel that is used 69660  
or to be used for residential purposes" means a parcel that, as 69661  
improved, is used or to be used for purposes that would cause the 69662  
tax commissioner to classify the parcel as residential property in 69663  
accordance with rules adopted by the commissioner under section 69664  
5713.041 of the Revised Code. Except ~~with the approval as~~ 69665  
otherwise provided under division (D) of this section ~~of the board~~ 69666  
~~of education of each city, local, or exempted village school~~ 69667  
~~district within which the improvements are located~~ or section 69668  
5709.51 of the Revised Code, not more than seventy-five per cent 69669  
of an improvement thus declared to be a public purpose may be 69670  
exempted from real property taxation for a period of not more than 69671  
ten years. The ordinance shall specify the percentage of the 69672  
improvement to be exempted from taxation and the life of the 69673  
exemption. 69674

An ordinance adopted or amended under this division shall 69675  
designate the specific public infrastructure improvements made, to 69676  
be made, or in the process of being made by the municipal 69677

corporation that directly benefit, or that once made will directly 69678  
benefit, the parcels for which improvements are declared to be a 69679  
public purpose. The service payments provided for in section 69680  
5709.42 of the Revised Code shall be used to finance the public 69681  
infrastructure improvements designated in the ordinance, for the 69682  
purpose described in division (D)(1) of this section or as 69683  
provided in section 5709.43 of the Revised Code. 69684

(C)(1) The legislative authority of a municipal corporation 69685  
may adopt an ordinance creating an incentive district and 69686  
declaring improvements to parcels within the district to be a 69687  
public purpose and, except as provided in division (C)(2) of this 69688  
section, exempt from taxation as provided in this section, but no 69689  
legislative authority of a municipal corporation that has a 69690  
population that exceeds twenty-five thousand, as shown by the most 69691  
recent federal decennial census, shall adopt an ordinance that 69692  
creates an incentive district if the sum of the taxable value of 69693  
real property in the proposed district for the preceding tax year 69694  
and the taxable value of all real property in the municipal 69695  
corporation that would have been taxable in the preceding year 69696  
were it not for the fact that the property was in an existing 69697  
incentive district and therefore exempt from taxation exceeds 69698  
twenty-five per cent of the taxable value of real property in the 69699  
municipal corporation for the preceding tax year. The ordinance 69700  
shall delineate the boundary of the proposed district and 69701  
specifically identify each parcel within the district. A proposed 69702  
district may not include any parcel that is or has been exempted 69703  
from taxation under division (B) of this section or that is or has 69704  
been within another district created under this division. An 69705  
ordinance may create more than one such district, and more than 69706  
one ordinance may be adopted under division (C)(1) of this 69707  
section. 69708

(2)(a) Not later than thirty days prior to adopting an 69709

ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the

notice provided under division (C)(2)(a) of this section. In the 69743  
response, property owners may identify a parcel by street address, 69744  
by the manner in which it is identified in the ordinance, or by 69745  
other means allowing the identity of the parcel to be ascertained. 69746

(c) Before adopting an ordinance under division (C)(1) of 69747  
this section, the legislative authority of a municipal corporation 69748  
shall amend the ordinance to exclude any parcel located wholly or 69749  
partly outside the overlay for which a written response has been 69750  
submitted under division (C)(2)(b) of this section. A municipal 69751  
corporation shall not apply for exemptions from taxation under 69752  
section 5709.911 of the Revised Code for any such parcel, and 69753  
service payments may not be required from the owner of the parcel. 69754  
Improvements to a parcel excluded from an incentive district under 69755  
this division may be exempted from taxation under division (B) of 69756  
this section pursuant to an ordinance adopted under that division 69757  
or under any other section of the Revised Code under which the 69758  
parcel qualifies. 69759

(3)(a) An ordinance adopted under division (C)(1) of this 69760  
section shall specify the life of the incentive district and the 69761  
percentage of the improvements to be exempted, shall designate the 69762  
public infrastructure improvements made, to be made, or in the 69763  
process of being made, that benefit or serve, or, once made, will 69764  
benefit or serve parcels in the district. The ordinance also shall 69765  
identify one or more specific projects being, or to be, undertaken 69766  
in the district that place additional demand on the public 69767  
infrastructure improvements designated in the ordinance. The 69768  
project identified may, but need not be, the project under 69769  
division (C)(3)(b) of this section that places real property in 69770  
use for commercial or industrial purposes. Except as otherwise 69771  
permitted under that division, the service payments provided for 69772  
in section 5709.42 of the Revised Code shall be used to finance 69773  
the designated public infrastructure improvements, for the purpose 69774

described in division (D)(1), (E), or (F) of this section, or as  
provided in section 5709.43 of the Revised Code. 69775  
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An ordinance adopted under division (C)(1) of this section on  
or after March 30, 2006, shall not designate police or fire  
equipment as public infrastructure improvements, and no service  
payment provided for in section 5709.42 of the Revised Code and  
received by the municipal corporation under the ordinance shall be  
used for police or fire equipment. 69777  
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(b) An ordinance adopted under division (C)(1) of this  
section may authorize the use of service payments provided for in  
section 5709.42 of the Revised Code for the purpose of housing  
renovations within the incentive district, provided that the  
ordinance also designates public infrastructure improvements that  
benefit or serve the district, and that a project within the  
district places real property in use for commercial or industrial  
purposes. Service payments may be used to finance or support  
loans, deferred loans, and grants to persons for the purpose of  
housing renovations within the district. The ordinance shall  
designate the parcels within the district that are eligible for  
housing renovation. The ordinance shall state separately the  
amounts or the percentages of the expected aggregate service  
payments that are designated for each public infrastructure  
improvement and for the general purpose of housing renovations. 69783  
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(4) Except with the approval of the board of education of  
each city, local, or exempted village school district within the  
territory of which the incentive district is or will be located,  
and subject to division (E) of this section, the life of an  
incentive district shall not exceed ten years, and the percentage  
of improvements to be exempted shall not exceed seventy-five per  
cent. With approval of the board of education, the life of a  
district may be not more than thirty years, and the percentage of  
improvements to be exempted may be not more than one hundred per 69798  
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cent. The approval of a board of education shall be obtained in 69807  
the manner provided in division (D) of this section. 69808

(D)(1) If the ordinance declaring improvements to a parcel to 69809  
be a public purpose or creating an incentive district specifies 69810  
that payments in lieu of taxes provided for in section 5709.42 of 69811  
the Revised Code shall be paid to the city, local, or exempted 69812  
village, and joint vocational school district in which the parcel 69813  
or incentive district is located in the amount of the taxes that 69814  
would have been payable to the school district if the improvements 69815  
had not been exempted from taxation, the percentage of the 69816  
improvement that may be exempted from taxation may exceed 69817  
seventy-five per cent, and the exemption may be granted for up to 69818  
thirty years, without the approval of the board of education as 69819  
otherwise required under division (D)(2) of this section. 69820

(2) Improvements with respect to a parcel may be exempted 69821  
from taxation under division (B) of this section, and improvements 69822  
to parcels within an incentive district may be exempted from 69823  
taxation under division (C) of this section, for up to ten years 69824  
or, with the approval under this paragraph of the board of 69825  
education of the city, local, or exempted village school district 69826  
within which the parcel or district is located, for up to thirty 69827  
years. The percentage of the improvement exempted from taxation 69828  
may, with such approval, exceed seventy-five per cent, but shall 69829  
not exceed one hundred per cent. Not later than forty-five 69830  
business days prior to adopting an ordinance under this section 69831  
declaring improvements to be a public purpose that is subject to 69832  
approval by a board of education under this division, the 69833  
legislative authority shall deliver to the board of education a 69834  
notice stating its intent to adopt an ordinance making that 69835  
declaration. The notice regarding improvements with respect to a 69836  
parcel under division (B) of this section shall identify the 69837  
parcels for which improvements are to be exempted from taxation, 69838

provide an estimate of the true value in money of the 69839  
improvements, specify the period for which the improvements would 69840  
be exempted from taxation and the percentage of the improvement 69841  
that would be exempted, and indicate the date on which the 69842  
legislative authority intends to adopt the ordinance. The notice 69843  
regarding improvements to parcels within an incentive district 69844  
under division (C) of this section shall delineate the boundaries 69845  
of the district, specifically identify each parcel within the 69846  
district, identify each anticipated improvement in the district, 69847  
provide an estimate of the true value in money of each such 69848  
improvement, specify the life of the district and the percentage 69849  
of improvements that would be exempted, and indicate the date on 69850  
which the legislative authority intends to adopt the ordinance. 69851  
The board of education, by resolution adopted by a majority of the 69852  
board, may approve the exemption for the period or for the 69853  
exemption percentage specified in the notice; may disapprove the 69854  
exemption for the number of years in excess of ten, may disapprove 69855  
the exemption for the percentage of the improvement to be exempted 69856  
in excess of seventy-five per cent, or both; or may approve the 69857  
exemption on the condition that the legislative authority and the 69858  
board negotiate an agreement providing for compensation to the 69859  
school district equal in value to a percentage of the amount of 69860  
taxes exempted in the eleventh and subsequent years of the 69861  
exemption period or, in the case of exemption percentages in 69862  
excess of seventy-five per cent, compensation equal in value to a 69863  
percentage of the taxes that would be payable on the portion of 69864  
the improvement in excess of seventy-five per cent were that 69865  
portion to be subject to taxation, or other mutually agreeable 69866  
compensation. If an agreement is negotiated between the 69867  
legislative authority and the board to compensate the school 69868  
district for all or part of the taxes exempted, including 69869  
agreements for payments in lieu of taxes under section 5709.42 of 69870  
the Revised Code, the legislative authority shall compensate the 69871

joint vocational school district within which the parcel or 69872  
district is located at the same rate and under the same terms 69873  
received by the city, local, or exempted village school district. 69874

(3) The board of education shall certify its resolution to 69875  
the legislative authority not later than fourteen days prior to 69876  
the date the legislative authority intends to adopt the ordinance 69877  
as indicated in the notice. If the board of education and the 69878  
legislative authority negotiate a mutually acceptable compensation 69879  
agreement, the ordinance may declare the improvements a public 69880  
purpose for the number of years specified in the ordinance or, in 69881  
the case of exemption percentages in excess of seventy-five per 69882  
cent, for the exemption percentage specified in the ordinance. In 69883  
either case, if the board and the legislative authority fail to 69884  
negotiate a mutually acceptable compensation agreement, the 69885  
ordinance may declare the improvements a public purpose for not 69886  
more than ten years, and shall not exempt more than seventy-five 69887  
per cent of the improvements from taxation. If the board fails to 69888  
certify a resolution to the legislative authority within the time 69889  
prescribed by this division, the legislative authority thereupon 69890  
may adopt the ordinance and may declare the improvements a public 69891  
purpose for up to thirty years, or, in the case of exemption 69892  
percentages proposed in excess of seventy-five per cent, for the 69893  
exemption percentage specified in the ordinance. The legislative 69894  
authority may adopt the ordinance at any time after the board of 69895  
education certifies its resolution approving the exemption to the 69896  
legislative authority, or, if the board approves the exemption on 69897  
the condition that a mutually acceptable compensation agreement be 69898  
negotiated, at any time after the compensation agreement is agreed 69899  
to by the board and the legislative authority. 69900

(4) If a board of education has adopted a resolution waiving 69901  
its right to approve exemptions from taxation under this section 69902  
and the resolution remains in effect, approval of exemptions by 69903

the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(6) Nothing in division (D) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a

notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this section shall provide to the board compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or 69968  
fails to certify its resolution objecting to an exemption within 69969  
thirty days after receipt of the notice, the legislative authority 69970  
may adopt the ordinance, and no compensation shall be provided to 69971  
the board of county commissioners. If the board timely certifies 69972  
its resolution objecting to the ordinance, the legislative 69973  
authority may adopt the ordinance at any time after a mutually 69974  
acceptable compensation agreement is agreed to by the board and 69975  
the legislative authority, or, if no compensation agreement is 69976  
negotiated, at any time after the legislative authority agrees in 69977  
the proposed ordinance to provide compensation to the board of 69978  
fifty per cent of the taxes that would be payable to the county in 69979  
the eleventh and subsequent years of the exemption period or on 69980  
the portion of the improvement in excess of seventy-five per cent, 69981  
were that portion to be subject to taxation. 69982

(F) Service payments in lieu of taxes that are attributable 69983  
to any amount by which the effective tax rate of either a renewal 69984  
levy with an increase or a replacement levy exceeds the effective 69985  
tax rate of the levy renewed or replaced, or that are attributable 69986  
to an additional levy, for a levy authorized by the voters for any 69987  
of the following purposes on or after January 1, 2006, and which 69988  
are provided pursuant to an ordinance creating an incentive 69989  
district under division (C)(1) of this section that is adopted on 69990  
or after January 1, 2006, or a later date as specified in this 69991  
division, shall be distributed to the appropriate taxing authority 69992  
as required under division (C) of section 5709.42 of the Revised 69993  
Code in an amount equal to the amount of taxes from that 69994  
additional levy or from the increase in the effective tax rate of 69995  
such renewal or replacement levy that would have been payable to 69996  
that taxing authority from the following levies were it not for 69997  
the exemption authorized under division (C) of this section: 69998

(1) A tax levied under division (L) of section 5705.19 or 69999

section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;	70000 70001 70002
(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;	70003 70004 70005
(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	70006 70007
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	70008 70009 70010 70011
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	70012 70013
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	70014 70015 70016
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	70017 70018 70019
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	70020 70021 70022
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	70023 70024 70025 70026
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	70027 70028
(11) A tax levied under section 5705.191 of the Revised Code	70029

for the purpose of making appropriations for public assistance; 70030  
human or social services; public relief; public welfare; public 70031  
health and hospitalization; and support of general hospitals; 70032

(12) A tax levied under section 3709.29 of the Revised Code 70033  
for a general health district program. 70034

(13) A tax levied by a township under section 505.39, 70035  
division (I) of section 5705.19, or division (JJ) of section 70036  
5705.19 of the Revised Code to the extent the proceeds are used 70037  
for the purposes described in division (I) of that section, for 70038  
the purpose of funding fire, emergency medical, and ambulance 70039  
services as described in that section and those divisions. 70040  
Division (F)(13) of this section applies only if the township 70041  
levying the tax provides fire, emergency medical, or ambulance 70042  
services in the incentive district, and only to incentive 70043  
districts created by an ordinance adopted on or after the 70044  
effective date of the amendment of this section by H.B. 69 of the 70045  
132nd general assembly, March 23, 2018. The board of township 70046  
trustees may, by resolution, waive the application of this 70047  
division or negotiate with the municipal corporation that created 70048  
the district for a lesser amount of payments in lieu of taxes. 70049

(G) An exemption from taxation granted under this section 70050  
commences with the tax year specified in the ordinance so long as 70051  
the year specified in the ordinance commences after the effective 70052  
date of the ordinance. If the ordinance specifies a year 70053  
commencing before the effective date of the resolution or 70054  
specifies no year whatsoever, the exemption commences with the tax 70055  
year in which an exempted improvement first appears on the tax 70056  
list and duplicate of real and public utility property and that 70057  
commences after the effective date of the ordinance. In lieu of 70058  
stating a specific year, the ordinance may provide that the 70059  
exemption commences in the tax year in which the value of an 70060  
improvement exceeds a specified amount or in which the 70061

construction of one or more improvements is completed, provided 70062  
that such tax year commences after the effective date of the 70063  
ordinance. With respect to the exemption of improvements to 70064  
parcels under division (B) of this section, the ordinance may 70065  
allow for the exemption to commence in different tax years on a 70066  
parcel-by-parcel basis, with a separate exemption term specified 70067  
for each parcel. 70068

Except as otherwise provided in this division or section 70069  
5709.51 of the Revised Code, the exemption ends on the date 70070  
specified in the ordinance as the date the improvement ceases to 70071  
be a public purpose or the incentive district expires, or ends on 70072  
the date on which the public infrastructure improvements and 70073  
housing renovations are paid in full from the municipal public 70074  
improvement tax increment equivalent fund established under 70075  
division (A) of section 5709.43 of the Revised Code, whichever 70076  
occurs first. The exemption of an improvement with respect to a 70077  
parcel or within an incentive district may end on a later date, as 70078  
specified in the ordinance, if the legislative authority and the 70079  
board of education of the city, local, or exempted village school 70080  
district within which the parcel or district is located have 70081  
entered into a compensation agreement under section 5709.82 of the 70082  
Revised Code with respect to the improvement, and the board of 70083  
education has approved the term of the exemption under division 70084  
(D)(2) of this section, but in no case shall the improvement be 70085  
exempted from taxation for more than thirty years. Exemptions 70086  
shall be claimed and allowed in the same manner as in the case of 70087  
other real property exemptions. If an exemption status changes 70088  
during a year, the procedure for the apportionment of the taxes 70089  
for that year is the same as in the case of other changes in tax 70090  
exemption status during the year. 70091

(H) Additional municipal financing of public infrastructure 70092  
improvements and housing renovations may be provided by any 70093

methods that the municipal corporation may otherwise use for 70094  
financing such improvements or renovations. If the municipal 70095  
corporation issues bonds or notes to finance the public 70096  
infrastructure improvements and housing renovations and pledges 70097  
money from the municipal public improvement tax increment 70098  
equivalent fund to pay the interest on and principal of the bonds 70099  
or notes, the bonds or notes are not subject to Chapter 133. of 70100  
the Revised Code. 70101

(I) The municipal corporation, not later than fifteen days 70102  
after the adoption of an ordinance under this section, shall 70103  
submit to the director of development services a copy of the 70104  
ordinance. On or before the thirty-first day of March of each 70105  
year, the municipal corporation shall submit a status report to 70106  
the director of development services. The report shall indicate, 70107  
in the manner prescribed by the director, the progress of the 70108  
project during each year that an exemption remains in effect, 70109  
including a summary of the receipts from service payments in lieu 70110  
of taxes; expenditures of money from the funds created under 70111  
section 5709.43 of the Revised Code; a description of the public 70112  
infrastructure improvements and housing renovations financed with 70113  
such expenditures; and a quantitative summary of changes in 70114  
employment and private investment resulting from each project. 70115

(J) Nothing in this section shall be construed to prohibit a 70116  
legislative authority from declaring to be a public purpose 70117  
improvements with respect to more than one parcel. 70118

(K) If a parcel is located in a new community district in 70119  
which the new community authority imposes a community development 70120  
charge on the basis of rentals received from leases of real 70121  
property as described in division (L)(2) of section 349.01 of the 70122  
Revised Code, the parcel may not be exempted from taxation under 70123  
this section. 70124

Sec. 5709.41. (A) As used in this section:	70125
(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.	70126 70127 70128
(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.	70129 70130 70131
(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:	70132 70133 70134
(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;	70135 70136
(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.	70137 70138 70139
Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.	70140 70141 70142 70143 70144 70145 70146 70147 70148
(C) Except as otherwise provided in division (C)(1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation. The ordinance shall specify the percentage of the improvement to be exempted from taxation. If a parcel is located in a new community district in which the new	70149 70150 70151 70152 70153 70154

community authority imposes a community development charge on the 70155  
basis of rentals received from leases of real property as 70156  
described in division (L)(2) of section 349.01 of the Revised 70157  
Code, the parcel may not be exempted from taxation under this 70158  
section. 70159

(1) If the ordinance declaring improvements to a parcel to be 70160  
a public purpose specifies that payments in lieu of taxes provided 70161  
for in section 5709.42 of the Revised Code shall be paid to the 70162  
city, local, or exempted village school district in which the 70163  
parcel is located in the amount of the taxes that would have been 70164  
payable to the school district if the improvements had not been 70165  
exempted from taxation, the percentage of the improvement that may 70166  
be exempted from taxation may exceed seventy-five per cent, and 70167  
the exemption may be granted for up to thirty years, without the 70168  
approval of the board of education as otherwise required under 70169  
division (C)(2) of this section. 70170

(2) Improvements may be exempted from taxation for up to ten 70171  
years or, with the approval of the board of education of the city, 70172  
local, or exempted village school district within the territory of 70173  
which the improvements are or will be located, for up to thirty 70174  
years. The percentage of the improvement exempted from taxation 70175  
may, with such approval, exceed seventy-five per cent, but shall 70176  
not exceed one hundred per cent. Not later than forty-five 70177  
business days prior to adopting an ordinance under this section, 70178  
the legislative authority shall deliver to the board of education 70179  
a notice stating its intent to declare improvements to be a public 70180  
purpose under this section. The notice shall describe the parcel 70181  
and the improvements, provide an estimate of the true value in 70182  
money of the improvements, specify the period for which the 70183  
improvements would be exempted from taxation and the percentage of 70184  
the improvements that would be exempted, and indicate the date on 70185  
which the legislative authority intends to adopt the ordinance. 70186

The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period, or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed

by this division, the legislative authority thereupon may adopt 70220  
the ordinance and may declare the improvements a public purpose 70221  
for up to thirty years. The legislative authority may adopt the 70222  
ordinance at any time after the board of education certifies its 70223  
resolution approving the exemption to the legislative authority, 70224  
or, if the board approves the exemption on the condition that a 70225  
mutually acceptable compensation agreement be negotiated, at any 70226  
time after the compensation agreement is agreed to by the board 70227  
and the legislative authority. If a mutually acceptable 70228  
compensation agreement is negotiated between the legislative 70229  
authority and the board, including agreements for payments in lieu 70230  
of taxes under section 5709.42 of the Revised Code, the 70231  
legislative authority shall compensate the joint vocational school 70232  
district within the territory of which the improvements are or 70233  
will be located at the same rate and under the same terms received 70234  
by the city, local, or exempted village school district. 70235

(3) If a board of education has adopted a resolution waiving 70236  
its right to approve exemptions from taxation and the resolution 70237  
remains in effect, approval of exemptions by the board is not 70238  
required under this division. If a board of education has adopted 70239  
a resolution allowing a legislative authority to deliver the 70240  
notice required under this division fewer than forty-five business 70241  
days prior to the legislative authority's adoption of the 70242  
ordinance, the legislative authority shall deliver the notice to 70243  
the board not later than the number of days prior to such adoption 70244  
as prescribed by the board in its resolution. If a board of 70245  
education adopts a resolution waiving its right to approve 70246  
exemptions or shortening the notification period, the board shall 70247  
certify a copy of the resolution to the legislative authority. If 70248  
the board of education rescinds such a resolution, it shall 70249  
certify notice of the rescission to the legislative authority. 70250

(4) If the legislative authority is not required by division 70251

(C)(1), (2), or (3) of this section to notify the board of 70252  
education of the legislative authority's intent to declare 70253  
improvements to be a public purpose, the legislative authority 70254  
shall comply with the notice requirements imposed under section 70255  
5709.83 of the Revised Code, unless the board has adopted a 70256  
resolution under that section waiving its right to receive such a 70257  
notice. 70258

(5) Nothing in division (C) of this section prohibits the 70259  
legislative authority of a municipal corporation from amending the 70260  
ordinance or resolution under section 5709.51 of the Revised Code 70261  
to extend the term of the exemption. 70262

(D) The exemption commences on the effective date of the 70263  
ordinance and ends on the date specified in the ordinance as the 70264  
date the improvement ceases to be a public purpose. The exemption 70265  
shall be claimed and allowed in the same or a similar manner as in 70266  
the case of other real property exemptions. If an exemption status 70267  
changes during a tax year, the procedure for the apportionment of 70268  
the taxes for that year is the same as in the case of other 70269  
changes in tax exemption status during the year. 70270

(E) A municipal corporation, not later than fifteen days 70271  
after the adoption of an ordinance granting a tax exemption under 70272  
this section, shall submit to the director of development services 70273  
a copy of the ordinance. On or before the thirty-first day of 70274  
March each year, the municipal corporation shall submit a status 70275  
report to the director of development outlining the progress of 70276  
the project during each year that the exemption remains in effect. 70277

Sec. 5709.51. (A) The legislative authority of a municipal 70278  
corporation, a board of township trustees, or a board of county 70279  
commissioners may amend an ordinance or resolution adopted in 70280  
accordance with division (B) of section 5709.40, section 5709.41, 70281  
division (B) of section 5709.73, or division (A) of section 70282

5709.78 of the Revised Code, as applicable, to extend the 70283  
exemption from taxation of improvements to the parcel or parcels 70284  
designated in the ordinance or resolution for an additional period 70285  
of not more than thirty years if all of the following conditions 70286  
are met: 70287

(1) The service payments made pursuant to section 5709.42, 70288  
5709.74, or 5709.79 of the Revised Code by the owner or owners of 70289  
the parcel or parcels designated in the ordinance or resolution 70290  
exceeded one million five hundred thousand dollars in the calendar 70291  
year preceding the adoption of the amendment. 70292

(2) The service payments described in division (A)(1) of this 70293  
section did not exceed one million five hundred thousand dollars 70294  
in any calendar year before the calendar year immediately 70295  
preceding the adoption of the amendment. This condition applies 70296  
only to amendments adopted under this section on or after January 70297  
1, 2021. 70298

(3) The amendment extending the exemption provides for 70299  
compensation to the city, local, or exempted village school 70300  
district in which the parcel or parcels are located equal in value 70301  
to the amount of taxes that would be payable to the school 70302  
district if the improvements had not been exempted from taxation 70303  
for the additional period. 70304

(B) Not later than fifteen days after amending an ordinance 70305  
or resolution under this section, the legislative authority of the 70306  
municipal corporation, board of township trustees, or board of 70307  
county commissioners shall send a copy of the amendment to the 70308  
director of development services. 70309

**Sec. 5709.73.** (A) As used in this section and section 5709.74 70310  
of the Revised Code: 70311

(1) "Business day" means a day of the week excluding 70312

Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 70313  
70314

(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. 70315  
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(3) "Housing renovation" means a project carried out for residential purposes. 70328  
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(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township. 70330  
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(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees. 70333  
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(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 70336  
70337

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except ~~with the approval as otherwise provided~~ under division (D) of this section ~~of the board~~ 70338  
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~~of education of each city, local, or exempted village school~~ 70344  
~~district within which the improvements are located~~ or section 70345  
5709.51 of the Revised Code, the resolution may exempt from real 70346  
property taxation not more than seventy-five per cent of further 70347  
improvements to a parcel of land that directly benefits from the 70348  
public infrastructure improvements, for a period of not more than 70349  
ten years. The resolution shall specify the percentage of the 70350  
further improvements to be exempted and the life of the exemption. 70351

(C)(1) A board of township trustees may adopt, by unanimous 70352  
vote, a resolution creating an incentive district and declaring 70353  
improvements to parcels within the district to be a public purpose 70354  
and, except as provided in division (C)(2) of this section, exempt 70355  
from taxation as provided in this section, but no board of 70356  
township trustees of a township that has a population that exceeds 70357  
twenty-five thousand, as shown by the most recent federal 70358  
decennial census, shall adopt a resolution that creates an 70359  
incentive district if the sum of the taxable value of real 70360  
property in the proposed district for the preceding tax year and 70361  
the taxable value of all real property in the township that would 70362  
have been taxable in the preceding year were it not for the fact 70363  
that the property was in an existing incentive district and 70364  
therefore exempt from taxation exceeds twenty-five per cent of the 70365  
taxable value of real property in the township for the preceding 70366  
tax year. The district shall be located within the unincorporated 70367  
area of the township and shall not include any territory that is 70368  
included within a district created under division (B) of section 70369  
5709.78 of the Revised Code. The resolution shall delineate the 70370  
boundary of the proposed district and specifically identify each 70371  
parcel within the district. A proposed district may not include 70372  
any parcel that is or has been exempted from taxation under 70373  
division (B) of this section or that is or has been within another 70374  
district created under this division. A resolution may create more 70375  
than one such district, and more than one resolution may be 70376

adopted under division (C)(1) of this section. 70377

(2)(a) Not later than thirty days prior to adopting a 70378  
resolution under division (C)(1) of this section, if the township 70379  
intends to apply for exemptions from taxation under section 70380  
5709.911 of the Revised Code on behalf of owners of real property 70381  
located within the proposed incentive district, the board shall 70382  
conduct a public hearing on the proposed resolution. Not later 70383  
than thirty days prior to the public hearing, the board shall give 70384  
notice of the public hearing and the proposed resolution by first 70385  
class mail to every real property owner whose property is located 70386  
within the boundaries of the proposed incentive district that is 70387  
the subject of the proposed resolution. The notice shall include a 70388  
map of the proposed incentive district on which the board of 70389  
township trustees shall have delineated an overlay. The notice 70390  
shall inform the property owner of the owner's right to exclude 70391  
the owner's property from the incentive district if both of the 70392  
following conditions are met: 70393

(i) The owner's entire parcel of property will not be located 70394  
within the overlay. 70395

(ii) The owner has submitted a statement to the board of 70396  
county commissioners of the county in which the parcel is located 70397  
indicating the owner's intent to seek a tax exemption for 70398  
improvements to the owner's parcel under division (A) or (B) of 70399  
section 5709.78 of the Revised Code within the next five years. 70400

When both of the preceding conditions are met, the owner may 70401  
exclude the owner's property from the incentive district by 70402  
submitting a written response in accordance with division 70403  
(C)(2)(b) of this section. The notice also shall include 70404  
information detailing the required contents of the response, the 70405  
address to which the response may be mailed, and the deadline for 70406  
submitting the response. 70407

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the

public infrastructure improvements made, to be made, or in the 70440  
process of being made, that benefit or serve, or, once made, will 70441  
benefit or serve parcels in the district. The resolution also 70442  
shall identify one or more specific projects being, or to be, 70443  
undertaken in the district that place additional demand on the 70444  
public infrastructure improvements designated in the resolution. 70445  
The project identified may, but need not be, the project under 70446  
division (C)(3)(b) of this section that places real property in 70447  
use for commercial or industrial purposes. 70448

A resolution adopted under division (C)(1) of this section on 70449  
or after March 30, 2006, shall not designate police or fire 70450  
equipment as public infrastructure improvements, and, except as 70451  
provided in division (F) of this section, no service payment 70452  
provided for in section 5709.74 of the Revised Code and received 70453  
by the township under the resolution shall be used for police or 70454  
fire equipment. 70455

(b) A resolution adopted under division (C)(1) of this 70456  
section may authorize the use of service payments provided for in 70457  
section 5709.74 of the Revised Code for the purpose of housing 70458  
renovations within the incentive district, provided that the 70459  
resolution also designates public infrastructure improvements that 70460  
benefit or serve the district, and that a project within the 70461  
district places real property in use for commercial or industrial 70462  
purposes. Service payments may be used to finance or support 70463  
loans, deferred loans, and grants to persons for the purpose of 70464  
housing renovations within the district. The resolution shall 70465  
designate the parcels within the district that are eligible for 70466  
housing renovations. The resolution shall state separately the 70467  
amount or the percentages of the expected aggregate service 70468  
payments that are designated for each public infrastructure 70469  
improvement and for the purpose of housing renovations. 70470

(4) Except with the approval of the board of education of 70471

each city, local, or exempted village school district within the 70472  
territory of which the incentive district is or will be located, 70473  
and subject to division (E) of this section, the life of an 70474  
incentive district shall not exceed ten years, and the percentage 70475  
of improvements to be exempted shall not exceed seventy-five per 70476  
cent. With approval of the board of education, the life of a 70477  
district may be not more than thirty years, and the percentage of 70478  
improvements to be exempted may be not more than one hundred per 70479  
cent. The approval of a board of education shall be obtained in 70480  
the manner provided in division (D) of this section. 70481

(D) Improvements with respect to a parcel may be exempted 70482  
from taxation under division (B) of this section, and improvements 70483  
to parcels within an incentive district may be exempted from 70484  
taxation under division (C) of this section, for up to ten years 70485  
or, with the approval of the board of education of the city, 70486  
local, or exempted village school district within which the parcel 70487  
or district is located, for up to thirty years. The percentage of 70488  
the improvements exempted from taxation may, with such approval, 70489  
exceed seventy-five per cent, but shall not exceed one hundred per 70490  
cent. Not later than forty-five business days prior to adopting a 70491  
resolution under this section declaring improvements to be a 70492  
public purpose that is subject to approval by a board of education 70493  
under this division, the board of township trustees shall deliver 70494  
to the board of education a notice stating its intent to adopt a 70495  
resolution making that declaration. The notice regarding 70496  
improvements with respect to a parcel under division (B) of this 70497  
section shall identify the parcels for which improvements are to 70498  
be exempted from taxation, provide an estimate of the true value 70499  
in money of the improvements, specify the period for which the 70500  
improvements would be exempted from taxation and the percentage of 70501  
the improvements that would be exempted, and indicate the date on 70502  
which the board of township trustees intends to adopt the 70503  
resolution. The notice regarding improvements made under division 70504

(C) of this section to parcels within an incentive district shall 70505  
delineate the boundaries of the district, specifically identify 70506  
each parcel within the district, identify each anticipated 70507  
improvement in the district, provide an estimate of the true value 70508  
in money of each such improvement, specify the life of the 70509  
district and the percentage of improvements that would be 70510  
exempted, and indicate the date on which the board of township 70511  
trustees intends to adopt the resolution. The board of education, 70512  
by resolution adopted by a majority of the board, may approve the 70513  
exemption for the period or for the exemption percentage specified 70514  
in the notice; may disapprove the exemption for the number of 70515  
years in excess of ten, may disapprove the exemption for the 70516  
percentage of the improvements to be exempted in excess of 70517  
seventy-five per cent, or both; or may approve the exemption on 70518  
the condition that the board of township trustees and the board of 70519  
education negotiate an agreement providing for compensation to the 70520  
school district equal in value to a percentage of the amount of 70521  
taxes exempted in the eleventh and subsequent years of the 70522  
exemption period or, in the case of exemption percentages in 70523  
excess of seventy-five per cent, compensation equal in value to a 70524  
percentage of the taxes that would be payable on the portion of 70525  
the improvements in excess of seventy-five per cent were that 70526  
portion to be subject to taxation, or other mutually agreeable 70527  
compensation. 70528

The board of education shall certify its resolution to the 70529  
board of township trustees not later than fourteen days prior to 70530  
the date the board of township trustees intends to adopt the 70531  
resolution as indicated in the notice. If the board of education 70532  
and the board of township trustees negotiate a mutually acceptable 70533  
compensation agreement, the resolution may declare the 70534  
improvements a public purpose for the number of years specified in 70535  
the resolution or, in the case of exemption percentages in excess 70536  
of seventy-five per cent, for the exemption percentage specified 70537

in the resolution. In either case, if the board of education and 70538  
the board of township trustees fail to negotiate a mutually 70539  
acceptable compensation agreement, the resolution may declare the 70540  
improvements a public purpose for not more than ten years, and 70541  
shall not exempt more than seventy-five per cent of the 70542  
improvements from taxation. If the board of education fails to 70543  
certify a resolution to the board of township trustees within the 70544  
time prescribed by this section, the board of township trustees 70545  
thereupon may adopt the resolution and may declare the 70546  
improvements a public purpose for up to thirty years or, in the 70547  
case of exemption percentages proposed in excess of seventy-five 70548  
per cent, for the exemption percentage specified in the 70549  
resolution. The board of township trustees may adopt the 70550  
resolution at any time after the board of education certifies its 70551  
resolution approving the exemption to the board of township 70552  
trustees, or, if the board of education approves the exemption on 70553  
the condition that a mutually acceptable compensation agreement be 70554  
negotiated, at any time after the compensation agreement is agreed 70555  
to by the board of education and the board of township trustees. 70556  
If a mutually acceptable compensation agreement is negotiated 70557  
between the board of township trustees and the board of education, 70558  
including agreements for payments in lieu of taxes under section 70559  
5709.74 of the Revised Code, the board of township trustees shall 70560  
compensate the joint vocational school district within which the 70561  
parcel or district is located at the same rate and under the same 70562  
terms received by the city, local, or exempted village school 70563  
district. 70564

If a board of education has adopted a resolution waiving its 70565  
right to approve exemptions from taxation under this section and 70566  
the resolution remains in effect, approval of such exemptions by 70567  
the board of education is not required under division (D) of this 70568  
section. If a board of education has adopted a resolution allowing 70569  
a board of township trustees to deliver the notice required under 70570

division (D) of this section fewer than forty-five business days 70571  
prior to adoption of the resolution by the board of township 70572  
trustees, the board of township trustees shall deliver the notice 70573  
to the board of education not later than the number of days prior 70574  
to the adoption as prescribed by the board of education in its 70575  
resolution. If a board of education adopts a resolution waiving 70576  
its right to approve exemptions or shortening the notification 70577  
period, the board of education shall certify a copy of the 70578  
resolution to the board of township trustees. If the board of 70579  
education rescinds the resolution, it shall certify notice of the 70580  
rescission to the board of township trustees. 70581

If the board of township trustees is not required by division 70582  
(D) of this section to notify the board of education of the board 70583  
of township trustees' intent to declare improvements to be a 70584  
public purpose, the board of township trustees shall comply with 70585  
the notice requirements imposed under section 5709.83 of the 70586  
Revised Code before taking formal action to adopt the resolution 70587  
making that declaration, unless the board of education has adopted 70588  
a resolution under that section waiving its right to receive the 70589  
notice. 70590

Nothing in this division prohibits the board of township 70591  
trustees from amending the resolution under section 5709.51 of the 70592  
Revised Code to extend the term of the exemption. 70593

(E)(1) If a proposed resolution under division (C)(1) of this 70594  
section exempts improvements with respect to a parcel within an 70595  
incentive district for more than ten years, or the percentage of 70596  
the improvement exempted from taxation exceeds seventy-five per 70597  
cent, not later than forty-five business days prior to adopting 70598  
the resolution the board of township trustees shall deliver to the 70599  
board of county commissioners of the county within which the 70600  
incentive district is or will be located a notice that states its 70601  
intent to adopt a resolution creating an incentive district. The 70602

notice shall include a copy of the proposed resolution, identify 70603  
the parcels for which improvements are to be exempted from 70604  
taxation, provide an estimate of the true value in money of the 70605  
improvements, specify the period of time for which the 70606  
improvements would be exempted from taxation, specify the 70607  
percentage of the improvements that would be exempted from 70608  
taxation, and indicate the date on which the board of township 70609  
trustees intends to adopt the resolution. 70610

(2) The board of county commissioners, by resolution adopted 70611  
by a majority of the board, may object to the exemption for the 70612  
number of years in excess of ten, may object to the exemption for 70613  
the percentage of the improvement to be exempted in excess of 70614  
seventy-five per cent, or both. If the board of county 70615  
commissioners objects, the board may negotiate a mutually 70616  
acceptable compensation agreement with the board of township 70617  
trustees. In no case shall the compensation provided to the board 70618  
of county commissioners exceed the property taxes foregone due to 70619  
the exemption. If the board of county commissioners objects, and 70620  
the board of county commissioners and board of township trustees 70621  
fail to negotiate a mutually acceptable compensation agreement, 70622  
the resolution adopted under division (C)(1) of this section shall 70623  
provide to the board of county commissioners compensation in the 70624  
eleventh and subsequent years of the exemption period equal in 70625  
value to not more than fifty per cent of the taxes that would be 70626  
payable to the county or, if the board of county commissioner's 70627  
objection includes an objection to an exemption percentage in 70628  
excess of seventy-five per cent, compensation equal in value to 70629  
not more than fifty per cent of the taxes that would be payable to 70630  
the county, on the portion of the improvement in excess of 70631  
seventy-five per cent, were that portion to be subject to 70632  
taxation. The board of county commissioners shall certify its 70633  
resolution to the board of township trustees not later than thirty 70634  
days after receipt of the notice. 70635

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the board of township trustees may adopt its resolution, and no compensation shall be provided to the board of county commissioners. If the board of county commissioners timely certifies its resolution objecting to the trustees' resolution, the board of township trustees may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of township trustees agrees in the proposed resolution to provide compensation to the board of county commissioners of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to a resolution creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.74 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

- (1) A tax levied under division (L) of section 5705.19 or 70669  
section 5705.191 or 5705.222 of the Revised Code for community 70670  
developmental disabilities programs and services pursuant to 70671  
Chapter 5126. of the Revised Code; 70672
- (2) A tax levied under division (Y) of section 5705.19 of the 70673  
Revised Code for providing or maintaining senior citizens services 70674  
or facilities; 70675
- (3) A tax levied under section 5705.22 of the Revised Code 70676  
for county hospitals; 70677
- (4) A tax levied by a joint-county district or by a county 70678  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 70679  
for alcohol, drug addiction, and mental health services or 70680  
families; 70681
- (5) A tax levied under section 5705.23 of the Revised Code 70682  
for library purposes; 70683
- (6) A tax levied under section 5705.24 of the Revised Code 70684  
for the support of children services and the placement and care of 70685  
children; 70686
- (7) A tax levied under division (Z) of section 5705.19 of the 70687  
Revised Code for the provision and maintenance of zoological park 70688  
services and facilities under section 307.76 of the Revised Code; 70689
- (8) A tax levied under section 511.27 or division (H) of 70690  
section 5705.19 of the Revised Code for the support of township 70691  
park districts; 70692
- (9) A tax levied under division (A), (F), or (H) of section 70693  
5705.19 of the Revised Code for parks and recreational purposes of 70694  
a joint recreation district organized pursuant to division (B) of 70695  
section 755.14 of the Revised Code; 70696
- (10) A tax levied under section 1545.20 or 1545.21 of the 70697  
Revised Code for park district purposes; 70698

(11) A tax levied under section 5705.191 of the Revised Code 70699  
for the purpose of making appropriations for public assistance; 70700  
human or social services; public relief; public welfare; public 70701  
health and hospitalization; and support of general hospitals; 70702

(12) A tax levied under section 3709.29 of the Revised Code 70703  
for a general health district program; 70704

(13) A tax levied by a township under section 505.39, 505.51, 70705  
or division (I), (J), (U), or (JJ) of section 5705.19 of the 70706  
Revised Code for the purpose of funding fire, police, emergency 70707  
medical, or ambulance services as described in those sections. 70708  
Division (F)(13) of this section applies only to incentive 70709  
districts created by a resolution adopted on or after March 22, 70710  
2019, the effective date of the amendment of this section by H.B. 70711  
500 of the 132nd general assembly, and only if that resolution 70712  
specifies that division (F) of this section shall apply to such a 70713  
tax. 70714

(G) An exemption from taxation granted under this section 70715  
commences with the tax year specified in the resolution so long as 70716  
the year specified in the resolution commences after the effective 70717  
date of the resolution. If the resolution specifies a year 70718  
commencing before the effective date of the resolution or 70719  
specifies no year whatsoever, the exemption commences with the tax 70720  
year in which an exempted improvement first appears on the tax 70721  
list and duplicate of real and public utility property and that 70722  
commences after the effective date of the resolution. In lieu of 70723  
stating a specific year, the resolution may provide that the 70724  
exemption commences in the tax year in which the value of an 70725  
improvement exceeds a specified amount or in which the 70726  
construction of one or more improvements is completed, provided 70727  
that such tax year commences after the effective date of the 70728  
resolution. With respect to the exemption of improvements to 70729  
parcels under division (B) of this section, the resolution may 70730

allow for the exemption to commence in different tax years on a 70731  
parcel-by-parcel basis, with a separate exemption term specified 70732  
for each parcel. 70733

Except as otherwise provided in this division and section 70734  
5709.51 of the Revised Code, the exemption ends on the date 70735  
specified in the resolution as the date the improvement ceases to 70736  
be a public purpose or the incentive district expires, or ends on 70737  
the date on which the public infrastructure improvements and 70738  
housing renovations are paid in full from the township public 70739  
improvement tax increment equivalent fund established under 70740  
section 5709.75 of the Revised Code, whichever occurs first. The 70741  
exemption of an improvement with respect to a parcel or within an 70742  
incentive district may end on a later date, as specified in the 70743  
resolution, if the board of township trustees and the board of 70744  
education of the city, local, or exempted village school district 70745  
within which the parcel or district is located have entered into a 70746  
compensation agreement under section 5709.82 of the Revised Code 70747  
with respect to the improvement and the board of education has 70748  
approved the term of the exemption under division (D) of this 70749  
section, but in no case shall the improvement be exempted from 70750  
taxation for more than thirty years. The board of township 70751  
trustees may, by majority vote, adopt a resolution permitting the 70752  
township to enter into such agreements as the board finds 70753  
necessary or appropriate to provide for the construction or 70754  
undertaking of public infrastructure improvements and housing 70755  
renovations. Any exemption shall be claimed and allowed in the 70756  
same or a similar manner as in the case of other real property 70757  
exemptions. If an exemption status changes during a tax year, the 70758  
procedure for the apportionment of the taxes for that year is the 70759  
same as in the case of other changes in tax exemption status 70760  
during the year. 70761

(H) The board of township trustees may issue the notes of the 70762

township to finance all costs pertaining to the construction or 70763  
undertaking of public infrastructure improvements and housing 70764  
renovations made pursuant to this section. The notes shall be 70765  
signed by the board and attested by the signature of the township 70766  
fiscal officer, shall bear interest not to exceed the rate 70767  
provided in section 9.95 of the Revised Code, and are not subject 70768  
to Chapter 133. of the Revised Code. The resolution authorizing 70769  
the issuance of the notes shall pledge the funds of the township 70770  
public improvement tax increment equivalent fund established 70771  
pursuant to section 5709.75 of the Revised Code to pay the 70772  
interest on and principal of the notes. The notes, which may 70773  
contain a clause permitting prepayment at the option of the board, 70774  
shall be offered for sale on the open market or given to the 70775  
vendor or contractor if no sale is made. 70776

(I) The township, not later than fifteen days after the 70777  
adoption of a resolution under this section, shall submit to the 70778  
director of development services a copy of the resolution. On or 70779  
before the thirty-first day of March of each year, the township 70780  
shall submit a status report to the director of development 70781  
services. The report shall indicate, in the manner prescribed by 70782  
the director, the progress of the project during each year that 70783  
the exemption remains in effect, including a summary of the 70784  
receipts from service payments in lieu of taxes; expenditures of 70785  
money from the fund created under section 5709.75 of the Revised 70786  
Code; a description of the public infrastructure improvements and 70787  
housing renovations financed with the expenditures; and a 70788  
quantitative summary of changes in private investment resulting 70789  
from each project. 70790

(J) Nothing in this section shall be construed to prohibit a 70791  
board of township trustees from declaring to be a public purpose 70792  
improvements with respect to more than one parcel. 70793

If a parcel is located in a new community district in which 70794

the new community authority imposes a community development charge 70795  
on the basis of rentals received from leases of real property as 70796  
described in division (L)(2) of section 349.01 of the Revised 70797  
Code, the parcel may not be exempted from taxation under this 70798  
section. 70799

(K) A board of township trustees that adopted a resolution 70800  
under this section prior to July 21, 1994, may amend that 70801  
resolution to include any additional public infrastructure 70802  
improvement. A board of township trustees that seeks by the 70803  
amendment to utilize money from its township public improvement 70804  
tax increment equivalent fund for land acquisition in aid of 70805  
industry, commerce, distribution, or research, demolition on 70806  
private property, or stormwater and flood remediation projects may 70807  
do so provided that the board currently is a party to a 70808  
hold-harmless agreement with the board of education of the city, 70809  
local, or exempted village school district within the territory of 70810  
which are located the parcels that are subject to an exemption. 70811  
For the purposes of this division, a "hold-harmless agreement" 70812  
means an agreement under which the board of township trustees 70813  
agrees to compensate the school district for one hundred per cent 70814  
of the tax revenue that the school district would have received 70815  
from further improvements to parcels designated in the resolution 70816  
were it not for the exemption granted by the resolution. 70817

(L) Notwithstanding the limitation prescribed by division (D) 70818  
of this section on the number of years that improvements to a 70819  
parcel or parcels may be exempted from taxation, a board of 70820  
trustees of a township with a population of fifteen thousand or 70821  
more may amend a resolution originally adopted under this section 70822  
before December 31, 1994, to extend the exemption of improvements 70823  
to the parcel or parcels included in such resolution for an 70824  
additional period not to exceed fifteen years. The amendment shall 70825  
not increase the percentage of improvements to the parcel or 70826

parcels exempted from taxation. Before adopting an amendment 70827  
authorized under this division, the board of township trustees 70828  
shall obtain the approval of each board of education of the city, 70829  
local, or exempted village school district within which the 70830  
exempted parcels are located in the manner required under division 70831  
(D) of this section, except that (1) the board of education may 70832  
approve the exemption on the condition that the board of township 70833  
trustees and the board of education negotiate an agreement 70834  
providing for compensation to the school district equal in value 70835  
to the amount of taxes the district forgoes in each year the 70836  
exemption is extended pursuant to this division or any other 70837  
mutually agreeable compensation and (2) if the board of education 70838  
fails to certify a resolution approving the amendment to the board 70839  
of township trustees within the time prescribed by division (D) of 70840  
this section, the board of township trustees shall not adopt the 70841  
amendment authorized under this division. 70842

No approval under this division shall be required from a 70843  
board of education that has adopted a resolution waiving its right 70844  
to approve exemptions from taxation pursuant to division (D) of 70845  
this section. If the board of education has adopted such a 70846  
resolution, the board of township trustees shall comply with the 70847  
notice requirements imposed under section 5709.83 of the Revised 70848  
Code before taking formal action to adopt an amendment authorized 70849  
under this division unless the board of education has adopted a 70850  
resolution under that section waiving its right to receive the 70851  
notice. Not later than fourteen days before adopting an amendment 70852  
authorized under this division, the board of township trustees 70853  
shall deliver a notice identical to a notice required under 70854  
section 5709.83 of the Revised Code to the board of county 70855  
commissioners of each county in which the exempted parcels are 70856  
located. 70857

**Sec. 5709.78.** (A) A board of county commissioners may, by 70858

resolution, declare improvements to certain parcels of real 70859  
property located in the unincorporated territory of the county to 70860  
be a public purpose. Except ~~with the approval as otherwise~~ 70861  
~~provided~~ under division (C) of this section ~~of the board of~~ 70862  
~~education of each city, local, or exempted village school district~~ 70863  
~~within which the improvements are located~~ or section 5709.51 of 70864  
the Revised Code, not more than seventy-five per cent of an 70865  
improvement thus declared to be a public purpose may be exempted 70866  
from real property taxation, for a period of not more than ten 70867  
years. The resolution shall specify the percentage of the 70868  
improvement to be exempted and the life of the exemption. 70869

A resolution adopted under this division shall designate the 70870  
specific public infrastructure improvements made, to be made, or 70871  
in the process of being made by the county that directly benefit, 70872  
or that once made will directly benefit, the parcels for which 70873  
improvements are declared to be a public purpose. The service 70874  
payments provided for in section 5709.79 of the Revised Code shall 70875  
be used to finance the public infrastructure improvements 70876  
designated in the resolution, or as provided in section 5709.80 of 70877  
the Revised Code. 70878

(B)(1) A board of county commissioners may adopt a resolution 70879  
creating an incentive district and declaring improvements to 70880  
parcels within the district to be a public purpose and, except as 70881  
provided in division (B)(2) of this section, exempt from taxation 70882  
as provided in this section, but no board of county commissioners 70883  
of a county that has a population that exceeds twenty-five 70884  
thousand, as shown by the most recent federal decennial census, 70885  
shall adopt a resolution that creates an incentive district if the 70886  
sum of the taxable value of real property in the proposed district 70887  
for the preceding tax year and the taxable value of all real 70888  
property in the county that would have been taxable in the 70889  
preceding year were it not for the fact that the property was in 70890

an existing incentive district and therefore exempt from taxation 70891  
exceeds twenty-five per cent of the taxable value of real property 70892  
in the county for the preceding tax year. The district shall be 70893  
located within the unincorporated territory of the county and 70894  
shall not include any territory that is included within a district 70895  
created under division (C) of section 5709.73 of the Revised Code. 70896  
The resolution shall delineate the boundary of the proposed 70897  
district and specifically identify each parcel within the 70898  
district. A proposed district may not include any parcel that is 70899  
or has been exempted from taxation under division (A) of this 70900  
section or that is or has been within another district created 70901  
under this division. A resolution may create more than one such 70902  
district, and more than one resolution may be adopted under 70903  
division (B)(1) of this section. 70904

(2)(a) Not later than thirty days prior to adopting a 70905  
resolution under division (B)(1) of this section, if the county 70906  
intends to apply for exemptions from taxation under section 70907  
5709.911 of the Revised Code on behalf of owners of real property 70908  
located within the proposed incentive district, the board of 70909  
county commissioners shall conduct a public hearing on the 70910  
proposed resolution. Not later than thirty days prior to the 70911  
public hearing, the board shall give notice of the public hearing 70912  
and the proposed resolution by first class mail to every real 70913  
property owner whose property is located within the boundaries of 70914  
the proposed incentive district that is the subject of the 70915  
proposed resolution. The board also shall provide the notice by 70916  
first class mail to the clerk of each township in which the 70917  
proposed incentive district will be located. The notice shall 70918  
include a map of the proposed incentive district on which the 70919  
board of county commissioners shall have delineated an overlay. 70920  
The notice shall inform property owners of the owner's right to 70921  
exclude the owner's property from the incentive district if both 70922  
of the following conditions are met: 70923

(i) The owner's entire parcel of property will not be located within the overlay. 70924  
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(ii) The owner has submitted a statement to the board of township trustees of the township in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (B) or (C) of section 5709.73 of the Revised Code within the next five years. 70926  
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When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (B)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response. 70931  
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(b) Any owner of real property located within the boundaries of an incentive district proposed under division (B) (1) of this section who meets the conditions specified in divisions (B)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (B)(2)(a) of this section. The response shall include a copy of the statement submitted under division (B)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (B)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (B)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained. 70938  
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(c) Before adopting a resolution under division (B)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (B)(2)(b) of this section. A county shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (A) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (B)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing

renovations within the incentive district, provided that the 70988  
resolution also designates public infrastructure improvements that 70989  
benefit or serve the district, and that a project within the 70990  
district places real property in use for commercial or industrial 70991  
purposes. Service payments may be used to finance or support 70992  
loans, deferred loans, and grants to persons for the purpose of 70993  
housing renovations within the district. The resolution shall 70994  
designate the parcels within the district that are eligible for 70995  
housing renovations. The resolution shall state separately the 70996  
amount or the percentages of the expected aggregate service 70997  
payments that are designated for each public infrastructure 70998  
improvement and for the purpose of housing renovations. 70999

(4) Except with the approval of the board of education of 71000  
each city, local, or exempted village school district within the 71001  
territory of which the incentive district is or will be located, 71002  
and subject to division (D) of this section, the life of an 71003  
incentive district shall not exceed ten years, and the percentage 71004  
of improvements to be exempted shall not exceed seventy-five per 71005  
cent. With approval of the board of education, the life of a 71006  
district may be not more than thirty years, and the percentage of 71007  
improvements to be exempted may be not more than one hundred per 71008  
cent. The approval of a board of education shall be obtained in 71009  
the manner provided in division (C) of this section. 71010

(C)(1) Improvements with respect to a parcel may be exempted 71011  
from taxation under division (A) of this section, and improvements 71012  
to parcels within an incentive district may be exempted from 71013  
taxation under division (B) of this section, for up to ten years 71014  
or, with the approval of the board of education of each city, 71015  
local, or exempted village school district within which the parcel 71016  
or district is located, for up to thirty years. The percentage of 71017  
the improvements exempted from taxation may, with such approval, 71018  
exceed seventy-five per cent, but shall not exceed one hundred per 71019

cent. Not later than forty-five business days prior to adopting a 71020  
resolution under this section declaring improvements to be a 71021  
public purpose that is subject to the approval of a board of 71022  
education under this division, the board of county commissioners 71023  
shall deliver to the board of education a notice stating its 71024  
intent to adopt a resolution making that declaration. The notice 71025  
regarding improvements with respect to a parcel under division (A) 71026  
of this section shall identify the parcels for which improvements 71027  
are to be exempted from taxation, provide an estimate of the true 71028  
value in money of the improvements, specify the period for which 71029  
the improvements would be exempted from taxation and the 71030  
percentage of the improvements that would be exempted, and 71031  
indicate the date on which the board of county commissioners 71032  
intends to adopt the resolution. The notice regarding improvements 71033  
to parcels within an incentive district under division (B) of this 71034  
section shall delineate the boundaries of the district, 71035  
specifically identify each parcel within the district, identify 71036  
each anticipated improvement in the district, provide an estimate 71037  
of the true value in money of each such improvement, specify the 71038  
life of the district and the percentage of improvements that would 71039  
be exempted, and indicate the date on which the board of county 71040  
commissioners intends to adopt the resolution. The board of 71041  
education, by resolution adopted by a majority of the board, may 71042  
approve the exemption for the period or for the exemption 71043  
percentage specified in the notice; may disapprove the exemption 71044  
for the number of years in excess of ten, may disapprove the 71045  
exemption for the percentage of the improvements to be exempted in 71046  
excess of seventy-five per cent, or both; or may approve the 71047  
exemption on the condition that the board of county commissioners 71048  
and the board of education negotiate an agreement providing for 71049  
compensation to the school district equal in value to a percentage 71050  
of the amount of taxes exempted in the eleventh and subsequent 71051  
years of the exemption period or, in the case of exemption 71052

percentages in excess of seventy-five per cent, compensation equal 71053  
in value to a percentage of the taxes that would be payable on the 71054  
portion of the improvements in excess of seventy-five per cent 71055  
were that portion to be subject to taxation, or other mutually 71056  
agreeable compensation. 71057

(2) The board of education shall certify its resolution to 71058  
the board of county commissioners not later than fourteen days 71059  
prior to the date the board of county commissioners intends to 71060  
adopt its resolution as indicated in the notice. If the board of 71061  
education and the board of county commissioners negotiate a 71062  
mutually acceptable compensation agreement, the resolution of the 71063  
board of county commissioners may declare the improvements a 71064  
public purpose for the number of years specified in that 71065  
resolution or, in the case of exemption percentages in excess of 71066  
seventy-five per cent, for the exemption percentage specified in 71067  
the resolution. In either case, if the board of education and the 71068  
board of county commissioners fail to negotiate a mutually 71069  
acceptable compensation agreement, the resolution may declare the 71070  
improvements a public purpose for not more than ten years, and 71071  
shall not exempt more than seventy-five per cent of the 71072  
improvements from taxation. If the board of education fails to 71073  
certify a resolution to the board of county commissioners within 71074  
the time prescribed by this section, the board of county 71075  
commissioners thereupon may adopt the resolution and may declare 71076  
the improvements a public purpose for up to thirty years or, in 71077  
the case of exemption percentages proposed in excess of 71078  
seventy-five per cent, for the exemption percentage specified in 71079  
the resolution. The board of county commissioners may adopt the 71080  
resolution at any time after the board of education certifies its 71081  
resolution approving the exemption to the board of county 71082  
commissioners, or, if the board of education approves the 71083  
exemption on the condition that a mutually acceptable compensation 71084  
agreement be negotiated, at any time after the compensation 71085

agreement is agreed to by the board of education and the board of 71086  
county commissioners. If a mutually acceptable compensation 71087  
agreement is negotiated between the board of county commissioners 71088  
and the board of education, including agreements for payments in 71089  
lieu of taxes under section 5709.79 of the Revised Code, the board 71090  
of county commissioners shall compensate the joint vocational 71091  
school district within which the parcel or district is located at 71092  
the same rate and under the same terms received by the city, 71093  
local, or exempted village school district. 71094

(3) If a board of education has adopted a resolution waiving 71095  
its right to approve exemptions from taxation under this section 71096  
and the resolution remains in effect, approval of such exemptions 71097  
by the board of education is not required under division (C) of 71098  
this section. If a board of education has adopted a resolution 71099  
allowing a board of county commissioners to deliver the notice 71100  
required under division (C) of this section fewer than forty-five 71101  
business days prior to approval of the resolution by the board of 71102  
county commissioners, the board of county commissioners shall 71103  
deliver the notice to the board of education not later than the 71104  
number of days prior to such approval as prescribed by the board 71105  
of education in its resolution. If a board of education adopts a 71106  
resolution waiving its right to approve exemptions or shortening 71107  
the notification period, the board of education shall certify a 71108  
copy of the resolution to the board of county commissioners. If 71109  
the board of education rescinds such a resolution, it shall 71110  
certify notice of the rescission to the board of county 71111  
commissioners. 71112

(4) Nothing in division (C) of this section prohibits the 71113  
board of county commissioners from amending the resolution under 71114  
section 5709.51 of the Revised Code to extend the term of the 71115  
exemption. 71116

(D)(1) If a proposed resolution under division (B)(1) of this 71117

section exempts improvements with respect to a parcel within an 71118  
incentive district for more than ten years, or the percentage of 71119  
the improvement exempted from taxation exceeds seventy-five per 71120  
cent, not later than forty-five business days prior to adopting 71121  
the resolution the board of county commissioners shall deliver to 71122  
the board of township trustees of any township within which the 71123  
incentive district is or will be located a notice that states its 71124  
intent to adopt a resolution creating an incentive district. The 71125  
notice shall include a copy of the proposed resolution, identify 71126  
the parcels for which improvements are to be exempted from 71127  
taxation, provide an estimate of the true value in money of the 71128  
improvements, specify the period of time for which the 71129  
improvements would be exempted from taxation, specify the 71130  
percentage of the improvements that would be exempted from 71131  
taxation, and indicate the date on which the board intends to 71132  
adopt the resolution. 71133

(2) The board of township trustees, by resolution adopted by 71134  
a majority of the board, may object to the exemption for the 71135  
number of years in excess of ten, may object to the exemption for 71136  
the percentage of the improvement to be exempted in excess of 71137  
seventy-five per cent, or both. If the board of township trustees 71138  
objects, the board of township trustees may negotiate a mutually 71139  
acceptable compensation agreement with the board of county 71140  
commissioners. In no case shall the compensation provided to the 71141  
board of township trustees exceed the property taxes forgone due 71142  
to the exemption. If the board of township trustees objects, and 71143  
the board of township trustees and the board of county 71144  
commissioners fail to negotiate a mutually acceptable compensation 71145  
agreement, the resolution adopted under division (B)(1) of this 71146  
section shall provide to the board of township trustees 71147  
compensation in the eleventh and subsequent years of the exemption 71148  
period equal in value to not more than fifty per cent of the taxes 71149  
that would be payable to the township or, if the board of township 71150

trustee's objection includes an objection to an exemption 71151  
percentage in excess of seventy-five per cent, compensation equal 71152  
in value to not more than fifty per cent of the taxes that would 71153  
be payable to the township on the portion of the improvement in 71154  
excess of seventy-five per cent, were that portion to be subject 71155  
to taxation. The board of township trustees shall certify its 71156  
resolution to the board of county commissioners not later than 71157  
thirty days after receipt of the notice. 71158

(3) If the board of township trustees does not object or 71159  
fails to certify a resolution objecting to an exemption within 71160  
thirty days after receipt of the notice, the board of county 71161  
commissioners may adopt its resolution, and no compensation shall 71162  
be provided to the board of township trustees. If the board of 71163  
township trustees certifies its resolution objecting to the 71164  
commissioners' resolution, the board of county commissioners may 71165  
adopt its resolution at any time after a mutually acceptable 71166  
compensation agreement is agreed to by the board of county 71167  
commissioners and the board of township trustees. If the board of 71168  
township trustees certifies a resolution objecting to the 71169  
commissioners' resolution, the board of county commissioners may 71170  
adopt its resolution at any time after a mutually acceptable 71171  
compensation agreement is agreed to by the board of county 71172  
commissioners and the board of township trustees, or, if no 71173  
compensation agreement is negotiated, at any time after the board 71174  
of county commissioners in the proposed resolution to provide 71175  
compensation to the board of township trustees of fifty per cent 71176  
of the taxes that would be payable to the township in the eleventh 71177  
and subsequent years of the exemption period or on the portion of 71178  
the improvement in excess of seventy-five per cent, were that 71179  
portion to be subject to taxation. 71180

(E) Service payments in lieu of taxes that are attributable 71181  
to any amount by which the effective tax rate of either a renewal 71182

levy with an increase or a replacement levy exceeds the effective 71183  
tax rate of the levy renewed or replaced, or that are attributable 71184  
to an additional levy, for a levy authorized by the voters for any 71185  
of the following purposes on or after January 1, 2006, and which 71186  
are provided pursuant to a resolution creating an incentive 71187  
district under division (B)(1) of this section that is adopted on 71188  
or after January 1, 2006, shall be distributed to the appropriate 71189  
taxing authority as required under division (D) of section 5709.79 71190  
of the Revised Code in an amount equal to the amount of taxes from 71191  
that additional levy or from the increase in the effective tax 71192  
rate of such renewal or replacement levy that would have been 71193  
payable to that taxing authority from the following levies were it 71194  
not for the exemption authorized under division (B) of this 71195  
section: 71196

(1) A tax levied under division (L) of section 5705.19 or 71197  
section 5705.191 or 5705.222 of the Revised Code for community 71198  
developmental disabilities programs and services pursuant to 71199  
Chapter 5126. of the Revised Code; 71200

(2) A tax levied under division (Y) of section 5705.19 of the 71201  
Revised Code for providing or maintaining senior citizens services 71202  
or facilities; 71203

(3) A tax levied under section 5705.22 of the Revised Code 71204  
for county hospitals; 71205

(4) A tax levied by a joint-county district or by a county 71206  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 71207  
for alcohol, drug addiction, and mental health services or 71208  
facilities; 71209

(5) A tax levied under section 5705.23 of the Revised Code 71210  
for library purposes; 71211

(6) A tax levied under section 5705.24 of the Revised Code 71212  
for the support of children services and the placement and care of 71213

children;	71214
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	71215 71216 71217
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	71218 71219 71220
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	71221 71222 71223 71224
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	71225 71226
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	71227 71228 71229 71230
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	71231 71232
(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the	71233 71234 71235 71236 71237 71238 71239 71240 71241 71242 71243 71244

construction of one or more improvements is completed, provided 71245  
that such tax year commences after the effective date of the 71246  
resolution. With respect to the exemption of improvements to 71247  
parcels under division (A) of this section, the resolution may 71248  
allow for the exemption to commence in different tax years on a 71249  
parcel-by-parcel basis, with a separate exemption term specified 71250  
for each parcel. 71251

Except as otherwise provided in this division, the exemption 71252  
ends on the date specified in the resolution as the date the 71253  
improvement ceases to be a public purpose or the incentive 71254  
district expires, or ends on the date on which the county can no 71255  
longer require annual service payments in lieu of taxes under 71256  
section 5709.79 of the Revised Code, whichever occurs first. The 71257  
exemption of an improvement with respect to a parcel or within an 71258  
incentive district may end on a later date, as specified in the 71259  
resolution, if the board of commissioners and the board of 71260  
education of the city, local, or exempted village school district 71261  
within which the parcel or district is located have entered into a 71262  
compensation agreement under section 5709.82 of the Revised Code 71263  
with respect to the improvement, and the board of education has 71264  
approved the term of the exemption under division (C)(1) of this 71265  
section, but in no case shall the improvement be exempted from 71266  
taxation for more than thirty years. Exemptions shall be claimed 71267  
and allowed in the same or a similar manner as in the case of 71268  
other real property exemptions. If an exemption status changes 71269  
during a tax year, the procedure for the apportionment of the 71270  
taxes for that year is the same as in the case of other changes in 71271  
tax exemption status during the year. 71272

(G) If the board of county commissioners is not required by 71273  
this section to notify the board of education of the board of 71274  
county commissioners' intent to declare improvements to be a 71275  
public purpose, the board of county commissioners shall comply 71276

with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the county shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.80 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(I) Nothing in this section shall be construed to prohibit a board of county commissioners from declaring to be a public purpose improvements with respect to more than one parcel.

(J) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5713.08.** (A) The county auditor shall make a list of all real and personal property in the auditor's county that is exempted from taxation. Such list shall show the name of the

owner, the value of the property exempted, and a statement in 71308  
brief form of the ground on which such exemption has been granted. 71309  
It shall be corrected annually by adding thereto the items of 71310  
property which have been exempted during the year, and by striking 71311  
therefrom the items which in the opinion of the auditor have lost 71312  
their right of exemption and which have been reentered on the 71313  
taxable list, but no property shall be struck from the exempt 71314  
property list solely because the property has been conveyed to a 71315  
single member limited liability company with a nonprofit purpose 71316  
from its nonprofit member or because the property has been 71317  
conveyed by a single member limited liability company with a 71318  
nonprofit purpose to its nonprofit member. No additions shall be 71319  
made to such exempt lists and no additional items of property 71320  
shall be exempted from taxation without the consent of the tax 71321  
commissioner as is provided for in section 5715.27 of the Revised 71322  
Code or without the consent of the housing officer under section 71323  
3735.67 of the Revised Code, except for property exempted by the 71324  
auditor under that section, property owned by a community school 71325  
and subject to the exemption authorized under division (A)(1) of 71326  
section 5709.07 of the Revised Code for tax years after the tax 71327  
year for which the commissioner grants an application under 71328  
section 5715.27 of the Revised Code, as described in division (I) 71329  
of that section, or qualifying agricultural real property, as 71330  
defined in section 5709.28 of the Revised Code, that is enrolled 71331  
in an agriculture security area that is exempt under that section. 71332  
~~The~~ 71333

The commissioner may revise at any time the list in every 71334  
county so that no property is improperly or illegally exempted 71335  
from taxation. The auditor shall follow the orders of the 71336  
commissioner given under this section. An abstract of such list 71337  
shall be filed annually with the commissioner, on a form approved 71338  
by the commissioner, and a copy thereof shall be kept on file in 71339  
the office of each auditor for public inspection. 71340

An application for exemption of property shall include a certificate executed by the county treasurer certifying one of the following:

(1) That all taxes, interest, and penalties levied and assessed against the property sought to be exempted have been paid in full for all of the tax years preceding the tax year for which the application for exemption is filed, except for such taxes, interest, and penalties that may be remitted under division (C) of this section;

(2) That the applicant has entered into a valid delinquent tax contract with the county treasurer pursuant to division (A) of section 323.31 of the Revised Code to pay all of the delinquent taxes, interest, and penalties charged against the property, except for such taxes, interest, and penalties that may be remitted under division (C) of this section. If the auditor receives notice under section 323.31 of the Revised Code that such a written delinquent tax contract has become void, the auditor shall strike such property from the list of exempted property and reenter such property on the taxable list. If property is removed from the exempt list because a written delinquent tax contract has become void, current taxes shall first be extended against that property on the general tax list and duplicate of real and public utility property for the tax year in which the auditor receives the notice required by division (A) of section 323.31 of the Revised Code that the delinquent tax contract has become void or, if that notice is not timely made, for the tax year in which falls the latest date by which the treasurer is required by such section to give such notice. A county auditor shall not remove from any tax list and duplicate the amount of any unpaid delinquent taxes, assessments, interest, or penalties owed on property that is placed on the exempt list pursuant to this division.

(3) That a tax certificate has been issued under section

5721.32 or 5721.33 of the Revised Code with respect to the 71373  
property that is the subject of the application, and the tax 71374  
certificate is outstanding. 71375

(B) If the treasurer's certificate is not included with the 71376  
application or the certificate reflects unpaid taxes, penalties, 71377  
and interest that may not be remitted, the tax commissioner or 71378  
county auditor with whom the application was filed shall notify 71379  
the property owner of that fact, and the applicant shall be given 71380  
sixty days from the date that notification was mailed in which to 71381  
provide the tax commissioner or county auditor with a corrected 71382  
treasurer's certificate. If a corrected treasurer's certificate is 71383  
not received within the time permitted, the tax commissioner or 71384  
county auditor does not have authority to consider the tax 71385  
exemption application. 71386

(C) Any taxes, interest, and penalties which have become a 71387  
lien after the property was first used for the exempt purpose, but 71388  
in no case prior to the date of acquisition of the title to the 71389  
property by the applicant, may be remitted by the commissioner or 71390  
county auditor, except as is provided in division (A) of section 71391  
5713.081 of the Revised Code. 71392

(D) Real property acquired by the state in fee simple is 71393  
exempt from taxation from the date of acquisition of title or date 71394  
of possession, whichever is the earlier date, provided that all 71395  
taxes, interest, and penalties as provided in the apportionment 71396  
provisions of section 319.20 of the Revised Code have been paid to 71397  
the date of acquisition of title or date of possession by the 71398  
state, whichever is earlier. The proportionate amount of taxes 71399  
that are a lien but not yet determined, assessed, and levied for 71400  
the year in which the property is acquired, shall be remitted by 71401  
the county auditor for the balance of the year from date of 71402  
acquisition of title or date of possession, whichever is earlier. 71403  
This section shall not be construed to authorize the exemption of 71404

such property from taxation or the remission of taxes, interest, 71405  
and penalties thereon until all private use has terminated. 71406

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of 71407  
this section and in section 3735.67 of the Revised Code, the 71408  
owner, a vendee in possession under a purchase agreement or a land 71409  
contract, the beneficiary of a trust, or a lessee for an initial 71410  
term of not less than thirty years of any property may file an 71411  
application with the tax commissioner, on forms prescribed by the 71412  
commissioner, requesting that such property be exempted from 71413  
taxation and that taxes, interest, and penalties be remitted as 71414  
provided in division (C) of section 5713.08 of the Revised Code. 71415

(2) If the property that is the subject of the application 71416  
for exemption is any of the following, the application shall be 71417  
filed with the county auditor of the county in which the property 71418  
is listed for taxation: 71419

(a) A public road or highway; 71420

(b) Property belonging to the federal government of the 71421  
United States; 71422

(c) Additions or other improvements to an existing building 71423  
or structure that belongs to the state or a political subdivision, 71424  
as defined in section 5713.081 of the Revised Code, and that is 71425  
exempted from taxation as property used exclusively for a public 71426  
purpose. 71427

(B) The board of education of any school district may request 71428  
the tax commissioner or county auditor to provide it with 71429  
notification of applications for exemption from taxation for 71430  
property located within that district. If so requested, the 71431  
commissioner or auditor shall send to the board on a monthly basis 71432  
reports that contain sufficient information to enable the board to 71433  
identify each property that is the subject of an exemption 71434

application, including, but not limited to, the name of the 71435  
property owner or applicant, the address of the property, and the 71436  
auditor's parcel number. The commissioner or auditor shall mail 71437  
the reports by the fifteenth day of the month following the end of 71438  
the month in which the commissioner or auditor receives the 71439  
applications for exemption. 71440

(C) A board of education that has requested notification 71441  
under division (B) of this section may, with respect to any 71442  
application for exemption of property located in the district and 71443  
included in the commissioner's or auditor's most recent report 71444  
provided under that division, file a statement with the 71445  
commissioner or auditor and with the applicant indicating its 71446  
intent to submit evidence and participate in any hearing on the 71447  
application. The statements shall be filed prior to the first day 71448  
of the third month following the end of the month in which that 71449  
application was docketed by the commissioner or auditor. A 71450  
statement filed in compliance with this division entitles the 71451  
district to submit evidence and to participate in any hearing on 71452  
the property and makes the district a party for purposes of 71453  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 71454  
the commissioner's or auditor's decision to the board of tax 71455  
appeals. 71456

(D) The commissioner or auditor shall not hold a hearing on 71457  
or grant or deny an application for exemption of property in a 71458  
school district whose board of education has requested 71459  
notification under division (B) of this section until the end of 71460  
the period within which the board may submit a statement with 71461  
respect to that application under division (C) of this section. 71462  
The commissioner or auditor may act upon an application at any 71463  
time prior to that date upon receipt of a written waiver from each 71464  
such board of education, or, in the case of exemptions authorized 71465  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 71466

5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 71467  
of the Revised Code, upon the request of the property owner. 71468  
Failure of a board of education to receive the report required in 71469  
division (B) of this section shall not void an action of the 71470  
commissioner or auditor with respect to any application. The 71471  
commissioner or auditor may extend the time for filing a statement 71472  
under division (C) of this section. 71473

(E) A complaint may also be filed with the commissioner or 71474  
auditor by any person, board, or officer authorized by section 71475  
5715.19 of the Revised Code to file complaints with the county 71476  
board of revision against the continued exemption of any property 71477  
granted exemption by the commissioner or auditor under this 71478  
section. 71479

(F) An application for exemption and a complaint against 71480  
exemption shall be filed prior to the thirty-first day of December 71481  
of the tax year for which exemption is requested or for which the 71482  
liability of the property to taxation in that year is requested. 71483  
The commissioner or auditor shall consider such application or 71484  
complaint in accordance with procedures established by the 71485  
commissioner, determine whether the property is subject to 71486  
taxation or exempt therefrom, and, if the commissioner makes the 71487  
determination, certify the determination to the auditor. Upon 71488  
making the determination or receiving the commissioner's 71489  
determination, the auditor shall correct the tax list and 71490  
duplicate accordingly. If a tax certificate has been sold under 71491  
section 5721.32 or 5721.33 of the Revised Code with respect to 71492  
property for which an exemption has been requested, the tax 71493  
commissioner or auditor shall also certify the findings to the 71494  
county treasurer of the county in which the property is located. 71495

(G) Applications and complaints, and documents of any kind 71496  
related to applications and complaints, filed with the tax 71497  
commissioner or county auditor under this section are public 71498

records within the meaning of section 149.43 of the Revised Code. 71499

(H) If the commissioner or auditor determines that the use of 71500  
property or other facts relevant to the taxability of property 71501  
that is the subject of an application for exemption or a complaint 71502  
under this section has changed while the application or complaint 71503  
was pending, the commissioner or auditor may make the 71504  
determination under division (F) of this section separately for 71505  
each tax year beginning with the year in which the application or 71506  
complaint was filed or the year for which remission of taxes under 71507  
division (C) of section 5713.08 of the Revised Code was requested, 71508  
and including each subsequent tax year during which the 71509  
application or complaint is pending before the commissioner or 71510  
auditor. 71511

(I) If the tax commissioner grants an application filed by a 71512  
community school under this section for the exemption authorized 71513  
under division (A)(1) of section 5709.07 of the Revised Code, any 71514  
property that is the subject of that application shall be exempt 71515  
from property tax for each succeeding tax year regardless of 71516  
whether the community school files an application under this 71517  
section with respect to such property. The community school, on or 71518  
before the thirty-first day of December of each such succeeding 71519  
tax year, shall submit a statement to the commissioner attesting 71520  
that the property that is the subject of that initial application 71521  
qualifies for the exemption authorized under division (A)(1) of 71522  
section 5709.07 of the Revised Code for that succeeding tax year. 71523  
If the community school fails to file such a statement for a tax 71524  
year or if the commissioner otherwise discovers that the property 71525  
no longer qualifies for that exemption, the commissioner shall 71526  
order the county auditor to return the property to the tax list. 71527

**Sec. 5726.98.** (A) To provide a uniform procedure for 71528  
calculating the amount of tax due under section 5726.02 of the 71529

Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order:

(1) The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;

(2) The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;

(3) The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;

(4) The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;

(5) The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

(6) The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

(7) The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

(8) The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5727.75. (A) For purposes of this section: 71559

(1) "Qualified energy project" means an energy project 71560  
certified by the director of development services pursuant to this 71561  
section. 71562

(2) "Energy project" means a project to provide electric 71563  
power through the construction, installation, and use of an energy 71564  
facility. 71565

(3) "Alternative energy zone" means a county declared as such 71566  
by the board of county commissioners under division (E)(1)(b) or 71567  
(c) of this section. 71568

(4) "Full-time equivalent employee" means the total number of 71569  
employee-hours for which compensation was paid to individuals 71570  
employed at a qualified energy project for services performed at 71571  
the project during the calendar year divided by two thousand 71572  
eighty hours. 71573

(5) "Solar energy project" means an energy project composed 71574  
of an energy facility using solar panels to generate electricity. 71575

(6) "Internet identifier of record" has the same meaning as 71576  
in section 9.312 of the Revised Code. 71577

(B)(1) Tangible personal property of a qualified energy 71578  
project using renewable energy resources is exempt from taxation 71579  
for tax years 2011 through ~~2021~~ 2023 if all of the following 71580  
conditions are satisfied: 71581

(a) On or before December 31, ~~2020~~ 2022, the owner or a 71582  
lessee pursuant to a sale and leaseback transaction of the project 71583  
submits an application to the power siting board for a certificate 71584  
under section 4906.20 of the Revised Code, or if that section does 71585  
not apply, submits an application for any approval, consent, 71586  
permit, or certificate or satisfies any condition required by a 71587  
public agency or political subdivision of this state for the 71588

construction or initial operation of an energy project. 71589

(b) Construction or installation of the energy facility 71590  
begins on or after January 1, 2009, and before January 1, ~~2021~~ 71591  
2023. For the purposes of this division, construction begins on 71592  
the earlier of the date of application for a certificate or other 71593  
approval or permit described in division (B)(1)(a) of this 71594  
section, or the date the contract for the construction or 71595  
installation of the energy facility is entered into. 71596

(c) For a qualified energy project with a nameplate capacity 71597  
of five megawatts or greater, a board of county commissioners of a 71598  
county in which property of the project is located has adopted a 71599  
resolution under division (E)(1)(b) or (c) of this section to 71600  
approve the application submitted under division (E) of this 71601  
section to exempt the property located in that county from 71602  
taxation. A board's adoption of a resolution rejecting an 71603  
application or its failure to adopt a resolution approving the 71604  
application does not affect the tax-exempt status of the qualified 71605  
energy project's property that is located in another county. 71606

(2) If tangible personal property of a qualified energy 71607  
project using renewable energy resources was exempt from taxation 71608  
under this section beginning in any of tax years 2011 through ~~2021~~ 71609  
2023, and the certification under division (E)(2) of this section 71610  
has not been revoked, the tangible personal property of the 71611  
qualified energy project is exempt from taxation for tax year ~~2022~~ 71612  
2024 and all ensuing tax years if the property was placed into 71613  
service before January 1, ~~2022~~ 2024, as certified in the 71614  
construction progress report required under division (F)(2) of 71615  
this section. Tangible personal property that has not been placed 71616  
into service before that date is taxable property subject to 71617  
taxation. An energy project for which certification has been 71618  
revoked is ineligible for further exemption under this section. 71619  
Revocation does not affect the tax-exempt status of the project's 71620

tangible personal property for the tax year in which revocation occurs or any prior tax year. 71621  
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(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met: 71623  
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(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. 71628  
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(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county. 71631  
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(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year. 71642  
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(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the 71649  
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qualified energy project is exempted under this section. 71652

(E)(1)(a) A person may apply to the director of development 71653  
services for certification of an energy project as a qualified 71654  
energy project on or before the following dates: 71655

(i) December 31, ~~2020~~ 2022, for an energy project using 71656  
renewable energy resources; 71657

(ii) December 31, 2017, for an energy project using clean 71658  
coal technology, advanced nuclear technology, or cogeneration 71659  
technology. 71660

(b) The director shall forward a copy of each application for 71661  
certification of an energy project with a nameplate capacity of 71662  
five megawatts or greater to the board of county commissioners of 71663  
each county in which the project is located and to each taxing 71664  
unit with territory located in each of the affected counties. Any 71665  
board that receives from the director a copy of an application 71666  
submitted under this division shall adopt a resolution approving 71667  
or rejecting the application unless it has adopted a resolution 71668  
under division (E)(1)(c) of this section. A resolution adopted 71669  
under division (E)(1)(b) or (c) of this section may require an 71670  
annual service payment to be made in addition to the service 71671  
payment required under division (G) of this section. The sum of 71672  
the service payment required in the resolution and the service 71673  
payment required under division (G) of this section shall not 71674  
exceed nine thousand dollars per megawatt of nameplate capacity 71675  
located in the county. The resolution shall specify the time and 71676  
manner in which the payments required by the resolution shall be 71677  
paid to the county treasurer. The county treasurer shall deposit 71678  
the payment to the credit of the county's general fund to be used 71679  
for any purpose for which money credited to that fund may be used. 71680

The board shall send copies of the resolution to the owner of 71681  
the facility and the director by certified mail or, if the board 71682

has record of an internet identifier of record associated with the 71683  
owner or director, by ordinary mail and by that internet 71684  
identifier of record. The board shall send such notice within 71685  
thirty days after receipt of the application, or a longer period 71686  
of time if authorized by the director. 71687

(c) A board of county commissioners may adopt a resolution 71688  
declaring the county to be an alternative energy zone and 71689  
declaring all applications submitted to the director of 71690  
development services under this division after the adoption of the 71691  
resolution, and prior to its repeal, to be approved by the board. 71692

All tangible personal property and real property of an energy 71693  
project with a nameplate capacity of five megawatts or greater is 71694  
taxable if it is located in a county in which the board of county 71695  
commissioners adopted a resolution rejecting the application 71696  
submitted under this division or failed to adopt a resolution 71697  
approving the application under division (E)(1)(b) or (c) of this 71698  
section. 71699

(2) The director shall certify an energy project if all of 71700  
the following circumstances exist: 71701

(a) The application was timely submitted. 71702

(b) For an energy project with a nameplate capacity of five 71703  
megawatts or greater, a board of county commissioners of at least 71704  
one county in which the project is located has adopted a 71705  
resolution approving the application under division (E)(1)(b) or 71706  
(c) of this section. 71707

(c) No portion of the project's facility was used to supply 71708  
electricity before December 31, 2009. 71709

(3) The director shall deny a certification application if 71710  
the director determines the person has failed to comply with any 71711  
requirement under this section. The director may revoke a 71712  
certification if the director determines the person, or subsequent 71713

owner or lessee pursuant to a sale and leaseback transaction of 71714  
the qualified energy project, has failed to comply with any 71715  
requirement under this section. Upon certification or revocation, 71716  
the director shall notify the person, owner, or lessee, the tax 71717  
commissioner, and the county auditor of a county in which the 71718  
project is located of the certification or revocation. Notice 71719  
shall be provided in a manner convenient to the director. 71720

(F) The owner or a lessee pursuant to a sale and leaseback 71721  
transaction of a qualified energy project shall do each of the 71722  
following: 71723

(1) Comply with all applicable regulations; 71724

(2) File with the director of development services a 71725  
certified construction progress report before the first day of 71726  
March of each year during the energy facility's construction or 71727  
installation indicating the percentage of the project completed, 71728  
and the project's nameplate capacity, as of the preceding 71729  
thirty-first day of December. Unless otherwise instructed by the 71730  
director of development services, the owner or lessee of an energy 71731  
project shall file a report with the director on or before the 71732  
first day of March each year after completion of the energy 71733  
facility's construction or installation indicating the project's 71734  
nameplate capacity as of the preceding thirty-first day of 71735  
December. Not later than sixty days after June 17, 2010, the owner 71736  
or lessee of an energy project, the construction of which was 71737  
completed before June 17, 2010, shall file a certificate 71738  
indicating the project's nameplate capacity. 71739

(3) File with the director of development services, in a 71740  
manner prescribed by the director, a report of the total number of 71741  
full-time equivalent employees, and the total number of full-time 71742  
equivalent employees domiciled in Ohio, who are employed in the 71743  
construction or installation of the energy facility; 71744

(4) For energy projects with a nameplate capacity of five 71745  
megawatts or greater, repair all roads, bridges, and culverts 71746  
affected by construction as reasonably required to restore them to 71747  
their preconstruction condition, as determined by the county 71748  
engineer in consultation with the local jurisdiction responsible 71749  
for the roads, bridges, and culverts. In the event that the county 71750  
engineer deems any road, bridge, or culvert to be inadequate to 71751  
support the construction or decommissioning of the energy 71752  
facility, the road, bridge, or culvert shall be rebuilt or 71753  
reinforced to the specifications established by the county 71754  
engineer prior to the construction or decommissioning of the 71755  
facility. The owner or lessee of the facility shall post a bond in 71756  
an amount established by the county engineer and to be held by the 71757  
board of county commissioners to ensure funding for repairs of 71758  
roads, bridges, and culverts affected during the construction. The 71759  
bond shall be released by the board not later than one year after 71760  
the date the repairs are completed. The energy facility owner or 71761  
lessee pursuant to a sale and leaseback transaction shall post a 71762  
bond, as may be required by the Ohio power siting board in the 71763  
certificate authorizing commencement of construction issued 71764  
pursuant to section 4906.10 of the Revised Code, to ensure funding 71765  
for repairs to roads, bridges, and culverts resulting from 71766  
decommissioning of the facility. The energy facility owner or 71767  
lessee and the county engineer may enter into an agreement 71768  
regarding specific transportation plans, reinforcements, 71769  
modifications, use and repair of roads, financial security to be 71770  
provided, and any other relevant issue. 71771

(5) Provide or facilitate training for fire and emergency 71772  
responders for response to emergency situations related to the 71773  
energy project and, for energy projects with a nameplate capacity 71774  
of five megawatts or greater, at the person's expense, equip the 71775  
fire and emergency responders with proper equipment as reasonably 71776  
required to enable them to respond to such emergency situations; 71777

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of two megawatts, establish a relationship with a member of the university system of Ohio as defined in section 3345.011 of the Revised Code or with a person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code, to educate and train individuals for careers in the wind or solar energy

industry. The relationship may include endowments, cooperative 71811  
programs, internships, apprenticeships, research and development 71812  
projects, and curriculum development. 71813

(8) Offer to sell power or renewable energy credits from the 71814  
energy project to electric distribution utilities or electric 71815  
service companies subject to renewable energy resource 71816  
requirements under section 4928.64 of the Revised Code that have 71817  
issued requests for proposal for such power or renewable energy 71818  
credits. If no electric distribution utility or electric service 71819  
company issues a request for proposal on or before December 31, 71820  
2010, or accepts an offer for power or renewable energy credits 71821  
within forty-five days after the offer is submitted, power or 71822  
renewable energy credits from the energy project may be sold to 71823  
other persons. Division (F)(8) of this section does not apply if: 71824

(a) The owner or lessee is a rural electric company or a 71825  
municipal power agency as defined in section 3734.058 of the 71826  
Revised Code. 71827

(b) The owner or lessee is a person that, before completion 71828  
of the energy project, contracted for the sale of power or 71829  
renewable energy credits with a rural electric company or a 71830  
municipal power agency. 71831

(c) The owner or lessee contracts for the sale of power or 71832  
renewable energy credits from the energy project before June 17, 71833  
2010. 71834

(9) Make annual service payments as required by division (G) 71835  
of this section and as may be required in a resolution adopted by 71836  
a board of county commissioners under division (E) of this 71837  
section. 71838

(G) The owner or a lessee pursuant to a sale and leaseback 71839  
transaction of a qualified energy project shall make annual 71840  
service payments in lieu of taxes to the county treasurer on or 71841

before the final dates for payments of taxes on public utility 71842  
personal property on the real and public utility personal property 71843  
tax list for each tax year for which property of the energy 71844  
project is exempt from taxation under this section. The county 71845  
treasurer shall allocate the payment on the basis of the project's 71846  
physical location. Upon receipt of a payment, or if timely payment 71847  
has not been received, the county treasurer shall certify such 71848  
receipt or non-receipt to the director of development services and 71849  
tax commissioner in a form determined by the director and 71850  
commissioner, respectively. Each payment shall be in the following 71851  
amount: 71852

(1) In the case of a solar energy project, seven thousand 71853  
dollars per megawatt of nameplate capacity located in the county 71854  
as of the thirty-first day of December 31, 2010, ~~for tax year~~ 71855  
~~2011, as of December 31, 2011, for tax year 2012, as of December~~ 71856  
~~31, 2012, for tax year 2013, as of December 31, 2013, for tax year~~ 71857  
~~2014, as of December 31, 2014, for tax year 2015, as of December~~ 71858  
~~31, 2015, for tax year 2016, and as of December 31, 2016, for tax~~ 71859  
~~year 2017 and each of the preceding~~ tax year thereafter; 71860

(2) In the case of any other energy project using renewable 71861  
energy resources, the following: 71862

(a) If the project maintains during the construction or 71863  
installation of the energy facility a ratio of Ohio-domiciled 71864  
full-time equivalent employees to total full-time equivalent 71865  
employees of not less than seventy-five per cent, six thousand 71866  
dollars per megawatt of nameplate capacity located in the county 71867  
as of the thirty-first day of December of the preceding tax year; 71868

(b) If the project maintains during the construction or 71869  
installation of the energy facility a ratio of Ohio-domiciled 71870  
full-time equivalent employees to total full-time equivalent 71871  
employees of less than seventy-five per cent but not less than 71872  
sixty per cent, seven thousand dollars per megawatt of nameplate 71873

capacity located in the county as of the thirty-first day of 71874  
December of the preceding tax year; 71875

(c) If the project maintains during the construction or 71876  
installation of the energy facility a ratio of Ohio-domiciled 71877  
full-time equivalent employees to total full-time equivalent 71878  
employees of less than sixty per cent but not less than fifty per 71879  
cent, eight thousand dollars per megawatt of nameplate capacity 71880  
located in the county as of the thirty-first day of December of 71881  
the preceding tax year. 71882

(3) In the case of an energy project using clean coal 71883  
technology, advanced nuclear technology, or cogeneration 71884  
technology, the following: 71885

(a) If the project maintains during the construction or 71886  
installation of the energy facility a ratio of Ohio-domiciled 71887  
full-time equivalent employees to total full-time equivalent 71888  
employees of not less than seventy-five per cent, six thousand 71889  
dollars per megawatt of nameplate capacity located in the county 71890  
as of the thirty-first day of December of the preceding tax year; 71891

(b) If the project maintains during the construction or 71892  
installation of the energy facility a ratio of Ohio-domiciled 71893  
full-time equivalent employees to total full-time equivalent 71894  
employees of less than seventy-five per cent but not less than 71895  
sixty per cent, seven thousand dollars per megawatt of nameplate 71896  
capacity located in the county as of the thirty-first day of 71897  
December of the preceding tax year; 71898

(c) If the project maintains during the construction or 71899  
installation of the energy facility a ratio of Ohio-domiciled 71900  
full-time equivalent employees to total full-time equivalent 71901  
employees of less than sixty per cent but not less than fifty per 71902  
cent, eight thousand dollars per megawatt of nameplate capacity 71903  
located in the county as of the thirty-first day of December of 71904

the preceding tax year. 71905

(H) The director of development services in consultation with 71906  
the tax commissioner shall adopt rules pursuant to Chapter 119. of 71907  
the Revised Code to implement and enforce this section. 71908

**Sec. 5733.98.** (A) To provide a uniform procedure for 71909  
calculating the amount of tax imposed by section 5733.06 of the 71910  
Revised Code that is due under this chapter, a taxpayer shall 71911  
claim any credits to which it is entitled in the following order, 71912  
except as otherwise provided in section 5733.058 of the Revised 71913  
Code: 71914

(1) For tax year 2005, the credit for taxes paid by a 71915  
qualifying pass-through entity allowed under section 5733.0611 of 71916  
the Revised Code; 71917

(2) The credit allowed for financial institutions under 71918  
section 5733.45 of the Revised Code; 71919

(3) The credit for qualifying affiliated groups under section 71920  
5733.068 of the Revised Code; 71921

(4) The subsidiary corporation credit under section 5733.067 71922  
of the Revised Code; 71923

(5) The credit for recycling and litter prevention donations 71924  
under section 5733.064 of the Revised Code; 71925

(6) The credit for employers that enter into agreements with 71926  
child day-care centers under section 5733.36 of the Revised Code; 71927

(7) The credit for employers that reimburse employee child 71928  
care expenses under section 5733.38 of the Revised Code; 71929

(8) The credit for purchases of lights and reflectors under 71930  
section 5733.44 of the Revised Code; 71931

(9) The nonrefundable job retention credit under division (B) 71932  
of section 5733.0610 of the Revised Code; 71933

(10) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	71934 71935
(11) The job training credit under section 5733.42 of the Revised Code;	71936 71937
(12) The credit for qualified research expenses under section 5733.351 of the Revised Code;	71938 71939
(13) The enterprise zone credit under section 5709.66 of the Revised Code;	71940 71941
(14) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	71942 71943
(15) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	71944 71945
(16) The ethanol plant investment credit under section 5733.46 of the Revised Code;	71946 71947
(17) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	71948 71949
(18) The export sales credit under section 5733.069 of the Revised Code;	71950 71951
(19) The enterprise zone credits under section 5709.65 of the Revised Code;	71952 71953
(20) The credit for using Ohio coal under section 5733.39 of the Revised Code;	71954 71955
(21) The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	71956 71957
(22) The credit for small telephone companies under section 5733.57 of the Revised Code;	71958 71959
(23) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	71960 71961
(24) For tax year 2005, the credit for providing programs to	71962

aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	71963 71964
(25) The research and development credit under section 5733.352 of the Revised Code;	71965 71966
(26) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	71967 71968 71969
(27) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	71970 71971
(28) The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	71972 71973 71974
(29) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	71975 71976
(30) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	71977 71978 71979
(31) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	71980 71981 71982
(32) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5733.59 of the Revised Code.	71983 71984
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	71985 71986 71987 71988 71989 71990
<b>Sec. 5739.01.</b> As used in this chapter:	71991

(A) "Person" includes individuals, receivers, assignees, 71992  
trustees in bankruptcy, estates, firms, partnerships, 71993  
associations, joint-stock companies, joint ventures, clubs, 71994  
societies, corporations, the state and its political subdivisions, 71995  
and combinations of individuals of any form. 71996

(B) "Sale" and "selling" include all of the following 71997  
transactions for a consideration in any manner, whether absolutely 71998  
or conditionally, whether for a price or rental, in money or by 71999  
exchange, and by any means whatsoever: 72000

(1) All transactions by which title or possession, or both, 72001  
of tangible personal property, is or is to be transferred, or a 72002  
license to use or consume tangible personal property is or is to 72003  
be granted; 72004

(2) All transactions by which lodging by a hotel is or is to 72005  
be furnished to transient guests; 72006

(3) All transactions by which: 72007

(a) An item of tangible personal property is or is to be 72008  
repaired, except property, the purchase of which would not be 72009  
subject to the tax imposed by section 5739.02 of the Revised Code; 72010

(b) An item of tangible personal property is or is to be 72011  
installed, except property, the purchase of which would not be 72012  
subject to the tax imposed by section 5739.02 of the Revised Code 72013  
or property that is or is to be incorporated into and will become 72014  
a part of a production, transmission, transportation, or 72015  
distribution system for the delivery of a public utility service; 72016

(c) The service of washing, cleaning, waxing, polishing, or 72017  
painting a motor vehicle is or is to be furnished; 72018

(d) Until August 1, 2003, industrial laundry cleaning 72019  
services are or are to be provided and, on and after August 1, 72020  
2003, laundry and dry cleaning services are or are to be provided; 72021

(e) Automatic data processing, computer services, or 72022  
electronic information services are or are to be provided for use 72023  
in business when the true object of the transaction is the receipt 72024  
by the consumer of automatic data processing, computer services, 72025  
or electronic information services rather than the receipt of 72026  
personal or professional services to which automatic data 72027  
processing, computer services, or electronic information services 72028  
are incidental or supplemental. Notwithstanding any other 72029  
provision of this chapter, such transactions that occur between 72030  
members of an affiliated group are not sales. An "affiliated 72031  
group" means two or more persons related in such a way that one 72032  
person owns or controls the business operation of another member 72033  
of the group. In the case of corporations with stock, one 72034  
corporation owns or controls another if it owns more than fifty 72035  
per cent of the other corporation's common stock with voting 72036  
rights. 72037

(f) Telecommunications service, including prepaid calling 72038  
service, prepaid wireless calling service, or ancillary service, 72039  
is or is to be provided, but not including coin-operated telephone 72040  
service; 72041

(g) Landscaping and lawn care service is or is to be 72042  
provided; 72043

(h) Private investigation and security service is or is to be 72044  
provided; 72045

(i) Information services or tangible personal property is 72046  
provided or ordered by means of a nine hundred telephone call; 72047

(j) Building maintenance and janitorial service is or is to 72048  
be provided; 72049

(k) Employment service is or is to be provided; 72050

(l) Employment placement service is or is to be provided; 72051

(m) Exterminating service is or is to be provided;	72052
(n) Physical fitness facility service is or is to be provided;	72053 72054
(o) Recreation and sports club service is or is to be provided;	72055 72056
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	72057 72058
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	72059 72060 72061 72062 72063 72064 72065 72066
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	72067 72068 72069 72070 72071 72072 72073 72074
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	72075 72076 72077 72078
(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that	72079 72080 72081 72082

has less than five thousand dollars in sales of such service 72083  
during the calendar year. 72084

(u) Electronic publishing service is or is to be provided to 72085  
a consumer for use in business, except that such transactions 72086  
occurring between members of an affiliated group, as defined in 72087  
division (B)(3)(e) of this section, are not sales. 72088

(4) All transactions by which printed, imprinted, 72089  
overprinted, lithographic, multilithic, blueprinted, photostatic, 72090  
or other productions or reproductions of written or graphic matter 72091  
are or are to be furnished or transferred; 72092

(5) The production or fabrication of tangible personal 72093  
property for a consideration for consumers who furnish either 72094  
directly or indirectly the materials used in the production of 72095  
fabrication work; and include the furnishing, preparing, or 72096  
serving for a consideration of any tangible personal property 72097  
consumed on the premises of the person furnishing, preparing, or 72098  
serving such tangible personal property. Except as provided in 72099  
section 5739.03 of the Revised Code, a construction contract 72100  
pursuant to which tangible personal property is or is to be 72101  
incorporated into a structure or improvement on and becoming a 72102  
part of real property is not a sale of such tangible personal 72103  
property. The construction contractor is the consumer of such 72104  
tangible personal property, provided that the sale and 72105  
installation of carpeting, the sale and installation of 72106  
agricultural land tile, the sale and erection or installation of 72107  
portable grain bins, or the provision of landscaping and lawn care 72108  
service and the transfer of property as part of such service is 72109  
never a construction contract. 72110

As used in division (B)(5) of this section: 72111

(a) "Agricultural land tile" means fired clay or concrete 72112  
tile, or flexible or rigid perforated plastic pipe or tubing, 72113

incorporated or to be incorporated into a subsurface drainage 72114  
system appurtenant to land used or to be used primarily in 72115  
production by farming, agriculture, horticulture, or floriculture. 72116  
The term does not include such materials when they are or are to 72117  
be incorporated into a drainage system appurtenant to a building 72118  
or structure even if the building or structure is used or to be 72119  
used in such production. 72120

(b) "Portable grain bin" means a structure that is used or to 72121  
be used by a person engaged in farming or agriculture to shelter 72122  
the person's grain and that is designed to be disassembled without 72123  
significant damage to its component parts. 72124

(6) All transactions in which all of the shares of stock of a 72125  
closely held corporation are transferred, or an ownership interest 72126  
in a pass-through entity, as defined in section 5733.04 of the 72127  
Revised Code, is transferred, if the corporation or pass-through 72128  
entity is not engaging in business and its entire assets consist 72129  
of boats, planes, motor vehicles, or other tangible personal 72130  
property operated primarily for the use and enjoyment of the 72131  
shareholders or owners; 72132

(7) All transactions in which a warranty, maintenance or 72133  
service contract, or similar agreement by which the vendor of the 72134  
warranty, contract, or agreement agrees to repair or maintain the 72135  
tangible personal property of the consumer is or is to be 72136  
provided; 72137

(8) The transfer of copyrighted motion picture films used 72138  
solely for advertising purposes, except that the transfer of such 72139  
films for exhibition purposes is not a sale; 72140

(9) On and after August 1, 2003, all transactions by which 72141  
tangible personal property is or is to be stored, except such 72142  
property that the consumer of the storage holds for sale in the 72143  
regular course of business; 72144

(10) All transactions in which "guaranteed auto protection" 72145  
is provided whereby a person promises to pay to the consumer the 72146  
difference between the amount the consumer receives from motor 72147  
vehicle insurance and the amount the consumer owes to a person 72148  
holding title to or a lien on the consumer's motor vehicle in the 72149  
event the consumer's motor vehicle suffers a total loss under the 72150  
terms of the motor vehicle insurance policy or is stolen and not 72151  
recovered, if the protection and its price are included in the 72152  
purchase or lease agreement; 72153

(11)(a) Except as provided in division (B)(11)(b) of this 72154  
section, on and after October 1, 2009, all transactions by which 72155  
health care services are paid for, reimbursed, provided, 72156  
delivered, arranged for, or otherwise made available by a medicaid 72157  
health insuring corporation pursuant to the corporation's contract 72158  
with the state. 72159

(b) If the centers for medicare and medicaid services of the 72160  
United States department of health and human services determines 72161  
that the taxation of transactions described in division (B)(11)(a) 72162  
of this section constitutes an impermissible health care-related 72163  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 72164  
1396b(w), and regulations adopted thereunder, the medicaid 72165  
director shall notify the tax commissioner of that determination. 72166  
Beginning with the first day of the month following that 72167  
notification, the transactions described in division (B)(11)(a) of 72168  
this section are not sales for the purposes of this chapter or 72169  
Chapter 5741. of the Revised Code. The tax commissioner shall 72170  
order that the collection of taxes under sections 5739.02, 72171  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 72172  
5741.023 of the Revised Code shall cease for transactions 72173  
occurring on or after that date. 72174

(12) All transactions by which a specified digital product is 72175  
provided for permanent use or less than permanent use, regardless 72176

of whether continued payment is required. 72177

Except as provided in this section, "sale" and "selling" do 72178  
not include transfers of interest in leased property where the 72179  
original lessee and the terms of the original lease agreement 72180  
remain unchanged, or professional, insurance, or personal service 72181  
transactions that involve the transfer of tangible personal 72182  
property as an inconsequential element, for which no separate 72183  
charges are made. 72184

(C) "Vendor" means the person providing the service or by 72185  
whom the transfer effected or license given by a sale is or is to 72186  
be made or given and, for sales described in division (B)(3)(i) of 72187  
this section, the telecommunications service vendor that provides 72188  
the nine hundred telephone service; if two or more persons are 72189  
engaged in business at the same place of business under a single 72190  
trade name in which all collections on account of sales by each 72191  
are made, such persons shall constitute a single vendor. 72192

Physicians, dentists, hospitals, and veterinarians who are 72193  
engaged in selling tangible personal property as received from 72194  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 72195  
articles, are vendors. Veterinarians who are engaged in 72196  
transferring to others for a consideration drugs, the dispensing 72197  
of which does not require an order of a licensed veterinarian or 72198  
physician under federal law, are vendors. 72199

The operator of any technology platform that connects a 72200  
consumer with another person who is providing a service subject to 72201  
the tax levied under this chapter, including a transportation 72202  
network company or a peer-to-peer car sharing program operating a 72203  
technology platform for the purpose of providing transportation 72204  
network company services or peer-to-peer car sharing program 72205  
services, shall be considered to be the vendor in such 72206  
transaction, regardless of whether that other person is an agent 72207  
of the operator. 72208

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or

having it distributed to the public or to a designated segment of 72241  
the public, free of charge, that person is the consumer of all 72242  
tangible personal property and services purchased for use or 72243  
consumption in the production of that printed matter. That person 72244  
is not entitled to claim exemption under division (B)(42)(f) of 72245  
section 5739.02 of the Revised Code for any material incorporated 72246  
into the printed matter or any equipment, supplies, or services 72247  
primarily used to produce the printed matter. 72248

(c) The distribution of printed matter to the public or to a 72249  
designated segment of the public, free of charge, is not a sale to 72250  
the members of the public to whom the printed matter is 72251  
distributed or to any persons who purchase space in the printed 72252  
matter for advertising or other purposes. 72253

(5) A person who makes sales of any of the services listed in 72254  
division (B)(3) of this section is the consumer of any tangible 72255  
personal property used in performing the service. The purchase of 72256  
that property is not subject to the resale exception under 72257  
division (E) of this section. 72258

(6) A person who engages in highway transportation for hire 72259  
is the consumer of all packaging materials purchased by that 72260  
person and used in performing the service, except for packaging 72261  
materials sold by such person in a transaction separate from the 72262  
service. 72263

(7) In the case of a transaction for health care services 72264  
under division (B)(11) of this section, a medicaid health insuring 72265  
corporation is the consumer of such services. The purchase of such 72266  
services by a medicaid health insuring corporation is not subject 72267  
to the exception for resale under division (E) of this section or 72268  
to the exemptions provided under divisions (B)(12), (18), (19), 72269  
and (22) of section 5739.02 of the Revised Code. 72270

(E) "Retail sale" and "sales at retail" include all sales, 72271

except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

(i) The vendor's cost of the property sold;

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;

(iii) Charges by the vendor for any services necessary to complete the sale;

(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

(v) Installation charges;	72303
(vi) Credit for any trade-in.	72304
(b) "Price" includes consideration received by the vendor	72305
from a third party, if the vendor actually receives the	72306
consideration from a party other than the consumer, and the	72307
consideration is directly related to a price reduction or discount	72308
on the sale; the vendor has an obligation to pass the price	72309
reduction or discount through to the consumer; the amount of the	72310
consideration attributable to the sale is fixed and determinable	72311
by the vendor at the time of the sale of the item to the consumer;	72312
and one of the following criteria is met:	72313
(i) The consumer presents a coupon, certificate, or other	72314
document to the vendor to claim a price reduction or discount	72315
where the coupon, certificate, or document is authorized,	72316
distributed, or granted by a third party with the understanding	72317
that the third party will reimburse any vendor to whom the coupon,	72318
certificate, or document is presented;	72319
(ii) The consumer identifies the consumer's self to the	72320
seller as a member of a group or organization entitled to a price	72321
reduction or discount. A preferred customer card that is available	72322
to any patron does not constitute membership in such a group or	72323
organization.	72324
(iii) The price reduction or discount is identified as a	72325
third party price reduction or discount on the invoice received by	72326
the consumer, or on a coupon, certificate, or other document	72327
presented by the consumer.	72328
(c) "Price" does not include any of the following:	72329
(i) Discounts, including cash, term, or coupons that are not	72330
reimbursed by a third party that are allowed by a vendor and taken	72331
by a consumer on a sale;	72332

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor 72365  
by a watercraft dealer licensed in accordance with section 72366  
1547.543 of the Revised Code, in which another watercraft, 72367  
watercraft and trailer, or outboard motor is accepted by the 72368  
dealer as part of the consideration received, "price" has the same 72369  
meaning as in division (H)(1) of this section, reduced by the 72370  
credit afforded the consumer by the dealer for the watercraft, 72371  
watercraft and trailer, or outboard motor received in trade. As 72372  
used in this division, "watercraft" includes an outdrive unit 72373  
attached to the watercraft. 72374

(4) In the case of transactions for health care services 72375  
under division (B)(11) of this section, "price" means the amount 72376  
of managed care premiums received each month by a medicaid health 72377  
insuring corporation. 72378

(I) "Receipts" means the total amount of the prices of the 72379  
sales of vendors, provided that the dollar value of gift cards 72380  
distributed pursuant to an awards, loyalty, or promotional 72381  
program, and cash discounts allowed and taken on sales at the time 72382  
they are consummated are not included, minus any amount deducted 72383  
as a bad debt pursuant to section 5739.121 of the Revised Code. 72384  
"Receipts" does not include the sale price of property returned or 72385  
services rejected by consumers when the full sale price and tax 72386  
are refunded either in cash or by credit. 72387

(J) "Place of business" means any location at which a person 72388  
engages in business. 72389

(K) "Premises" includes any real property or portion thereof 72390  
upon which any person engages in selling tangible personal 72391  
property at retail or making retail sales and also includes any 72392  
real property or portion thereof designated for, or devoted to, 72393  
use in conjunction with the business engaged in by such person. 72394

(L) "Casual sale" means a sale of an item of tangible 72395

personal property that was obtained by the person making the sale, 72396  
through purchase or otherwise, for the person's own use and was 72397  
previously subject to any state's taxing jurisdiction on its sale 72398  
or use, and includes such items acquired for the seller's use that 72399  
are sold by an auctioneer employed directly by the person for such 72400  
purpose, provided the location of such sales is not the 72401  
auctioneer's permanent place of business. As used in this 72402  
division, "permanent place of business" includes any location 72403  
where such auctioneer has conducted more than two auctions during 72404  
the year. 72405

(M) "Hotel" means every establishment kept, used, maintained, 72406  
advertised, or held out to the public to be a place where sleeping 72407  
accommodations are offered to guests, in which five or more rooms 72408  
are used for the accommodation of such guests, whether the rooms 72409  
are in one or several structures, except as otherwise provided in 72410  
division (G) of section 5739.09 of the Revised Code. 72411

(N) "Transient guests" means persons occupying a room or 72412  
rooms for sleeping accommodations for less than thirty consecutive 72413  
days. 72414

(O) "Making retail sales" means the effecting of transactions 72415  
wherein one party is obligated to pay the price and the other 72416  
party is obligated to provide a service or to transfer title to or 72417  
possession of the item sold. "Making retail sales" does not 72418  
include the preliminary acts of promoting or soliciting the retail 72419  
sales, other than the distribution of printed matter which 72420  
displays or describes and prices the item offered for sale, nor 72421  
does it include delivery of a predetermined quantity of tangible 72422  
personal property or transportation of property or personnel to or 72423  
from a place where a service is performed. 72424

(P) "Used directly in the rendition of a public utility 72425  
service" means that property that is to be incorporated into and 72426  
will become a part of the consumer's production, transmission, 72427

transportation, or distribution system and that retains its 72428  
classification as tangible personal property after such 72429  
incorporation; fuel or power used in the production, transmission, 72430  
transportation, or distribution system; and tangible personal 72431  
property used in the repair and maintenance of the production, 72432  
transmission, transportation, or distribution system, including 72433  
only such motor vehicles as are specially designed and equipped 72434  
for such use. Tangible personal property and services used 72435  
primarily in providing highway transportation for hire are not 72436  
used directly in the rendition of a public utility service. In 72437  
this definition, "public utility" includes a citizen of the United 72438  
States holding, and required to hold, a certificate of public 72439  
convenience and necessity issued under 49 U.S.C. 41102. 72440

(Q) "Refining" means removing or separating a desirable 72441  
product from raw or contaminated materials by distillation or 72442  
physical, mechanical, or chemical processes. 72443

(R) "Assembly" and "assembling" mean attaching or fitting 72444  
together parts to form a product, but do not include packaging a 72445  
product. 72446

(S) "Manufacturing operation" means a process in which 72447  
materials are changed, converted, or transformed into a different 72448  
state or form from which they previously existed and includes 72449  
refining materials, assembling parts, and preparing raw materials 72450  
and parts by mixing, measuring, blending, or otherwise committing 72451  
such materials or parts to the manufacturing process. 72452  
"Manufacturing operation" does not include packaging. 72453

(T) "Fiscal officer" means, with respect to a regional 72454  
transit authority, the secretary-treasurer thereof, and with 72455  
respect to a county that is a transit authority, the fiscal 72456  
officer of the county transit board if one is appointed pursuant 72457  
to section 306.03 of the Revised Code or the county auditor if the 72458  
board of county commissioners operates the county transit system. 72459

(U) "Transit authority" means a regional transit authority 72460  
created pursuant to section 306.31 of the Revised Code or a county 72461  
in which a county transit system is created pursuant to section 72462  
306.01 of the Revised Code. For the purposes of this chapter, a 72463  
transit authority must extend to at least the entire area of a 72464  
single county. A transit authority that includes territory in more 72465  
than one county must include all the area of the most populous 72466  
county that is a part of such transit authority. County population 72467  
shall be measured by the most recent census taken by the United 72468  
States census bureau. 72469

(V) "Legislative authority" means, with respect to a regional 72470  
transit authority, the board of trustees thereof, and with respect 72471  
to a county that is a transit authority, the board of county 72472  
commissioners. 72473

(W) "Territory of the transit authority" means all of the 72474  
area included within the territorial boundaries of a transit 72475  
authority as they from time to time exist. Such territorial 72476  
boundaries must at all times include all the area of a single 72477  
county or all the area of the most populous county that is a part 72478  
of such transit authority. County population shall be measured by 72479  
the most recent census taken by the United States census bureau. 72480

(X) "Providing a service" means providing or furnishing 72481  
anything described in division (B)(3) of this section for 72482  
consideration. 72483

(Y)(1)(a) "Automatic data processing" means processing of 72484  
others' data, including keypunching or similar data entry services 72485  
together with verification thereof, or providing access to 72486  
computer equipment for the purpose of processing data. 72487

(b) "Computer services" means providing services consisting 72488  
of specifying computer hardware configurations and evaluating 72489  
technical processing characteristics, computer programming, and 72490

training of computer programmers and operators, provided in 72491  
conjunction with and to support the sale, lease, or operation of 72492  
taxable computer equipment or systems. 72493

(c) "Electronic information services" means providing access 72494  
to computer equipment by means of telecommunications equipment for 72495  
the purpose of either of the following: 72496

(i) Examining or acquiring data stored in or accessible to 72497  
the computer equipment; 72498

(ii) Placing data into the computer equipment to be retrieved 72499  
by designated recipients with access to the computer equipment. 72500

For transactions occurring on or after the effective date of 72501  
the amendment of this section by H.B. 157 of the 127th general 72502  
assembly, December 21, 2007, "electronic information services" 72503  
does not include electronic publishing ~~as defined in division~~ 72504  
~~(LLL) of this section.~~ 72505

(d) "Automatic data processing, computer services, or 72506  
electronic information services" shall not include personal or 72507  
professional services. 72508

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 72509  
section, "personal and professional services" means all services 72510  
other than automatic data processing, computer services, or 72511  
electronic information services, including but not limited to: 72512

(a) Accounting and legal services such as advice on tax 72513  
matters, asset management, budgetary matters, quality control, 72514  
information security, and auditing and any other situation where 72515  
the service provider receives data or information and studies, 72516  
alters, analyzes, interprets, or adjusts such material; 72517

(b) Analyzing business policies and procedures; 72518

(c) Identifying management information needs; 72519

(d) Feasibility studies, including economic and technical 72520

analysis of existing or potential computer hardware or software needs and alternatives; 72521  
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(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management; 72523  
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(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled; 72527  
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72529

(g) Testing of business procedures; 72530

(h) Training personnel in business procedure applications; 72531

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium; 72532  
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(j) Providing debt collection services by any oral, written, graphic, or electronic means; 72538  
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(k) Providing digital advertising services. 72540

The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services. 72541  
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(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following: 72543  
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(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare; 72546  
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(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third

parties;	72582
(f) Internet access service;	72583
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	72584 72585 72586 72587 72588 72589 72590 72591
(h) Ancillary service;	72592
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	72593 72594
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	72595 72596 72597 72598 72599
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	72600 72601 72602 72603 72604
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	72605 72606 72607
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	72608 72609
(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications	72610 72611

services, which offers advanced calling features that allow 72612  
customers to identify callers and manage multiple calls and call 72613  
connections, including conference bridging service. 72614

(e) "Voice mail service" means an ancillary service that 72615  
enables the customer to store, send, or receive recorded messages. 72616  
"Voice mail service" does not include any vertical services that 72617  
the customer may be required to have in order to utilize the voice 72618  
mail service. 72619

(3) "900 service" means an inbound toll telecommunications 72620  
service purchased by a subscriber that allows the subscriber's 72621  
customers to call in to the subscriber's prerecorded announcement 72622  
or live service, and which is typically marketed under the name 72623  
"900 service" and any subsequent numbers designated by the federal 72624  
communications commission. "900 service" does not include the 72625  
charge for collection services provided by the seller of the 72626  
telecommunications service to the subscriber, or services or 72627  
products sold by the subscriber to the subscriber's customer. 72628

(4) "Prepaid calling service" means the right to access 72629  
exclusively telecommunications services, which must be paid for in 72630  
advance and which enables the origination of calls using an access 72631  
number or authorization code, whether manually or electronically 72632  
dialed, and that is sold in predetermined units or dollars of 72633  
which the number declines with use in a known amount. 72634

(5) "Prepaid wireless calling service" means a 72635  
telecommunications service that provides the right to utilize 72636  
mobile telecommunications service as well as other 72637  
non-telecommunications services, including the download of digital 72638  
products delivered electronically, and content and ancillary 72639  
services, that must be paid for in advance and that is sold in 72640  
predetermined units or dollars of which the number declines with 72641  
use in a known amount. 72642

(6) "Value-added non-voice data service" means a 72643  
telecommunications service in which computer processing 72644  
applications are used to act on the form, content, code, or 72645  
protocol of the information or data primarily for a purpose other 72646  
than transmission, conveyance, or routing. 72647

(7) "Coin-operated telephone service" means a 72648  
telecommunications service paid for by inserting money into a 72649  
telephone accepting direct deposits of money to operate. 72650

(8) "Customer" has the same meaning as in section 5739.034 of 72651  
the Revised Code. 72652

(BB) "Laundry and dry cleaning services" means removing soil 72653  
or dirt from towels, linens, articles of clothing, or other fabric 72654  
items that belong to others and supplying towels, linens, articles 72655  
of clothing, or other fabric items. "Laundry and dry cleaning 72656  
services" does not include the provision of self-service 72657  
facilities for use by consumers to remove soil or dirt from 72658  
towels, linens, articles of clothing, or other fabric items. 72659

(CC) "Magazines distributed as controlled circulation 72660  
publications" means magazines containing at least twenty-four 72661  
pages, at least twenty-five per cent editorial content, issued at 72662  
regular intervals four or more times a year, and circulated 72663  
without charge to the recipient, provided that such magazines are 72664  
not owned or controlled by individuals or business concerns which 72665  
conduct such publications as an auxiliary to, and essentially for 72666  
the advancement of the main business or calling of, those who own 72667  
or control them. 72668

(DD) "Landscaping and lawn care service" means the services 72669  
of planting, seeding, sodding, removing, cutting, trimming, 72670  
pruning, mulching, aerating, applying chemicals, watering, 72671  
fertilizing, and providing similar services to establish, promote, 72672  
or control the growth of trees, shrubs, flowers, grass, ground 72673

cover, and other flora, or otherwise maintaining a lawn or 72674  
landscape grown or maintained by the owner for ornamentation or 72675  
other nonagricultural purpose. However, "landscaping and lawn care 72676  
service" does not include the providing of such services by a 72677  
person who has less than five thousand dollars in sales of such 72678  
services during the calendar year. 72679

(EE) "Private investigation and security service" means the 72680  
performance of any activity for which the provider of such service 72681  
is required to be licensed pursuant to Chapter 4749. of the 72682  
Revised Code, or would be required to be so licensed in performing 72683  
such services in this state, and also includes the services of 72684  
conducting polygraph examinations and of monitoring or overseeing 72685  
the activities on or in, or the condition of, the consumer's home, 72686  
business, or other facility by means of electronic or similar 72687  
monitoring devices. "Private investigation and security service" 72688  
does not include special duty services provided by off-duty police 72689  
officers, deputy sheriffs, and other peace officers regularly 72690  
employed by the state or a political subdivision. 72691

(FF) "Information services" means providing conversation, 72692  
giving consultation or advice, playing or making a voice or other 72693  
recording, making or keeping a record of the number of callers, 72694  
and any other service provided to a consumer by means of a nine 72695  
hundred telephone call, except when the nine hundred telephone 72696  
call is the means by which the consumer makes a contribution to a 72697  
recognized charity. 72698

(GG) "Research and development" means designing, creating, or 72699  
formulating new or enhanced products, equipment, or manufacturing 72700  
processes, and also means conducting scientific or technological 72701  
inquiry and experimentation in the physical sciences with the goal 72702  
of increasing scientific knowledge which may reveal the bases for 72703  
new or enhanced products, equipment, or manufacturing processes. 72704

(HH) "Qualified research and development equipment" means 72705

capitalized tangible personal property, and leased personal 72706  
property that would be capitalized if purchased, used by a person 72707  
primarily to perform research and development. Tangible personal 72708  
property primarily used in testing, as defined in division (A)(4) 72709  
of section 5739.011 of the Revised Code, or used for recording or 72710  
storing test results, is not qualified research and development 72711  
equipment unless such property is primarily used by the consumer 72712  
in testing the product, equipment, or manufacturing process being 72713  
created, designed, or formulated by the consumer in the research 72714  
and development activity or in recording or storing such test 72715  
results. 72716

(II) "Building maintenance and janitorial service" means 72717  
cleaning the interior or exterior of a building and any tangible 72718  
personal property located therein or thereon, including any 72719  
services incidental to such cleaning for which no separate charge 72720  
is made. However, "building maintenance and janitorial service" 72721  
does not include the providing of such service by a person who has 72722  
less than five thousand dollars in sales of such service during 72723  
the calendar year. As used in this division, "cleaning" does not 72724  
include sanitation services necessary for an establishment 72725  
described in 21 U.S.C. 608 to comply with rules and regulations 72726  
adopted pursuant to that section. 72727

(JJ) "Employment service" means providing or supplying 72728  
personnel, on a temporary or long-term basis, to perform work or 72729  
labor under the supervision or control of another, when the 72730  
personnel so provided or supplied receive their wages, salary, or 72731  
other compensation from the provider or supplier of the employment 72732  
service or from a third party that provided or supplied the 72733  
personnel to the provider or supplier. "Employment service" does 72734  
not include: 72735

(1) Acting as a contractor or subcontractor, where the 72736  
personnel performing the work are not under the direct control of 72737

the purchaser.	72738
(2) Medical and health care services.	72739
(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.	72740 72741 72742 72743
(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.	72744 72745
(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.	72746 72747 72748 72749 72750
(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.	72751 72752 72753
(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.	72754 72755 72756 72757 72758
(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.	72759 72760 72761 72762 72763 72764 72765
(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or	72766 72767

renewed, including initiation fees, membership dues, renewal fees, 72768  
monthly minimum fees, and other similar fees and dues, by a 72769  
recreation and sports club, which entitles the member to use the 72770  
facilities of the organization. "Recreation and sports club" means 72771  
an organization that has ownership of, or controls or leases on a 72772  
continuing, long-term basis, the facilities used by its members 72773  
and includes an aviation club, gun or shooting club, yacht club, 72774  
card club, swimming club, tennis club, golf club, country club, 72775  
riding club, amateur sports club, or similar organization. 72776

(OO) "Livestock" means farm animals commonly raised for food, 72777  
food production, or other agricultural purposes, including, but 72778  
not limited to, cattle, sheep, goats, swine, poultry, and captive 72779  
deer. "Livestock" does not include invertebrates, amphibians, 72780  
reptiles, domestic pets, animals for use in laboratories or for 72781  
exhibition, or other animals not commonly raised for food or food 72782  
production. 72783

(PP) "Livestock structure" means a building or structure used 72784  
exclusively for the housing, raising, feeding, or sheltering of 72785  
livestock, and includes feed storage or handling structures and 72786  
structures for livestock waste handling. 72787

(QQ) "Horticulture" means the growing, cultivation, and 72788  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 72789  
and nursery stock. As used in this division, "nursery stock" has 72790  
the same meaning as in section 927.51 of the Revised Code. 72791

(RR) "Horticulture structure" means a building or structure 72792  
used exclusively for the commercial growing, raising, or 72793  
overwintering of horticultural products, and includes the area 72794  
used for stocking, storing, and packing horticultural products 72795  
when done in conjunction with the production of those products. 72796

(SS) "Newspaper" means an unbound publication bearing a title 72797  
or name that is regularly published, at least as frequently as 72798

biweekly, and distributed from a fixed place of business to the 72799  
public in a specific geographic area, and that contains a 72800  
substantial amount of news matter of international, national, or 72801  
local events of interest to the general public. 72802

~~(TT) "Professional racing team" means a person that employs 72803  
at least twenty full-time employees for the purpose of conducting 72804  
a motor vehicle racing business for profit. The person must 72805  
conduct the business with the purpose of racing one or more motor 72806  
racing vehicles in at least ten competitive professional racing 72807  
events each year that comprise all or part of a motor racing 72808  
series sanctioned by one or more motor racing sanctioning 72809  
organizations. A "motor racing vehicle" means a vehicle for which 72810  
the chassis, engine, and parts are designed exclusively for motor 72811  
racing, and does not include a stock or production model vehicle 72812  
that may be modified for use in racing. For the purposes of this 72813  
division:~~ 72814

~~(1) A "competitive professional racing event" is a motor 72815  
vehicle racing event sanctioned by one or more motor racing 72816  
sanctioning organizations, at which aggregate cash prizes in 72817  
excess of eight hundred thousand dollars are awarded to the 72818  
competitors.~~ 72819

~~(2) "Full-time employee" means an individual who is employed 72820  
for consideration for thirty five or more hours a week, or who 72821  
renders any other standard of service generally accepted by custom 72822  
or specified by contract as full-time employment.~~ 72823

"Transportation network company" and "transportation network 72824  
company services" have the same meanings as in section 3942.01 of 72825  
the Revised Code. 72826

(UU)(1) "Lease" or "rental" means any transfer of the 72827  
possession or control of tangible personal property for a fixed or 72828  
indefinite term, for consideration. "Lease" or "rental" includes 72829

future options to purchase or extend, and agreements described in 72830  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 72831  
the amount of consideration may be increased or decreased by 72832  
reference to the amount realized upon the sale or disposition of 72833  
the property. "Lease" or "rental" does not include: 72834

(a) A transfer of possession or control of tangible personal 72835  
property under a security agreement or a deferred payment plan 72836  
that requires the transfer of title upon completion of the 72837  
required payments; 72838

(b) A transfer of possession or control of tangible personal 72839  
property under an agreement that requires the transfer of title 72840  
upon completion of required payments and payment of an option 72841  
price that does not exceed the greater of one hundred dollars or 72842  
one per cent of the total required payments; 72843

(c) Providing tangible personal property along with an 72844  
operator for a fixed or indefinite period of time, if the operator 72845  
is necessary for the property to perform as designed. For purposes 72846  
of this division, the operator must do more than maintain, 72847  
inspect, or set up the tangible personal property. 72848

(2) "Lease" and "rental," as defined in division (UU) of this 72849  
section, shall not apply to leases or rentals that exist before 72850  
June 26, 2003. 72851

(3) "Lease" and "rental" have the same meaning as in division 72852  
(UU)(1) of this section regardless of whether a transaction is 72853  
characterized as a lease or rental under generally accepted 72854  
accounting principles, the Internal Revenue Code, Title XIII of 72855  
the Revised Code, or other federal, state, or local laws. 72856

(VV) "Mobile telecommunications service" has the same meaning 72857  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 72858  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 72859  
on and after August 1, 2003, includes related fees and ancillary 72860

services, including universal service fees, detailed billing 72861  
service, directory assistance, service initiation, voice mail 72862  
service, and vertical services, such as caller ID and three-way 72863  
calling. 72864

(WW) "Certified service provider" has the same meaning as in 72865  
section 5740.01 of the Revised Code. 72866

(XX) "Satellite broadcasting service" means the distribution 72867  
or broadcasting of programming or services by satellite directly 72868  
to the subscriber's receiving equipment without the use of ground 72869  
receiving or distribution equipment, except the subscriber's 72870  
receiving equipment or equipment used in the uplink process to the 72871  
satellite, and includes all service and rental charges, premium 72872  
channels or other special services, installation and repair 72873  
service charges, and any other charges having any connection with 72874  
the provision of the satellite broadcasting service. 72875

(YY) "Tangible personal property" means personal property 72876  
that can be seen, weighed, measured, felt, or touched, or that is 72877  
in any other manner perceptible to the senses. For purposes of 72878  
this chapter and Chapter 5741. of the Revised Code, "tangible 72879  
personal property" includes motor vehicles, electricity, water, 72880  
gas, steam, and prewritten computer software. 72881

(ZZ) "Municipal gas utility" means a municipal corporation 72882  
that owns or operates a system for the distribution of natural 72883  
gas. 72884

(AAA) "Computer" means an electronic device that accepts 72885  
information in digital or similar form and manipulates it for a 72886  
result based on a sequence of instructions. 72887

(BBB) "Computer software" means a set of coded instructions 72888  
designed to cause a computer or automatic data processing 72889  
equipment to perform a task. 72890

(CCC) "Delivered electronically" means delivery of computer 72891

software from the seller to the purchaser by means other than 72892  
tangible storage media. 72893

(DDD) "Prewritten computer software" means computer software, 72894  
including prewritten upgrades, that is not designed and developed 72895  
by the author or other creator to the specifications of a specific 72896  
purchaser. The combining of two or more prewritten computer 72897  
software programs or prewritten portions thereof does not cause 72898  
the combination to be other than prewritten computer software. 72899  
"Prewritten computer software" includes software designed and 72900  
developed by the author or other creator to the specifications of 72901  
a specific purchaser when it is sold to a person other than the 72902  
purchaser. If a person modifies or enhances computer software of 72903  
which the person is not the author or creator, the person shall be 72904  
deemed to be the author or creator only of such person's 72905  
modifications or enhancements. Prewritten computer software or a 72906  
prewritten portion thereof that is modified or enhanced to any 72907  
degree, where such modification or enhancement is designed and 72908  
developed to the specifications of a specific purchaser, remains 72909  
prewritten computer software; provided, however, that where there 72910  
is a reasonable, separately stated charge or an invoice or other 72911  
statement of the price given to the purchaser for the modification 72912  
or enhancement, the modification or enhancement shall not 72913  
constitute prewritten computer software. 72914

(EEE)(1) "Food" means substances, whether in liquid, 72915  
concentrated, solid, frozen, dried, or dehydrated form, that are 72916  
sold for ingestion or chewing by humans and are consumed for their 72917  
taste or nutritional value. "Food" does not include alcoholic 72918  
beverages, dietary supplements, soft drinks, or tobacco. 72919

(2) As used in division (EEE)(1) of this section: 72920

(a) "Alcoholic beverages" means beverages that are suitable 72921  
for human consumption and contain one-half of one per cent or more 72922  
of alcohol by volume. 72923

(b) "Dietary supplements" means any product, other than 72924  
tobacco, that is intended to supplement the diet and that is 72925  
intended for ingestion in tablet, capsule, powder, softgel, 72926  
gelcap, or liquid form, or, if not intended for ingestion in such 72927  
a form, is not represented as conventional food for use as a sole 72928  
item of a meal or of the diet; that is required to be labeled as a 72929  
dietary supplement, identifiable by the "supplement facts" box 72930  
found on the label, as required by 21 C.F.R. 101.36; and that 72931  
contains one or more of the following dietary ingredients: 72932

(i) A vitamin; 72933

(ii) A mineral; 72934

(iii) An herb or other botanical; 72935

(iv) An amino acid; 72936

(v) A dietary substance for use by humans to supplement the 72937  
diet by increasing the total dietary intake; 72938

(vi) A concentrate, metabolite, constituent, extract, or 72939  
combination of any ingredient described in divisions 72940  
(EEE)(2)(b)(i) to (v) of this section. 72941

(c) "Soft drinks" means nonalcoholic beverages that contain 72942  
natural or artificial sweeteners. "Soft drinks" does not include 72943  
beverages that contain milk or milk products, soy, rice, or 72944  
similar milk substitutes, or that contains greater than fifty per 72945  
cent vegetable or fruit juice by volume. 72946

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 72947  
tobacco, or any other item that contains tobacco. 72948

(FFF) "Drug" means a compound, substance, or preparation, and 72949  
any component of a compound, substance, or preparation, other than 72950  
food, dietary supplements, or alcoholic beverages that is 72951  
recognized in the official United States pharmacopoeia, official 72952  
homeopathic pharmacopoeia of the United States, or official 72953

national formulary, and supplements to them; is intended for use 72954  
in the diagnosis, cure, mitigation, treatment, or prevention of 72955  
disease; or is intended to affect the structure or any function of 72956  
the body. 72957

(GGG) "Prescription" means an order, formula, or recipe 72958  
issued in any form of oral, written, electronic, or other means of 72959  
transmission by a duly licensed practitioner authorized by the 72960  
laws of this state to issue a prescription. 72961

(HHH) "Durable medical equipment" means equipment, including 72962  
repair and replacement parts for such equipment, that can 72963  
withstand repeated use, is primarily and customarily used to serve 72964  
a medical purpose, generally is not useful to a person in the 72965  
absence of illness or injury, and is not worn in or on the body. 72966  
"Durable medical equipment" does not include mobility enhancing 72967  
equipment. 72968

(III) "Mobility enhancing equipment" means equipment, 72969  
including repair and replacement parts for such equipment, that is 72970  
primarily and customarily used to provide or increase the ability 72971  
to move from one place to another and is appropriate for use 72972  
either in a home or a motor vehicle, that is not generally used by 72973  
persons with normal mobility, and that does not include any motor 72974  
vehicle or equipment on a motor vehicle normally provided by a 72975  
motor vehicle manufacturer. "Mobility enhancing equipment" does 72976  
not include durable medical equipment. 72977

(JJJ) "Prosthetic device" means a replacement, corrective, or 72978  
supportive device, including repair and replacement parts for the 72979  
device, worn on or in the human body to artificially replace a 72980  
missing portion of the body, prevent or correct physical deformity 72981  
or malfunction, or support a weak or deformed portion of the body. 72982  
As used in this division, before July 1, 2019, "prosthetic device" 72983  
does not include corrective eyeglasses, contact lenses, or dental 72984  
prosthesis. On or after July 1, 2019, "prosthetic device" does not 72985

include dental prosthesis but does include corrective eyeglasses 72986  
or contact lenses. 72987

(KKK)(1) "Fractional aircraft ownership program" means a 72988  
program in which persons within an affiliated group sell and 72989  
manage fractional ownership program aircraft, provided that at 72990  
least one hundred airworthy aircraft are operated in the program 72991  
and the program meets all of the following criteria: 72992

(a) Management services are provided by at least one program 72993  
manager within an affiliated group on behalf of the fractional 72994  
owners. 72995

(b) Each program aircraft is owned or possessed by at least 72996  
one fractional owner. 72997

(c) Each fractional owner owns or possesses at least a 72998  
one-sixteenth interest in at least one fixed-wing program 72999  
aircraft. 73000

(d) A dry-lease aircraft interchange arrangement is in effect 73001  
among all of the fractional owners. 73002

(e) Multi-year program agreements are in effect regarding the 73003  
fractional ownership, management services, and dry-lease aircraft 73004  
interchange arrangement aspects of the program. 73005

(2) As used in division (KKK)(1) of this section: 73006

(a) "Affiliated group" has the same meaning as in division 73007  
(B)(3)(e) of this section. 73008

(b) "Fractional owner" means a person that owns or possesses 73009  
at least a one-sixteenth interest in a program aircraft and has 73010  
entered into the agreements described in division (KKK)(1)(e) of 73011  
this section. 73012

(c) "Fractional ownership program aircraft" or "program 73013  
aircraft" means a turbojet aircraft that is owned or possessed by 73014  
a fractional owner and that has been included in a dry-lease 73015

aircraft interchange arrangement and agreement under divisions 73016  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 73017  
manager owns or possesses primarily for use in a fractional 73018  
aircraft ownership program. 73019

(d) "Management services" means administrative and aviation 73020  
support services furnished under a fractional aircraft ownership 73021  
program in accordance with a management services agreement under 73022  
division (KKK)(1)(e) of this section, and offered by the program 73023  
manager to the fractional owners, including, at a minimum, the 73024  
establishment and implementation of safety guidelines; the 73025  
coordination of the scheduling of the program aircraft and crews; 73026  
program aircraft maintenance; program aircraft insurance; crew 73027  
training for crews employed, furnished, or contracted by the 73028  
program manager or the fractional owner; the satisfaction of 73029  
record-keeping requirements; and the development and use of an 73030  
operations manual and a maintenance manual for the fractional 73031  
aircraft ownership program. 73032

(e) "Program manager" means the person that offers management 73033  
services to fractional owners pursuant to a management services 73034  
agreement under division (KKK)(1)(e) of this section. 73035

(LLL) "Electronic publishing" means providing access to one 73036  
or more of the following primarily for business customers, 73037  
including the federal government or a state government or a 73038  
political subdivision thereof, to conduct research: news; 73039  
business, financial, legal, consumer, or credit materials; 73040  
editorials, columns, reader commentary, or features; photos or 73041  
images; archival or research material; legal notices, identity 73042  
verification, or public records; scientific, educational, 73043  
instructional, technical, professional, trade, or other literary 73044  
materials; or other similar information which has been gathered 73045  
and made available by the provider to the consumer in an 73046  
electronic format. Providing electronic publishing includes the 73047

functions necessary for the acquisition, formatting, editing, 73048  
storage, and dissemination of data or information that is the 73049  
subject of a sale. 73050

(MMM) "Medicaid health insuring corporation" means a health 73051  
insuring corporation that holds a certificate of authority under 73052  
Chapter 1751. of the Revised Code and is under contract with the 73053  
department of medicaid pursuant to section 5167.10 of the Revised 73054  
Code. 73055

(NNN) "Managed care premium" means any premium, capitation, 73056  
or other payment a medicaid health insuring corporation receives 73057  
for providing or arranging for the provision of health care 73058  
services to its members or enrollees residing in this state. 73059

(OOO) "Captive deer" means deer and other cervidae that have 73060  
been legally acquired, or their offspring, that are privately 73061  
owned for agricultural or farming purposes. 73062

(PPP) "Gift card" means a document, card, certificate, or 73063  
other record, whether tangible or intangible, that may be redeemed 73064  
by a consumer for a dollar value when making a purchase of 73065  
tangible personal property or services. 73066

(QQQ) "Specified digital product" means an electronically 73067  
transferred digital audiovisual work, digital audio work, or 73068  
digital book. 73069

As used in division (QQQ) of this section: 73070

(1) "Digital audiovisual work" means a series of related 73071  
images that, when shown in succession, impart an impression of 73072  
motion, together with accompanying sounds, if any. 73073

(2) "Digital audio work" means a work that results from the 73074  
fixation of a series of musical, spoken, or other sounds, 73075  
including digitized sound files that are downloaded onto a device 73076  
and that may be used to alert the customer with respect to a 73077

communication.	73078
(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.	73079 73080
(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.	73081 73082
(RRR) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.	73083 73084 73085 73086 73087 73088 73089
<u>(SSS) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.</u>	73090 73091
<b>Sec. 5739.011.</b> (A) As used in this section:	73092
(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B)(12) of this section, a person who meets all the qualifications of that division.	73093 73094 73095 73096 73097
(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer.	73098 73099 73100 73101
(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form.	73102 73103 73104 73105
(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product.	73106 73107

(5) "Completed product" means a manufactured item that is in the form and condition as it will be sold by the manufacturer. An item is completed when all processes that change or alter its state or form or enhance its value are finished, even though the item subsequently will be tested to ensure its quality or be packaged for storage or shipment.

(6) "Continuous manufacturing operation" means the process in which raw materials or components are moved through the steps whereby manufacturing occurs. Materials handling of raw materials or parts from the point of receipt or preproduction storage or of a completed product, to or from storage, to or from packaging, or to the place from which the completed product will be shipped, is not a part of a continuous manufacturing operation.

(7) "Food" has the same meaning as in section 3717.01 of the Revised Code.

(B) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" includes, but is not limited to, any of the following:

(1) Production machinery and equipment that act upon the product or machinery and equipment that treat the materials or parts in preparation for the manufacturing operation;

(2) Materials handling equipment that moves the product through a continuous manufacturing operation; equipment that temporarily stores the product during the manufacturing operation; or, excluding motor vehicles licensed to operate on public highways, equipment used in intraplant or interplant transfers of work in process where the plant or plants between which such transfers occur are manufacturing facilities operated by the same person;

(3) Catalysts, solvents, water, acids, oil, and similar consumables that interact with the product and that are an

integral part of the manufacturing operation;	73139
(4) Machinery, equipment, and other tangible personal property used during the manufacturing operation that control, physically support, produce power for, lubricate, or are otherwise necessary for the functioning of production machinery and equipment and the continuation of the manufacturing operation;	73140 73141 73142 73143 73144
(5) Machinery, equipment, fuel, power, material, parts, and other tangible personal property used to manufacture machinery, equipment, or other tangible personal property used in manufacturing a product for sale;	73145 73146 73147 73148
(6) Machinery, equipment, and other tangible personal property used by a manufacturer to test raw materials, the product being manufactured, or the completed product;	73149 73150 73151
(7) Machinery and equipment used to handle or temporarily store scrap that is intended to be reused in the manufacturing operation at the same manufacturing facility;	73152 73153 73154
(8) Coke, gas, water, steam, and similar substances used in the manufacturing operation; machinery and equipment used for, and fuel consumed in, producing or extracting those substances; machinery, equipment, and other tangible personal property used to treat, filter, pump, or otherwise make the substance suitable for use in the manufacturing operation; and machinery and equipment used for, and fuel consumed in, producing electricity for use in the manufacturing operation;	73155 73156 73157 73158 73159 73160 73161 73162
(9) Machinery, equipment, and other tangible personal property used to transport or transmit electricity, coke, gas, water, steam, or similar substances used in the manufacturing operation from the point of generation, if produced by the manufacturer, or from the point where the substance enters the manufacturing facility, if purchased by the manufacturer, to the manufacturing operation;	73163 73164 73165 73166 73167 73168 73169

(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;

(11) Parts, components, and repair and installation services for items described in division (B) of this section;

(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing soil, dirt, or other contaminants from, or otherwise preparing in a suitable condition for use, towels, linens, articles of clothing, floor mats, mop heads, or other similar items, to be supplied to a consumer as part of laundry and dry cleaning services as defined in division (BB) of section 5739.01 of the Revised Code, only when the towels, linens, articles of clothing, floor mats, mop heads, or other similar items belong to the provider of the services;

(13) Equipment and supplies used to clean processing equipment that is part of a continuous manufacturing operation to produce ~~milk, ice cream, yogurt, cheese, and similar dairy products~~ food for human consumption.

(C) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" does not include any of the following:

(1) Tangible personal property used in administrative, personnel, security, inventory control, record-keeping, ordering, billing, or similar functions;

(2) Tangible personal property used in storing raw materials or parts prior to the commencement of the manufacturing operation

or used to handle or store a completed product, including storage	73201
that actively maintains a completed product in a marketable state	73202
or form;	73203
(3) Tangible personal property used to handle or store scrap	73204
or waste intended for disposal, sale, or other disposition, other	73205
than reuse in the manufacturing operation at the same	73206
manufacturing facility;	73207
(4) Tangible personal property that is or is to be	73208
incorporated into realty;	73209
(5) Machinery, equipment, and other tangible personal	73210
property used for ventilation, dust or gas collection, humidity or	73211
temperature regulation, or similar environmental control, except	73212
machinery, equipment, and other tangible personal property that	73213
totally regulates the environment in a special and limited area of	73214
the manufacturing facility where the regulation is essential for	73215
production to occur;	73216
(6) Tangible personal property used for the protection and	73217
safety of workers, unless the property is attached to or	73218
incorporated into machinery and equipment used in a continuous	73219
manufacturing operation;	73220
(7) Tangible personal property used to store fuel, water,	73221
solvents, acid, oil, or similar items consumed in the	73222
manufacturing operation;	73223
(8) Except as provided in division (B)(13) of this section,	73224
machinery, equipment, and other tangible personal property used to	73225
clean, repair, or maintain real or personal property in the	73226
manufacturing facility;	73227
(9) Motor vehicles registered for operation on public	73228
highways.	73229
(D) For purposes of division (B)(42)(g) of section 5739.02 of	73230

the Revised Code, if the "thing transferred" is a machine used by 73231  
a manufacturer in both a taxable and an exempt manner, it shall be 73232  
totally taxable or totally exempt from taxation based upon its 73233  
quantified primary use. If the "things transferred" are fungibles, 73234  
they shall be taxed based upon the proportion of the fungibles 73235  
used in a taxable manner. 73236

**Sec. 5739.02.** For the purpose of providing revenue with which 73237  
to meet the needs of the state, for the use of the general revenue 73238  
fund of the state, for the purpose of securing a thorough and 73239  
efficient system of common schools throughout the state, for the 73240  
purpose of affording revenues, in addition to those from general 73241  
property taxes, permitted under constitutional limitations, and 73242  
from other sources, for the support of local governmental 73243  
functions, and for the purpose of reimbursing the state for the 73244  
expense of administering this chapter, an excise tax is hereby 73245  
levied on each retail sale made in this state. 73246

(A)(1) The tax shall be collected as provided in section 73247  
5739.025 of the Revised Code. The rate of the tax shall be five 73248  
and three-fourths per cent. The tax applies and is collectible 73249  
when the sale is made, regardless of the time when the price is 73250  
paid or delivered. 73251

(2) In the case of the lease or rental, with a fixed term of 73252  
more than thirty days or an indefinite term with a minimum period 73253  
of more than thirty days, of any motor vehicles designed by the 73254  
manufacturer to carry a load of not more than one ton, watercraft, 73255  
outboard motor, or aircraft, or of any tangible personal property, 73256  
other than motor vehicles designed by the manufacturer to carry a 73257  
load of more than one ton, to be used by the lessee or renter 73258  
primarily for business purposes, the tax shall be collected by the 73259  
vendor at the time the lease or rental is consummated and shall be 73260  
calculated by the vendor on the basis of the total amount to be 73261

paid by the lessee or renter under the lease agreement. If the 73262  
total amount of the consideration for the lease or rental includes 73263  
amounts that are not calculated at the time the lease or rental is 73264  
executed, the tax shall be calculated and collected by the vendor 73265  
at the time such amounts are billed to the lessee or renter. In 73266  
the case of an open-end lease or rental, the tax shall be 73267  
calculated by the vendor on the basis of the total amount to be 73268  
paid during the initial fixed term of the lease or rental, and for 73269  
each subsequent renewal period as it comes due. As used in this 73270  
division, "motor vehicle" has the same meaning as in section 73271  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 73272  
unit attached to the watercraft. 73273

A lease with a renewal clause and a termination penalty or 73274  
similar provision that applies if the renewal clause is not 73275  
exercised is presumed to be a sham transaction. In such a case, 73276  
the tax shall be calculated and paid on the basis of the entire 73277  
length of the lease period, including any renewal periods, until 73278  
the termination penalty or similar provision no longer applies. 73279  
The taxpayer shall bear the burden, by a preponderance of the 73280  
evidence, that the transaction or series of transactions is not a 73281  
sham transaction. 73282

(3) Except as provided in division (A)(2) of this section, in 73283  
the case of a sale, the price of which consists in whole or in 73284  
part of the lease or rental of tangible personal property, the tax 73285  
shall be measured by the installments of that lease or rental. 73286

(4) In the case of a sale of a physical fitness facility 73287  
service or recreation and sports club service, the price of which 73288  
consists in whole or in part of a membership for the receipt of 73289  
the benefit of the service, the tax applicable to the sale shall 73290  
be measured by the installments thereof. 73291

(B) The tax does not apply to the following: 73292

(1) Sales to the state or any of its political subdivisions,	73293
or to any other state or its political subdivisions if the laws of	73294
that state exempt from taxation sales made to this state and its	73295
political subdivisions;	73296
(2) Sales of food for human consumption off the premises	73297
where sold;	73298
(3) Sales of food sold to students only in a cafeteria,	73299
dormitory, fraternity, or sorority maintained in a private,	73300
public, or parochial school, college, or university;	73301
(4) Sales of newspapers and sales or transfers of magazines	73302
distributed as controlled circulation publications;	73303
(5) The furnishing, preparing, or serving of meals without	73304
charge by an employer to an employee provided the employer records	73305
the meals as part compensation for services performed or work	73306
done;	73307
(6)(a) Sales of motor fuel upon receipt, use, distribution,	73308
or sale of which in this state a tax is imposed by the law of this	73309
state, but this exemption shall not apply to the sale of motor	73310
fuel on which a refund of the tax is allowable under division (A)	73311
of section 5735.14 of the Revised Code; and the tax commissioner	73312
may deduct the amount of tax levied by this section applicable to	73313
the price of motor fuel when granting a refund of motor fuel tax	73314
pursuant to division (A) of section 5735.14 of the Revised Code	73315
and shall cause the amount deducted to be paid into the general	73316
revenue fund of this state;	73317
(b) Sales of motor fuel other than that described in division	73318
(B)(6)(a) of this section and used for powering a refrigeration	73319
unit on a vehicle other than one used primarily to provide comfort	73320
to the operator or occupants of the vehicle.	73321
(7) Sales of natural gas by a natural gas company or	73322
municipal gas utility, of water by a water-works company, or of	73323

steam by a heating company, if in each case the thing sold is 73324  
delivered to consumers through pipes or conduits, and all sales of 73325  
communications services by a telegraph company, all terms as 73326  
defined in section 5727.01 of the Revised Code, and sales of 73327  
electricity delivered through wires; 73328

(8) Casual sales by a person, or auctioneer employed directly 73329  
by the person to conduct such sales, except as to such sales of 73330  
motor vehicles, watercraft or outboard motors required to be 73331  
titled under section 1548.06 of the Revised Code, watercraft 73332  
documented with the United States coast guard, snowmobiles, and 73333  
all-purpose vehicles as defined in section 4519.01 of the Revised 73334  
Code; 73335

(9)(a) Sales of services or tangible personal property, other 73336  
than motor vehicles, mobile homes, and manufactured homes, by 73337  
churches, organizations exempt from taxation under section 73338  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 73339  
organizations operated exclusively for charitable purposes as 73340  
defined in division (B)(12) of this section, provided that the 73341  
number of days on which such tangible personal property or 73342  
services, other than items never subject to the tax, are sold does 73343  
not exceed six in any calendar year, except as otherwise provided 73344  
in division (B)(9)(b) of this section. If the number of days on 73345  
which such sales are made exceeds six in any calendar year, the 73346  
church or organization shall be considered to be engaged in 73347  
business and all subsequent sales by it shall be subject to the 73348  
tax. In counting the number of days, all sales by groups within a 73349  
church or within an organization shall be considered to be sales 73350  
of that church or organization. 73351

(b) The limitation on the number of days on which tax-exempt 73352  
sales may be made by a church or organization under division 73353  
(B)(9)(a) of this section does not apply to sales made by student 73354  
clubs and other groups of students of a primary or secondary 73355

school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised

Code; the operation of a radio or television broadcasting station 73387  
that is licensed by the federal communications commission as a 73388  
noncommercial educational radio or television station; the 73389  
operation of a nonprofit animal adoption service or a county 73390  
humane society; the promotion of education by an institution of 73391  
learning that maintains a faculty of qualified instructors, 73392  
teaches regular continuous courses of study, and confers a 73393  
recognized diploma upon completion of a specific curriculum; the 73394  
operation of a parent-teacher association, booster group, or 73395  
similar organization primarily engaged in the promotion and 73396  
support of the curricular or extracurricular activities of a 73397  
primary or secondary school; the operation of a community or area 73398  
center in which presentations in music, dramatics, the arts, and 73399  
related fields are made in order to foster public interest and 73400  
education therein; the production of performances in music, 73401  
dramatics, and the arts; or the promotion of education by an 73402  
organization engaged in carrying on research in, or the 73403  
dissemination of, scientific and technological knowledge and 73404  
information primarily for the public. 73405

Nothing in this division shall be deemed to exempt sales to 73406  
any organization for use in the operation or carrying on of a 73407  
trade or business, or sales to a home for the aged for use in the 73408  
operation of independent living facilities as defined in division 73409  
(A) of section 5709.12 of the Revised Code. 73410

(13) Building and construction materials and services sold to 73411  
construction contractors for incorporation into a structure or 73412  
improvement to real property under a construction contract with 73413  
this state or a political subdivision of this state, or with the 73414  
United States government or any of its agencies; building and 73415  
construction materials and services sold to construction 73416  
contractors for incorporation into a structure or improvement to 73417  
real property that are accepted for ownership by this state or any 73418

of its political subdivisions, or by the United States government 73419  
or any of its agencies at the time of completion of the structures 73420  
or improvements; building and construction materials sold to 73421  
construction contractors for incorporation into a horticulture 73422  
structure or livestock structure for a person engaged in the 73423  
business of horticulture or producing livestock; building 73424  
materials and services sold to a construction contractor for 73425  
incorporation into a house of public worship or religious 73426  
education, or a building used exclusively for charitable purposes 73427  
under a construction contract with an organization whose purpose 73428  
is as described in division (B)(12) of this section; building 73429  
materials and services sold to a construction contractor for 73430  
incorporation into a building under a construction contract with 73431  
an organization exempt from taxation under section 501(c)(3) of 73432  
the Internal Revenue Code of 1986 when the building is to be used 73433  
exclusively for the organization's exempt purposes; building and 73434  
construction materials sold for incorporation into the original 73435  
construction of a sports facility under section 307.696 of the 73436  
Revised Code; building and construction materials and services 73437  
sold to a construction contractor for incorporation into real 73438  
property outside this state if such materials and services, when 73439  
sold to a construction contractor in the state in which the real 73440  
property is located for incorporation into real property in that 73441  
state, would be exempt from a tax on sales levied by that state; 73442  
building and construction materials for incorporation into a 73443  
transportation facility pursuant to a public-private agreement 73444  
entered into under sections 5501.70 to 5501.83 of the Revised 73445  
Code; and, until one calendar year after the construction of a 73446  
convention center that qualifies for property tax exemption under 73447  
section 5709.084 of the Revised Code is completed, building and 73448  
construction materials and services sold to a construction 73449  
contractor for incorporation into the real property comprising 73450  
that convention center; 73451

(14) Sales of ships or vessels or rail rolling stock used or 73452  
to be used principally in interstate or foreign commerce, and 73453  
repairs, alterations, fuel, and lubricants for such ships or 73454  
vessels or rail rolling stock; 73455

(15) Sales to persons primarily engaged in any of the 73456  
activities mentioned in division (B)(42)(a), (g), or (h) of this 73457  
section, to persons engaged in making retail sales, or to persons 73458  
who purchase for sale from a manufacturer tangible personal 73459  
property that was produced by the manufacturer in accordance with 73460  
specific designs provided by the purchaser, of packages, including 73461  
material, labels, and parts for packages, and of machinery, 73462  
equipment, and material for use primarily in packaging tangible 73463  
personal property produced for sale, including any machinery, 73464  
equipment, and supplies used to make labels or packages, to 73465  
prepare packages or products for labeling, or to label packages or 73466  
products, by or on the order of the person doing the packaging, or 73467  
sold at retail. "Packages" includes bags, baskets, cartons, 73468  
crates, boxes, cans, bottles, bindings, wrappings, and other 73469  
similar devices and containers, but does not include motor 73470  
vehicles or bulk tanks, trailers, or similar devices attached to 73471  
motor vehicles. "Packaging" means placing in a package. Division 73472  
(B)(15) of this section does not apply to persons engaged in 73473  
highway transportation for hire. 73474

(16) Sales of food to persons using supplemental nutrition 73475  
assistance program benefits to purchase the food. As used in this 73476  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 73477  
federal regulations adopted pursuant to the Food and Nutrition Act 73478  
of 2008. 73479

(17) Sales to persons engaged in farming, agriculture, 73480  
horticulture, or floriculture, of tangible personal property for 73481  
use or consumption primarily in the production by farming, 73482  
agriculture, horticulture, or floriculture of other tangible 73483

personal property for use or consumption primarily in the 73484  
production of tangible personal property for sale by farming, 73485  
agriculture, horticulture, or floriculture; or material and parts 73486  
for incorporation into any such tangible personal property for use 73487  
or consumption in production; and of tangible personal property 73488  
for such use or consumption in the conditioning or holding of 73489  
products produced by and for such use, consumption, or sale by 73490  
persons engaged in farming, agriculture, horticulture, or 73491  
floriculture, except where such property is incorporated into real 73492  
property; 73493

(18) Sales of drugs for a human being that may be dispensed 73494  
only pursuant to a prescription; insulin as recognized in the 73495  
official United States pharmacopoeia; urine and blood testing 73496  
materials when used by diabetics or persons with hypoglycemia to 73497  
test for glucose or acetone; hypodermic syringes and needles when 73498  
used by diabetics for insulin injections; epoetin alfa when 73499  
purchased for use in the treatment of persons with medical 73500  
disease; hospital beds when purchased by hospitals, nursing homes, 73501  
or other medical facilities; and medical oxygen and medical 73502  
oxygen-dispensing equipment when purchased by hospitals, nursing 73503  
homes, or other medical facilities; 73504

(19) Sales of prosthetic devices, durable medical equipment 73505  
for home use, or mobility enhancing equipment, when made pursuant 73506  
to a prescription and when such devices or equipment are for use 73507  
by a human being. 73508

(20) Sales of emergency and fire protection vehicles and 73509  
equipment to nonprofit organizations for use solely in providing 73510  
fire protection and emergency services, including trauma care and 73511  
emergency medical services, for political subdivisions of the 73512  
state; 73513

(21) Sales of tangible personal property manufactured in this 73514  
state, if sold by the manufacturer in this state to a retailer for 73515

use in the retail business of the retailer outside of this state 73516  
and if possession is taken from the manufacturer by the purchaser 73517  
within this state for the sole purpose of immediately removing the 73518  
same from this state in a vehicle owned by the purchaser; 73519

(22) Sales of services provided by the state or any of its 73520  
political subdivisions, agencies, instrumentalities, institutions, 73521  
or authorities, or by governmental entities of the state or any of 73522  
its political subdivisions, agencies, instrumentalities, 73523  
institutions, or authorities; 73524

(23) Sales of motor vehicles to nonresidents of this state 73525  
under the circumstances described in division (B) of section 73526  
5739.029 of the Revised Code; 73527

(24) Sales to persons engaged in the preparation of eggs for 73528  
sale of tangible personal property used or consumed directly in 73529  
such preparation, including such tangible personal property used 73530  
for cleaning, sanitizing, preserving, grading, sorting, and 73531  
classifying by size; packages, including material and parts for 73532  
packages, and machinery, equipment, and material for use in 73533  
packaging eggs for sale; and handling and transportation equipment 73534  
and parts therefor, except motor vehicles licensed to operate on 73535  
public highways, used in intraplant or interplant transfers or 73536  
shipment of eggs in the process of preparation for sale, when the 73537  
plant or plants within or between which such transfers or 73538  
shipments occur are operated by the same person. "Packages" 73539  
includes containers, cases, baskets, flats, fillers, filler flats, 73540  
cartons, closure materials, labels, and labeling materials, and 73541  
"packaging" means placing therein. 73542

(25)(a) Sales of water to a consumer for residential use; 73543

(b) Sales of water by a nonprofit corporation engaged 73544  
exclusively in the treatment, distribution, and sale of water to 73545  
consumers, if such water is delivered to consumers through pipes 73546

or tubing.	73547
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	73548 73549
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	73550 73551 73552 73553
(a) To prepare food for human consumption for sale;	73554
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	73555 73556 73557 73558
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	73559 73560
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	73561 73562
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	73563 73564 73565 73566
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	73567 73568 73569
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	73570 73571 73572
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation	73573 73574 73575 73576

for hire, except for packages and packaging used for the 73577  
transportation of tangible personal property; 73578

(33) Sales to the state headquarters of any veterans' 73579  
organization in this state that is either incorporated and issued 73580  
a charter by the congress of the United States or is recognized by 73581  
the United States veterans administration, for use by the 73582  
headquarters; 73583

(34) Sales to a telecommunications service vendor, mobile 73584  
telecommunications service vendor, or satellite broadcasting 73585  
service vendor of tangible personal property and services used 73586  
directly and primarily in transmitting, receiving, switching, or 73587  
recording any interactive, one- or two-way electromagnetic 73588  
communications, including voice, image, data, and information, 73589  
through the use of any medium, including, but not limited to, 73590  
poles, wires, cables, switching equipment, computers, and record 73591  
storage devices and media, and component parts for the tangible 73592  
personal property. The exemption provided in this division shall 73593  
be in lieu of all other exemptions under division (B)(42)(a) or 73594  
(n) of this section to which the vendor may otherwise be entitled, 73595  
based upon the use of the thing purchased in providing the 73596  
telecommunications, mobile telecommunications, or satellite 73597  
broadcasting service. 73598

(35)(a) Sales where the purpose of the consumer is to use or 73599  
consume the things transferred in making retail sales and 73600  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 73601  
certificates, or other advertising material that prices and 73602  
describes tangible personal property offered for retail sale. 73603

(b) Sales to direct marketing vendors of preliminary 73604  
materials such as photographs, artwork, and typesetting that will 73605  
be used in printing advertising material; and of printed matter 73606  
that offers free merchandise or chances to win sweepstake prizes 73607  
and that is mailed to potential customers with advertising 73608

material described in division (B)(35)(a) of this section;	73609
(c) Sales of equipment such as telephones, computers,	73610
facsimile machines, and similar tangible personal property	73611
primarily used to accept orders for direct marketing retail sales.	73612
(d) Sales of automatic food vending machines that preserve	73613
food with a shelf life of forty-five days or less by refrigeration	73614
and dispense it to the consumer.	73615
For purposes of division (B)(35) of this section, "direct	73616
marketing" means the method of selling where consumers order	73617
tangible personal property by United States mail, delivery	73618
service, or telecommunication and the vendor delivers or ships the	73619
tangible personal property sold to the consumer from a warehouse,	73620
catalogue distribution center, or similar fulfillment facility by	73621
means of the United States mail, delivery service, or common	73622
carrier.	73623
(36) Sales to a person engaged in the business of	73624
horticulture or producing livestock of materials to be	73625
incorporated into a horticulture structure or livestock structure;	73626
(37) Sales of personal computers, computer monitors, computer	73627
keyboards, modems, and other peripheral computer equipment to an	73628
individual who is licensed or certified to teach in an elementary	73629
or a secondary school in this state for use by that individual in	73630
preparation for teaching elementary or secondary school students;	73631
(38) <del>Sales to a professional racing team of any of the</del>	73632
<del>following:</del>	73633
<del>(a) Motor racing vehicles;</del>	73634
<del>(b) Repair services for motor racing vehicles;</del>	73635
<del>(c) Items of property that are attached to or incorporated in</del>	73636
<del>motor racing vehicles, including engines, chassis, and all other</del>	73637
<del>components of the vehicles, and all spare, replacement, and</del>	73638

~~rebuilt parts or components of the vehicles; except not including~~ 73639  
~~tires, consumable fluids, paint, and accessories consisting of~~ 73640  
~~instrumentation sensors and related items added to the vehicle to~~ 73641  
~~collect and transmit data by means of telemetry and other forms of~~ 73642  
~~communication. Sales of tangible personal property that is not~~ 73643  
~~required to be registered or licensed under the laws of this state~~ 73644  
~~to a citizen of a foreign nation that is not a citizen of the~~ 73645  
~~United States, provided the property is delivered to a person in~~ 73646  
~~this state that is not a related member of the purchaser, is~~ 73647  
~~physically present in this state for the sole purpose of temporary~~ 73648  
~~storage and package consolidation, and is subsequently delivered~~ 73649  
~~to the purchaser at a delivery address in a foreign nation. As~~ 73650  
~~used in division (B)(38) of this section, "related member" has the~~ 73651  
~~same meaning as in section 5733.042 of the Revised Code, and~~ 73652  
~~"temporary storage" means the storage of tangible personal~~ 73653  
~~property for a period of not more than sixty days.~~ 73654

(39) Sales of used manufactured homes and used mobile homes, 73655  
as defined in section 5739.0210 of the Revised Code, made on or 73656  
after January 1, 2000; 73657

(40) Sales of tangible personal property and services to a 73658  
provider of electricity used or consumed directly and primarily in 73659  
generating, transmitting, or distributing electricity for use by 73660  
others, including property that is or is to be incorporated into 73661  
and will become a part of the consumer's production, transmission, 73662  
or distribution system and that retains its classification as 73663  
tangible personal property after incorporation; fuel or power used 73664  
in the production, transmission, or distribution of electricity; 73665  
energy conversion equipment as defined in section 5727.01 of the 73666  
Revised Code; and tangible personal property and services used in 73667  
the repair and maintenance of the production, transmission, or 73668  
distribution system, including only those motor vehicles as are 73669  
specially designed and equipped for such use. The exemption 73670

provided in this division shall be in lieu of all other exemptions 73671  
in division (B)(42)(a) or (n) of this section to which a provider 73672  
of electricity may otherwise be entitled based on the use of the 73673  
tangible personal property or service purchased in generating, 73674  
transmitting, or distributing electricity. 73675

(41) Sales to a person providing services under division 73676  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 73677  
personal property and services used directly and primarily in 73678  
providing taxable services under that section. 73679

(42) Sales where the purpose of the purchaser is to do any of 73680  
the following: 73681

(a) To incorporate the thing transferred as a material or a 73682  
part into tangible personal property to be produced for sale by 73683  
manufacturing, assembling, processing, or refining; or to use or 73684  
consume the thing transferred directly in producing tangible 73685  
personal property for sale by mining, including, without 73686  
limitation, the extraction from the earth of all substances that 73687  
are classed geologically as minerals, or directly in the rendition 73688  
of a public utility service, except that the sales tax levied by 73689  
this section shall be collected upon all meals, drinks, and food 73690  
for human consumption sold when transporting persons. This 73691  
paragraph does not exempt from "retail sale" or "sales at retail" 73692  
the sale of tangible personal property that is to be incorporated 73693  
into a structure or improvement to real property. 73694

(b) To hold the thing transferred as security for the 73695  
performance of an obligation of the vendor; 73696

(c) To resell, hold, use, or consume the thing transferred as 73697  
evidence of a contract of insurance; 73698

(d) To use or consume the thing directly in commercial 73699  
fishing; 73700

(e) To incorporate the thing transferred as a material or a 73701

part into, or to use or consume the thing transferred directly in 73702  
the production of, magazines distributed as controlled circulation 73703  
publications; 73704

(f) To use or consume the thing transferred in the production 73705  
and preparation in suitable condition for market and sale of 73706  
printed, imprinted, overprinted, lithographic, multilithic, 73707  
blueprinted, photostatic, or other productions or reproductions of 73708  
written or graphic matter; 73709

(g) To use the thing transferred, as described in section 73710  
5739.011 of the Revised Code, primarily in a manufacturing 73711  
operation to produce tangible personal property for sale; 73712

(h) To use the benefit of a warranty, maintenance or service 73713  
contract, or similar agreement, as described in division (B)(7) of 73714  
section 5739.01 of the Revised Code, to repair or maintain 73715  
tangible personal property, if all of the property that is the 73716  
subject of the warranty, contract, or agreement would not be 73717  
subject to the tax imposed by this section; 73718

(i) To use the thing transferred as qualified research and 73719  
development equipment; 73720

(j) To use or consume the thing transferred primarily in 73721  
storing, transporting, mailing, or otherwise handling purchased 73722  
sales inventory in a warehouse, distribution center, or similar 73723  
facility when the inventory is primarily distributed outside this 73724  
state to retail stores of the person who owns or controls the 73725  
warehouse, distribution center, or similar facility, to retail 73726  
stores of an affiliated group of which that person is a member, or 73727  
by means of direct marketing. This division does not apply to 73728  
motor vehicles registered for operation on the public highways. As 73729  
used in this division, "affiliated group" has the same meaning as 73730  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 73731  
"direct marketing" has the same meaning as in division (B)(35) of 73732

this section. 73733

(k) To use or consume the thing transferred to fulfill a 73734  
contractual obligation incurred by a warrantor pursuant to a 73735  
warranty provided as a part of the price of the tangible personal 73736  
property sold or by a vendor of a warranty, maintenance or service 73737  
contract, or similar agreement the provision of which is defined 73738  
as a sale under division (B)(7) of section 5739.01 of the Revised 73739  
Code; 73740

(l) To use or consume the thing transferred in the production 73741  
of a newspaper for distribution to the public; 73742

(m) To use tangible personal property to perform a service 73743  
listed in division (B)(3) of section 5739.01 of the Revised Code, 73744  
if the property is or is to be permanently transferred to the 73745  
consumer of the service as an integral part of the performance of 73746  
the service; 73747

(n) To use or consume the thing transferred primarily in 73748  
producing tangible personal property for sale by farming, 73749  
agriculture, horticulture, or floriculture. Persons engaged in 73750  
rendering farming, agriculture, horticulture, or floriculture 73751  
services for others are deemed engaged primarily in farming, 73752  
agriculture, horticulture, or floriculture. This paragraph does 73753  
not exempt from "retail sale" or "sales at retail" the sale of 73754  
tangible personal property that is to be incorporated into a 73755  
structure or improvement to real property. 73756

(o) To use or consume the thing transferred in acquiring, 73757  
formatting, editing, storing, and disseminating data or 73758  
information by electronic publishing; 73759

(p) To provide the thing transferred to the owner or lessee 73760  
of a motor vehicle that is being repaired or serviced, if the 73761  
thing transferred is a rented motor vehicle and the purchaser is 73762  
reimbursed for the cost of the rented motor vehicle by a 73763

manufacturer, warrantor, or provider of a maintenance, service, or 73764  
other similar contract or agreement, with respect to the motor 73765  
vehicle that is being repaired or serviced; 73766

(q) To use or consume the thing transferred directly in 73767  
production of crude oil and natural gas for sale. Persons engaged 73768  
in rendering production services for others are deemed engaged in 73769  
production. 73770

As used in division (B)(42)(q) of this section, "production" 73771  
means operations and tangible personal property directly used to 73772  
expose and evaluate an underground reservoir that may contain 73773  
hydrocarbon resources, prepare the wellbore for production, and 73774  
lift and control all substances yielded by the reservoir to the 73775  
surface of the earth. 73776

(i) For the purposes of division (B)(42)(q) of this section, 73777  
the "thing transferred" includes, but is not limited to, any of 73778  
the following: 73779

(I) Services provided in the construction of permanent access 73780  
roads, services provided in the construction of the well site, and 73781  
services provided in the construction of temporary impoundments; 73782

(II) Equipment and rigging used for the specific purpose of 73783  
creating with integrity a wellbore pathway to underground 73784  
reservoirs; 73785

(III) Drilling and workover services used to work within a 73786  
subsurface wellbore, and tangible personal property directly used 73787  
in providing such services; 73788

(IV) Casing, tubulars, and float and centralizing equipment; 73789

(V) Trailers to which production equipment is attached; 73790

(VI) Well completion services, including cementing of casing, 73791  
and tangible personal property directly used in providing such 73792  
services; 73793

(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	73794 73795 73796
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	73797 73798 73799 73800
(IX) Pressure pumping equipment;	73801
(X) Artificial lift systems equipment;	73802
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	73803 73804 73805
(XII) Tangible personal property directly used to control production equipment.	73806 73807
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	73808 73809
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	73810 73811 73812
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	73813 73814 73815
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	73816 73817 73818
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	73819 73820 73821 73822
(V) Tangible personal property used primarily in gathering	73823

operations occurring off the well site, including gathering	73824
pipelines transporting hydrocarbon gas or liquids away from a	73825
crude oil or natural gas production facility;	73826
(VI) Tangible personal property that is to be incorporated	73827
into a structure or improvement to real property;	73828
(VII) Well site fencing, lighting, or security systems;	73829
(VIII) Communication devices or services;	73830
(IX) Office supplies;	73831
(X) Trailers used as offices or lodging;	73832
(XI) Motor vehicles of any kind;	73833
(XII) Tangible personal property used primarily for the	73834
storage of drilling byproducts and fuel not used for production;	73835
(XIII) Tangible personal property used primarily as a safety	73836
device;	73837
(XIV) Data collection or monitoring devices;	73838
(XV) Access ladders, stairs, or platforms attached to storage	73839
tanks.	73840
The enumeration of tangible personal property in division	73841
(B)(42)(q)(ii) of this section is not intended to be exhaustive,	73842
and any tangible personal property not so enumerated shall not	73843
necessarily be construed to be a "thing transferred" for the	73844
purposes of division (B)(42)(q) of this section.	73845
The commissioner shall adopt and promulgate rules under	73846
sections 119.01 to 119.13 of the Revised Code that the	73847
commissioner deems necessary to administer division (B)(42)(q) of	73848
this section.	73849
As used in division (B)(42) of this section, "thing" includes	73850
all transactions included in divisions (B)(3)(a), (b), and (e) of	73851
section 5739.01 of the Revised Code.	73852

(43) Sales conducted through a coin operated device that 73853  
activates vacuum equipment or equipment that dispenses water, 73854  
whether or not in combination with soap or other cleaning agents 73855  
or wax, to the consumer for the consumer's use on the premises in 73856  
washing, cleaning, or waxing a motor vehicle, provided no other 73857  
personal property or personal service is provided as part of the 73858  
transaction. 73859

(44) Sales of replacement and modification parts for engines, 73860  
airframes, instruments, and interiors in, and paint for, aircraft 73861  
used primarily in a fractional aircraft ownership program, and 73862  
sales of services for the repair, modification, and maintenance of 73863  
such aircraft, and machinery, equipment, and supplies primarily 73864  
used to provide those services. 73865

(45) Sales of telecommunications service that is used 73866  
directly and primarily to perform the functions of a call center. 73867  
As used in this division, "call center" means any physical 73868  
location where telephone calls are placed or received in high 73869  
volume for the purpose of making sales, marketing, customer 73870  
service, technical support, or other specialized business 73871  
activity, and that employs at least fifty individuals that engage 73872  
in call center activities on a full-time basis, or sufficient 73873  
individuals to fill fifty full-time equivalent positions. 73874

(46) Sales by a telecommunications service vendor of 900 73875  
service to a subscriber. This division does not apply to 73876  
information services, as defined in division (FF) of section 73877  
5739.01 of the Revised Code. 73878

(47) Sales of value-added non-voice data service. This 73879  
division does not apply to any similar service that is not 73880  
otherwise a telecommunications service. 73881

(48)(a) Sales of machinery, equipment, and software to a 73882  
qualified direct selling entity for use in a warehouse or 73883

distribution center primarily for storing, transporting, or 73884  
otherwise handling inventory that is held for sale to independent 73885  
salespersons who operate as direct sellers and that is held 73886  
primarily for distribution outside this state; 73887

(b) As used in division (B)(48)(a) of this section: 73888

(i) "Direct seller" means a person selling consumer products 73889  
to individuals for personal or household use and not from a fixed 73890  
retail location, including selling such product at in-home product 73891  
demonstrations, parties, and other one-on-one selling. 73892

(ii) "Qualified direct selling entity" means an entity 73893  
selling to direct sellers at the time the entity enters into a tax 73894  
credit agreement with the tax credit authority pursuant to section 73895  
122.17 of the Revised Code, provided that the agreement was 73896  
entered into on or after January 1, 2007. Neither contingencies 73897  
relevant to the granting of, nor later developments with respect 73898  
to, the tax credit shall impair the status of the qualified direct 73899  
selling entity under division (B)(48) of this section after 73900  
execution of the tax credit agreement by the tax credit authority. 73901

(c) Division (B)(48) of this section is limited to machinery, 73902  
equipment, and software first stored, used, or consumed in this 73903  
state within the period commencing June 24, 2008, and ending on 73904  
the date that is five years after that date. 73905

(49) Sales of materials, parts, equipment, or engines used in 73906  
the repair or maintenance of aircraft or avionics systems of such 73907  
aircraft, and sales of repair, remodeling, replacement, or 73908  
maintenance services in this state performed on aircraft or on an 73909  
aircraft's avionics, engine, or component materials or parts. As 73910  
used in division (B)(49) of this section, "aircraft" means 73911  
aircraft of more than six thousand pounds maximum certified 73912  
takeoff weight or used exclusively in general aviation. 73913

(50) Sales of full flight simulators that are used for pilot 73914

or flight-crew training, sales of repair or replacement parts or 73915  
components, and sales of repair or maintenance services for such 73916  
full flight simulators. "Full flight simulator" means a replica of 73917  
a specific type, or make, model, and series of aircraft cockpit. 73918  
It includes the assemblage of equipment and computer programs 73919  
necessary to represent aircraft operations in ground and flight 73920  
conditions, a visual system providing an out-of-the-cockpit view, 73921  
and a system that provides cues at least equivalent to those of a 73922  
three-degree-of-freedom motion system, and has the full range of 73923  
capabilities of the systems installed in the device as described 73924  
in appendices A and B of part 60 of chapter 1 of title 14 of the 73925  
Code of Federal Regulations. 73926

(51) Any transfer or lease of tangible personal property 73927  
between the state and JobsOhio in accordance with section 4313.02 73928  
of the Revised Code. 73929

(52)(a) Sales to a qualifying corporation. 73930

(b) As used in division (B)(52) of this section: 73931

(i) "Qualifying corporation" means a nonprofit corporation 73932  
organized in this state that leases from an eligible county land, 73933  
buildings, structures, fixtures, and improvements to the land that 73934  
are part of or used in a public recreational facility used by a 73935  
major league professional athletic team or a class A to class AAA 73936  
minor league affiliate of a major league professional athletic 73937  
team for a significant portion of the team's home schedule, 73938  
provided the following apply: 73939

(I) The facility is leased from the eligible county pursuant 73940  
to a lease that requires substantially all of the revenue from the 73941  
operation of the business or activity conducted by the nonprofit 73942  
corporation at the facility in excess of operating costs, capital 73943  
expenditures, and reserves to be paid to the eligible county at 73944  
least once per calendar year. 73945

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 73946  
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(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 73950  
73951

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code. 73952  
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(54) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee. "Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium. 73962  
73963  
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(55) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following: 73968  
73969  
73970

(a) Accepts direct payments to operate; 73971

(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(55)(a) of this section; 73972  
73973  
73974

(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment. 73975  
73976

(56)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:

(i) An item of clothing, the price of which is seventy-five dollars or less;

(ii) An item of school supplies, the price of which is twenty dollars or less;

(iii) An item of school instructional material, the price of which is twenty dollars or less.

(b) As used in division (B)(56) of this section:

(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(ii) "School supplies" means items commonly used by a student 74008  
in a course of study. "School supplies" includes only the 74009  
following items: binders; book bags; calculators; cellophane tape; 74010  
blackboard chalk; compasses; composition books; crayons; erasers; 74011  
folders, expandable, pocket, plastic, and manila; glue, paste, and 74012  
paste sticks; highlighters; index cards; index card boxes; legal 74013  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 74014  
notebook paper, copy paper, graph paper, tracing paper, manila 74015  
paper, colored paper, poster board, and construction paper; pencil 74016  
boxes and other school supply boxes; pencil sharpeners; pencils; 74017  
pens; protractors; rulers; scissors; and writing tablets. "School 74018  
supplies" does not include any item purchased for use in a trade 74019  
or business. 74020

(iii) "School instructional material" means written material 74021  
commonly used by a student in a course of study as a reference and 74022  
to learn the subject being taught. "School instructional material" 74023  
includes only the following items: reference books, reference maps 74024  
and globes, textbooks, and workbooks. "School instructional 74025  
material" does not include any material purchased for use in a 74026  
trade or business. 74027

~~(57) Sales of tangible personal property that is not required 74028  
to be registered or licensed under the laws of this state to a 74029  
citizen of a foreign nation that is not a citizen of the United 74030  
States, provided the property is delivered to a person in this 74031  
state that is not a related member of the purchaser, is physically 74032  
present in this state for the sole purpose of temporary storage 74033  
and package consolidation, and is subsequently delivered to the 74034  
purchaser at a delivery address in a foreign nation. As used in 74035  
division (B)(56) of this section, "related member" has the same 74036  
meaning as in section 5733.042 of the Revised Code, and "temporary 74037  
storage" means the storage of tangible personal property for a 74038  
period of not more than sixty days. 74039~~

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.021.** (A) For the purpose of providing additional general revenues for the county, supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent. The rate of any tax

levied pursuant to this section shall be a multiple of ~~one-fourth~~ 74071  
~~or one-tenth~~ one-twentieth of one per cent. The rate levied under 74072  
this section in any county other than a county that adopted a 74073  
charter under Article X, Section 3, Ohio Constitution, may exceed 74074  
one per cent, but may not exceed one and one-half per cent minus 74075  
the amount by which the rate levied under section 5739.023 of the 74076  
Revised Code by the county transit authority exceeds one per cent. 74077

The tax shall be levied and the rate increased pursuant to a 74078  
resolution of the board of county commissioners. The resolution 74079  
shall state the purpose for which the tax is to be levied and the 74080  
number of years for which the tax is to be levied, or that it is 74081  
for a continuing period of time. If the tax is to be levied for 74082  
the purpose of providing additional general revenues and for the 74083  
purpose of supporting criminal and administrative justice 74084  
services, the resolution shall state the rate or amount of the tax 74085  
to be apportioned to each such purpose. The rate or amount may be 74086  
different for each year the tax is to be levied, but the rates or 74087  
amounts actually apportioned each year shall not be different from 74088  
that stated in the resolution for that year. ~~If~~ Any amount by 74089  
which the rate of the tax exceeds one per cent shall be 74090  
apportioned exclusively for the construction, acquisition, 74091  
equipping, or repair of a detention facility in the county. 74092

If the resolution is adopted as an emergency measure 74093  
necessary for the immediate preservation of the public peace, 74094  
health, or safety, it must receive an affirmative vote of all of 74095  
the members of the board of county commissioners and shall state 74096  
the reasons for such necessity. The board shall deliver a 74097  
certified copy of the resolution to the tax commissioner, not 74098  
later than the sixty-fifth day prior to the date on which the tax 74099  
is to become effective, which shall be the first day of the 74100  
calendar quarter. A resolution proposing to levy a tax at a rate 74101  
that would cause the rate levied under this section to exceed one 74102

per cent may not be adopted as an emergency measure. 74103

Prior to the adoption of any resolution under this section, 74104  
the board of county commissioners shall conduct two public 74105  
hearings on the resolution, the second hearing to be not less than 74106  
three nor more than ten days after the first. Notice of the date, 74107  
time, and place of the hearings shall be given by publication in a 74108  
newspaper of general circulation in the county, or as provided in 74109  
section 7.16 of the Revised Code, once a week on the same day of 74110  
the week for two consecutive weeks, the second publication being 74111  
not less than ten nor more than thirty days prior to the first 74112  
hearing. 74113

Except as provided in division (B)(1) or (3) of this section, 74114  
the resolution shall be subject to a referendum as provided in 74115  
sections 305.31 to 305.41 of the Revised Code. 74116

If a petition for a referendum is filed, the county auditor 74117  
with whom the petition was filed shall, within five days, notify 74118  
the board of county commissioners and the tax commissioner of the 74119  
filing of the petition by certified mail. If the board of 74120  
elections with which the petition was filed declares the petition 74121  
invalid, the board of elections, within five days, shall notify 74122  
the board of county commissioners and the tax commissioner of that 74123  
declaration by certified mail. If the petition is declared to be 74124  
invalid, the effective date of the tax or increased rate of tax 74125  
levied by this section shall be the first day of a calendar 74126  
quarter following the expiration of sixty-five days from the date 74127  
the commissioner receives notice from the board of elections that 74128  
the petition is invalid. 74129

(B)(1) A resolution that is not adopted as an emergency 74130  
measure may direct the board of elections to submit the question 74131  
of levying the tax or increasing the rate of tax to the electors 74132  
of the county at a special election held on the date specified by 74133  
the board of county commissioners in the resolution, provided that 74134

the election occurs not less than ninety days after a certified 74135  
copy of such resolution is transmitted to the board of elections 74136  
and the election is not held in February or August of any year. A 74137  
resolution proposing to levy a tax at a rate that would cause the 74138  
rate levied under this section to exceed one per cent may not go 74139  
into effect unless the question is submitted to electors under 74140  
this division. Upon transmission of the resolution to the board of 74141  
elections, the board of county commissioners shall notify the tax 74142  
commissioner in writing of the levy question to be submitted to 74143  
the electors. No resolution adopted under this division shall go 74144  
into effect unless approved by a majority of those voting upon it, 74145  
and, except as provided in division (B)(3) of this section, shall 74146  
become effective on the first day of a calendar quarter following 74147  
the expiration of sixty-five days from the date the tax 74148  
commissioner receives notice from the board of elections of the 74149  
affirmative vote. 74150

(2) A resolution that is adopted as an emergency measure 74151  
shall go into effect as provided in division (A) of this section, 74152  
but may direct the board of elections to submit the question of 74153  
repealing the tax or increase in the rate of the tax to the 74154  
electors of the county at the next general election in the county 74155  
occurring not less than ninety days after a certified copy of the 74156  
resolution is transmitted to the board of elections. Upon 74157  
transmission of the resolution to the board of elections, the 74158  
board of county commissioners shall notify the tax commissioner in 74159  
writing of the levy question to be submitted to the electors. The 74160  
ballot question shall be the same as that prescribed in section 74161  
5739.022 of the Revised Code. The board of elections shall notify 74162  
the board of county commissioners and the tax commissioner of the 74163  
result of the election immediately after the result has been 74164  
declared. If a majority of the qualified electors voting on the 74165  
question of repealing the tax or increase in the rate of the tax 74166  
vote for repeal of the tax or repeal of the increase, the board of 74167

county commissioners, on the first day of a calendar quarter 74168  
following the expiration of sixty-five days after the date the 74169  
board and tax commissioner receive notice of the result of the 74170  
election, shall, in the case of a repeal of the tax, cease to levy 74171  
the tax, or, in the case of a repeal of an increase in the rate of 74172  
the tax, cease to levy the increased rate and levy the tax at the 74173  
rate at which it was imposed immediately prior to the increase in 74174  
rate. 74175

(3) If a vendor makes a sale in this state by printed catalog 74176  
and the consumer computed the tax on the sale based on local rates 74177  
published in the catalog, any tax levied or repealed or rate 74178  
changed under this section shall not apply to such a sale until 74179  
the first day of a calendar quarter following the expiration of 74180  
one hundred twenty days from the date of notice by the tax 74181  
commissioner pursuant to division (H) of this section. 74182

(C) If a resolution is rejected at a referendum or if a 74183  
resolution adopted after January 1, 1982, as an emergency measure 74184  
is repealed by the electors pursuant to division (B)(2) of this 74185  
section or section 5739.022 of the Revised Code, then for one year 74186  
after the date of the election at which the resolution was 74187  
rejected or repealed the board of county commissioners may not 74188  
adopt any resolution authorized by this section as an emergency 74189  
measure. 74190

(D) The board of county commissioners, at any time while a 74191  
tax levied under this section is in effect, may by resolution 74192  
reduce the rate at which the tax is levied to a lower rate 74193  
authorized by this section. Any reduction in the rate at which the 74194  
tax is levied shall be made effective on the first day of a 74195  
calendar quarter next following the sixty-fifth day after a 74196  
certified copy of the resolution is delivered to the tax 74197  
commissioner. 74198

(E) The tax on every retail sale subject to a tax levied 74199

pursuant to this section shall be in addition to the tax levied by 74200  
section 5739.02 of the Revised Code and any tax levied pursuant to 74201  
section 5739.023 or 5739.026 of the Revised Code. 74202

A county that levies a tax pursuant to this section shall 74203  
levy a tax at the same rate pursuant to section 5741.021 of the 74204  
Revised Code. 74205

The additional tax levied by the county shall be collected 74206  
pursuant to section 5739.025 of the Revised Code. If the 74207  
additional tax or some portion thereof is levied for the purpose 74208  
of criminal and administrative justice services or specifically 74209  
for the purpose of constructing, acquiring, equipping, or 74210  
repairing a detention facility, the revenue from the tax, or the 74211  
amount or rate apportioned to that purpose, shall be credited to a 74212  
one or more special ~~fund~~ funds created in the county treasury for 74213  
receipt of that revenue. 74214

Any tax levied pursuant to this section is subject to the 74215  
exemptions provided in section 5739.02 of the Revised Code and in 74216  
addition shall not be applicable to sales not within the taxing 74217  
power of a county under the Constitution of the United States or 74218  
the Ohio Constitution. 74219

(F) For purposes of this section, a copy of a resolution is 74220  
"certified" when it contains a written statement attesting that 74221  
the copy is a true and exact reproduction of the original 74222  
resolution. 74223

(G) If a board of commissioners intends to adopt a resolution 74224  
to levy a tax in whole or in part for the purpose of criminal and 74225  
administrative justice services, the board shall prepare and make 74226  
available at the first public hearing at which the resolution is 74227  
considered a statement containing the following information: 74228

(1) For each of the two preceding fiscal years, the amount of 74229  
expenditures made by the county from the county general fund for 74230

the purpose of criminal and administrative justice services; 74231

(2) For the fiscal year in which the resolution is adopted, 74232  
the board's estimate of the amount of expenditures to be made by 74233  
the county from the county general fund for the purpose of 74234  
criminal and administrative justice services; 74235

(3) For each of the two fiscal years after the fiscal year in 74236  
which the resolution is adopted, the board's preliminary plan for 74237  
expenditures to be made from the county general fund for the 74238  
purpose of criminal and administrative justice services, both 74239  
under the assumption that the tax will be imposed for that purpose 74240  
and under the assumption that the tax would not be imposed for 74241  
that purpose, and for expenditures to be made from the special 74242  
fund created under division (E) of this section under the 74243  
assumption that the tax will be imposed for that purpose. 74244

The board shall prepare the statement and the preliminary 74245  
plan using the best information available to the board at the time 74246  
the statement is prepared. Neither the statement nor the 74247  
preliminary plan shall be used as a basis to challenge the 74248  
validity of the tax in any court of competent jurisdiction, nor 74249  
shall the statement or preliminary plan limit the authority of the 74250  
board to appropriate, pursuant to section 5705.38 of the Revised 74251  
Code, an amount different from that specified in the preliminary 74252  
plan. 74253

(H) Upon receipt from a board of county commissioners of a 74254  
certified copy of a resolution required by division (A) or (D) of 74255  
this section, or from the board of elections of a notice of the 74256  
results of an election required by division (A) or (B)(1) or (2) 74257  
of this section, the tax commissioner shall provide notice of a 74258  
tax rate change in a manner that is reasonably accessible to all 74259  
affected vendors. The commissioner shall provide this notice at 74260  
least sixty days prior to the effective date of the rate change. 74261  
The commissioner, by rule, may establish the method by which 74262

notice will be provided. 74263

(I) As used in this section, ~~"criminal:~~ 74264

(1) "Criminal and administrative justice services" means the 74265  
exercise by the county sheriff of all powers and duties vested in 74266  
that office by law; the exercise by the county prosecuting 74267  
attorney of all powers and duties vested in that office by law; 74268  
the exercise by any court in the county of all powers and duties 74269  
vested in that court; the exercise by the clerk of the court of 74270  
common pleas, any clerk of a municipal court having jurisdiction 74271  
throughout the county, or the clerk of any county court of all 74272  
powers and duties vested in the clerk by law except, in the case 74273  
of the clerk of the court of common pleas, the titling of motor 74274  
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 74275  
Revised Code; the exercise by the county coroner of all powers and 74276  
duties vested in that office by law; making payments to any other 74277  
public agency or a private, nonprofit agency, the purposes of 74278  
which in the county include the diversion, adjudication, 74279  
detention, or rehabilitation of criminals or juvenile offenders; 74280  
the operation and maintenance of any detention facility, ~~as~~ 74281  
~~defined in section 2921.01 of the Revised Code;~~ and the 74282  
construction, acquisition, equipping, or repair of such a 74283  
detention facility, ~~including.~~ 74284

(2) "Detention facility" has the same meaning as in section 74285  
2921.01 of the Revised Code. 74286

(3) "Construction, acquisition, equipping, or repair" of a 74287  
detention facility includes the payment of any debt charges 74288  
incurred in the issuance of securities pursuant to Chapter 133. of 74289  
the Revised Code for the purpose of constructing, acquiring, 74290  
equipping, or repairing such a facility. 74291

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 74292  
general revenues for a transit authority, funding a regional 74293

transportation improvement project under section 5595.06 of the 74294  
Revised Code, or funding public infrastructure projects as 74295  
described in section 306.353 of the Revised Code, and to pay the 74296  
expenses of administering such levy, any transit authority may 74297  
levy a tax upon every retail sale made in the territory of the 74298  
transit authority, except sales of watercraft and outboard motors 74299  
required to be titled pursuant to Chapter 1548. of the Revised 74300  
Code and sales of motor vehicles, ~~at a rate of not more than one~~ 74301  
~~and one-half per cent~~ and may increase the rate of an existing tax 74302  
~~to not more than one and one-half per cent.~~ The rate of any tax 74303  
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 74304  
~~or one-tenth~~ one-twentieth of one per cent. The rate shall not 74305  
exceed one and one-half per cent minus the amount by which the 74306  
rate levied under section 5739.021 of the Revised Code by a county 74307  
located in the territory of the transit authority exceeds one per 74308  
cent. The tax shall be levied and the rate increased pursuant to a 74309  
resolution of the legislative authority of the transit authority 74310  
and a certified copy of the resolution shall be delivered by the 74311  
fiscal officer to the board of elections as provided in section 74312  
3505.071 of the Revised Code and to the tax commissioner. The 74313  
resolution shall specify the number of years for which the tax is 74314  
to be in effect or that the tax is for a continuing period of 74315  
time, the purpose or purposes of the levy, and the date of the 74316  
election on the question of the tax pursuant to section 306.70 of 74317  
the Revised Code. The board of elections shall certify the results 74318  
of the election to the transit authority and tax commissioner. 74319

A resolution adopted under this section may not specify that 74320  
the sole purpose of the tax is to fund infrastructure projects as 74321  
described in section 306.353 of the Revised Code; that purpose 74322  
must be combined with the purpose of providing additional general 74323  
revenues for the transit authority, funding a regional 74324  
transportation improvement project under section 5595.06 of the 74325

Revised Code, or both. The resolution may specify the percentage 74326  
of the proceeds of the tax that will be allocated among each of 74327  
the purposes for which the tax is to be levied. If one of the 74328  
purposes of the tax is to provide general revenue for the transit 74329  
authority, the resolution may identify specific projects, 74330  
functions, or other uses to which that general revenue will be 74331  
allocated and the percentage of the tax proceeds to be allocated 74332  
to each of those projects, functions, or other uses. 74333

(2) Except as provided in division (C) of this section, the 74334  
tax levied by the resolution shall become effective on the first 74335  
day of a calendar quarter next following the sixty-fifth day 74336  
following the date the tax commissioner receives from the board of 74337  
elections the certification of the results of the election on the 74338  
question of the tax. 74339

(B) The legislative authority may, at any time while the tax 74340  
is in effect, by resolution fix the rate of the tax at any rate 74341  
authorized by this section and not in excess of that approved by 74342  
the voters pursuant to section 306.70 of the Revised Code. Except 74343  
as provided in division (C) of this section, any change in the 74344  
rate of the tax shall be made effective on the first day of a 74345  
calendar quarter next following the sixty-fifth day following the 74346  
date the tax commissioner receives the certification of the 74347  
resolution; provided, that in any case where bonds, or notes in 74348  
anticipation of bonds, of a regional transit authority have been 74349  
issued under section 306.40 of the Revised Code without a vote of 74350  
the electors while the tax proposed to be reduced was in effect, 74351  
the board of trustees of the regional transit authority shall 74352  
continue to levy and collect under authority of the original 74353  
election authorizing the tax a rate of tax that the board of 74354  
trustees reasonably estimates will produce an amount in that year 74355  
equal to the amount of principal of and interest on those bonds as 74356  
is payable in that year. 74357

(C) Upon receipt from the board of elections of the certification of the results of the election required by division (A) of this section, or from the legislative authority of the certification of a resolution under division (B) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(D) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (C) of this section.

(E) The tax on every retail sale subject to a tax levied pursuant to this section is in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021 or 5739.026 of the Revised Code.

(F) The additional tax levied by the transit authority shall be collected pursuant to section 5739.025 of the Revised Code.

(G) Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a transit authority under the constitution of the United States or the constitution of this state.

(H) The rate of a tax levied under this section is subject to reduction under section 5739.028 of the Revised Code, if a ballot question is approved by voters pursuant to that section.

Sec. 5739.026. (A) A board of county commissioners may levy a 74389  
tax on every retail sale in the county, except sales of watercraft 74390  
and outboard motors required to be titled pursuant to Chapter 74391  
1548. of the Revised Code and sales of motor vehicles, at a rate 74392  
of not more than one-half of one per cent and may increase the 74393  
rate of an existing tax to not more than one-half of one per cent 74394  
to pay the expenses of administering the tax and, except as 74395  
provided in division (A)(6) of this section, for any one or more 74396  
of the following purposes provided that the aggregate levy for all 74397  
such purposes does not exceed one-half of one per cent: 74398

(1) To provide additional revenues for the payment of bonds 74399  
or notes issued in anticipation of bonds issued by a convention 74400  
facilities authority established by the board of county 74401  
commissioners under Chapter 351. of the Revised Code and to 74402  
provide additional operating revenues for the convention 74403  
facilities authority; 74404

(2) To provide additional revenues for a transit authority 74405  
operating in the county; 74406

(3) To provide additional revenue for the county's general 74407  
fund; 74408

(4) To provide additional revenue for permanent improvements 74409  
to be distributed by the community improvements board in 74410  
accordance with section 307.283 and to pay principal, interest, 74411  
and premium on bonds issued under section 307.284 of the Revised 74412  
Code; 74413

(5) To provide additional revenue for the acquisition, 74414  
construction, equipping, or repair of any specific permanent 74415  
improvement or any class or group of permanent improvements, which 74416  
improvement or class or group of improvements shall be enumerated 74417  
in the resolution required by division (D) of this section, and to 74418  
pay principal, interest, premium, and other costs associated with 74419

the issuance of bonds or notes in anticipation of bonds issued 74420  
pursuant to Chapter 133. of the Revised Code for the acquisition, 74421  
construction, equipping, or repair of the specific permanent 74422  
improvement or class or group of permanent improvements; 74423

(6) To provide revenue for the implementation and operation 74424  
of a 9-1-1 system in the county. If the tax is levied or the rate 74425  
increased exclusively for such purpose, the tax shall not be 74426  
levied or the rate increased for more than five years. At the end 74427  
of the last year the tax is levied or the rate increased, any 74428  
balance remaining in the special fund established for such purpose 74429  
shall remain in that fund and be used exclusively for such purpose 74430  
until the fund is completely expended, and, notwithstanding 74431  
section 5705.16 of the Revised Code, the board of county 74432  
commissioners shall not petition for the transfer of money from 74433  
such special fund, and the tax commissioner shall not approve such 74434  
a petition. 74435

If the tax is levied or the rate increased for such purpose 74436  
for more than five years, the board of county commissioners also 74437  
shall levy the tax or increase the rate of the tax for one or more 74438  
of the purposes described in divisions (A)(1) to (5) of this 74439  
section and shall prescribe the method for allocating the revenues 74440  
from the tax each year in the manner required by division (C) of 74441  
this section. 74442

(7) To provide additional revenue for the operation or 74443  
maintenance of a detention facility, as that term is defined under 74444  
division (F) of section 2921.01 of the Revised Code; 74445

(8) To provide revenue to finance the construction or 74446  
renovation of a sports facility, but only if the tax is levied for 74447  
that purpose in the manner prescribed by section 5739.028 of the 74448  
Revised Code. 74449

As used in division (A)(8) of this section: 74450

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 74451  
74452

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 74453  
74454

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 74455  
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74457  
74458  
74459  
74460

(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 74461  
74462

(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 74463  
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(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 74467  
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 74470  
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The rate of tax shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code 74475  
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shall be a multiple of ~~one fourth or one tenth~~ one-twentieth of 74482  
one per cent. 74483

The tax shall be levied and the rate increased pursuant to a 74484  
resolution adopted by a majority of the members of the board. The 74485  
board shall deliver a certified copy of the resolution to the tax 74486  
commissioner, not later than the sixty-fifth day prior to the date 74487  
on which the tax is to become effective, which shall be the first 74488  
day of a calendar quarter. 74489

Prior to the adoption of any resolution to levy the tax or to 74490  
increase the rate of tax exclusively for the purpose set forth in 74491  
division (A)(3) of this section, the board of county commissioners 74492  
shall conduct two public hearings on the resolution, the second 74493  
hearing to be no fewer than three nor more than ten days after the 74494  
first. Notice of the date, time, and place of the hearings shall 74495  
be given by publication in a newspaper of general circulation in 74496  
the county, or as provided in section 7.16 of the Revised Code, 74497  
once a week on the same day of the week for two consecutive weeks. 74498  
The second publication shall be no fewer than ten nor more than 74499  
thirty days prior to the first hearing. Except as provided in 74500  
division (E) of this section, the resolution shall be subject to a 74501  
referendum as provided in sections 305.31 to 305.41 of the Revised 74502  
Code. If the resolution is adopted as an emergency measure 74503  
necessary for the immediate preservation of the public peace, 74504  
health, or safety, it must receive an affirmative vote of all of 74505  
the members of the board of county commissioners and shall state 74506  
the reasons for the necessity. 74507

If the tax is for more than one of the purposes set forth in 74508  
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 74509  
is exclusively for one of the purposes set forth in division 74510  
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 74511  
section, the resolution shall not go into effect unless it is 74512  
approved by a majority of the electors voting on the question of 74513

the tax. 74514

(B) The board of county commissioners shall adopt a 74515  
resolution under section 351.02 of the Revised Code creating the 74516  
convention facilities authority, or under section 307.283 of the 74517  
Revised Code creating the community improvements board, before 74518  
adopting a resolution levying a tax for the purpose of a 74519  
convention facilities authority under division (A)(1) of this 74520  
section or for the purpose of a community improvements board under 74521  
division (A)(4) of this section. 74522

(C)(1) If the tax is to be used for more than one of the 74523  
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 74524  
of this section, the board of county commissioners shall establish 74525  
the method that will be used to determine the amount or proportion 74526  
of the tax revenue received by the county during each year that 74527  
will be distributed for each of those purposes, including, if 74528  
applicable, provisions governing the reallocation of a convention 74529  
facilities authority's allocation if the authority is dissolved 74530  
while the tax is in effect. The allocation method may provide that 74531  
different proportions or amounts of the tax shall be distributed 74532  
among the purposes in different years, but it shall clearly 74533  
describe the method that will be used for each year. Except as 74534  
otherwise provided in division (C)(2) of this section, the 74535  
allocation method established by the board is not subject to 74536  
amendment during the life of the tax. 74537

(2) Subsequent to holding a public hearing on the proposed 74538  
amendment, the board of county commissioners may amend the 74539  
allocation method established under division (C)(1) of this 74540  
section for any year, if the amendment is approved by the 74541  
governing board of each entity whose allocation for the year would 74542  
be reduced by the proposed amendment. In the case of a tax that is 74543  
levied for a continuing period of time, the board may not so amend 74544  
the allocation method for any year before the sixth year that the 74545

tax is in effect. 74546

(a) If the additional revenues provided to the convention 74547  
facilities authority are pledged by the authority for the payment 74548  
of convention facilities authority revenue bonds for as long as 74549  
such bonds are outstanding, no reduction of the authority's 74550  
allocation of the tax shall be made for any year except to the 74551  
extent that the reduced authority allocation, when combined with 74552  
the authority's other revenues pledged for that purpose, is 74553  
sufficient to meet the debt service requirements for that year on 74554  
such bonds. 74555

(b) If the additional revenues provided to the county are 74556  
pledged by the county for the payment of bonds or notes described 74557  
in division (A)(4) or (5) of this section, for as long as such 74558  
bonds or notes are outstanding, no reduction of the county's or 74559  
the community improvements board's allocation of the tax shall be 74560  
made for any year, except to the extent that the reduced county or 74561  
community improvements board allocation is sufficient to meet the 74562  
debt service requirements for that year on such bonds or notes. 74563

(c) If the additional revenues provided to the transit 74564  
authority are pledged by the authority for the payment of revenue 74565  
bonds issued under section 306.37 of the Revised Code, for as long 74566  
as such bonds are outstanding, no reduction of the authority's 74567  
allocation of tax shall be made for any year, except to the extent 74568  
that the authority's reduced allocation, when combined with the 74569  
authority's other revenues pledged for that purpose, is sufficient 74570  
to meet the debt service requirements for that year on such bonds. 74571

(d) If the additional revenues provided to the county are 74572  
pledged by the county for the payment of bonds or notes issued 74573  
under section 133.60 of the Revised Code, for so long as the bonds 74574  
or notes are outstanding, no reduction of the county's allocation 74575  
of the tax shall be made for any year, except to the extent that 74576  
the reduced county allocation is sufficient to meet the debt 74577

service requirements for that year on the bonds or notes. 74578

(D)(1) The resolution levying the tax or increasing the rate 74579  
of tax shall state the rate of the tax or the rate of the 74580  
increase; the purpose or purposes for which it is to be levied; 74581  
the number of years for which it is to be levied or that it is for 74582  
a continuing period of time; the allocation method required by 74583  
division (C) of this section; and if required to be submitted to 74584  
the electors of the county under division (A) of this section, the 74585  
date of the election at which the proposal shall be submitted to 74586  
the electors of the county, which shall be not less than ninety 74587  
days after the certification of a copy of the resolution to the 74588  
board of elections and, if the tax is to be levied exclusively for 74589  
the purpose set forth in division (A)(3) of this section, shall 74590  
not occur in August of any year. Upon certification of the 74591  
resolution to the board of elections, the board of county 74592  
commissioners shall notify the tax commissioner in writing of the 74593  
levy question to be submitted to the electors. If approved by a 74594  
majority of the electors, the tax shall become effective on the 74595  
first day of a calendar quarter next following the sixty-fifth day 74596  
following the date the board of county commissioners and tax 74597  
commissioner receive from the board of elections the certification 74598  
of the results of the election, except as provided in division (E) 74599  
of this section. 74600

(2)(a) A resolution specifying that the tax is to be used 74601  
exclusively for the purpose set forth in division (A)(3) of this 74602  
section that is not adopted as an emergency measure may direct the 74603  
board of elections to submit the question of levying the tax or 74604  
increasing the rate of the tax to the electors of the county at a 74605  
special election held on the date specified by the board of county 74606  
commissioners in the resolution, provided that the election occurs 74607  
not less than ninety days after the resolution is certified to the 74608  
board of elections and the election is not held in August of any 74609

year. Upon certification of the resolution to the board of 74610  
elections, the board of county commissioners shall notify the tax 74611  
commissioner in writing of the levy question to be submitted to 74612  
the electors. No resolution adopted under division (D)(2)(a) of 74613  
this section shall go into effect unless approved by a majority of 74614  
those voting upon it and, except as provided in division (E) of 74615  
this section, not until the first day of a calendar quarter 74616  
following the expiration of sixty-five days from the date the tax 74617  
commissioner receives notice from the board of elections of the 74618  
affirmative vote. 74619

(b) A resolution specifying that the tax is to be used 74620  
exclusively for the purpose set forth in division (A)(3) of this 74621  
section that is adopted as an emergency measure shall become 74622  
effective as provided in division (A) of this section, but may 74623  
direct the board of elections to submit the question of repealing 74624  
the tax or increase in the rate of the tax to the electors of the 74625  
county at the next general election in the county occurring not 74626  
less than ninety days after the resolution is certified to the 74627  
board of elections. Upon certification of the resolution to the 74628  
board of elections, the board of county commissioners shall notify 74629  
the tax commissioner in writing of the levy question to be 74630  
submitted to the electors. The ballot question shall be the same 74631  
as that prescribed in section 5739.022 of the Revised Code. The 74632  
board of elections shall notify the board of county commissioners 74633  
and the tax commissioner of the result of the election immediately 74634  
after the result has been declared. If a majority of the qualified 74635  
electors voting on the question of repealing the tax or increase 74636  
in the rate of the tax vote for repeal of the tax or repeal of the 74637  
increase, the board of county commissioners, on the first day of a 74638  
calendar quarter following the expiration of sixty-five days after 74639  
the date the board and tax commissioner received notice of the 74640  
result of the election, shall, in the case of a repeal of the tax, 74641  
cease to levy the tax, or, in the case of a repeal of an increase 74642

in the rate of the tax, cease to levy the increased rate and levy 74643  
the tax at the rate at which it was imposed immediately prior to 74644  
the increase in rate. 74645

(c) A board of county commissioners, by resolution, may 74646  
reduce the rate of a tax levied exclusively for the purpose set 74647  
forth in division (A)(3) of this section to a lower rate 74648  
authorized by this section. Any such reduction shall be made 74649  
effective on the first day of the calendar quarter next following 74650  
the sixty-fifth day after the tax commissioner receives a 74651  
certified copy of the resolution from the board. 74652

(E) If a vendor makes a sale in this state by printed catalog 74653  
and the consumer computed the tax on the sale based on local rates 74654  
published in the catalog, any tax levied or repealed or rate 74655  
changed under this section shall not apply to such a sale until 74656  
the first day of a calendar quarter following the expiration of 74657  
one hundred twenty days from the date of notice by the tax 74658  
commissioner pursuant to division (G) of this section. 74659

(F) The tax levied pursuant to this section shall be in 74660  
addition to the tax levied by section 5739.02 of the Revised Code 74661  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 74662  
Revised Code. 74663

A county that levies a tax pursuant to this section shall 74664  
levy a tax at the same rate pursuant to section 5741.023 of the 74665  
Revised Code. 74666

The additional tax levied by the county shall be collected 74667  
pursuant to section 5739.025 of the Revised Code. 74668

Any tax levied pursuant to this section is subject to the 74669  
exemptions provided in section 5739.02 of the Revised Code and in 74670  
addition shall not be applicable to sales not within the taxing 74671  
power of a county under the Constitution of the United States or 74672  
the Ohio Constitution. 74673

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale

shall be reported on and the amount of the tax applicable thereto 74705  
shall be remitted with the return for the period in which the sale 74706  
is made, and the amount of the tax shall become a legal charge in 74707  
favor of the vendor and against the consumer. 74708

(B)(1)(a) If any sale is claimed to be exempt under division 74709  
(E) of section 5739.01 of the Revised Code or under section 74710  
5739.02 of the Revised Code, with the exception of divisions 74711  
(B)(1) to (11), (28), or (56) of section 5739.02 of the Revised 74712  
Code, or if the consumer claims the transaction is not a taxable 74713  
sale due to one or more of the exclusions provided under divisions 74714  
(JJ)(1) to (5) of section 5739.01 of the Revised Code, the 74715  
consumer must provide to the vendor, and the vendor must obtain 74716  
from the consumer, a certificate specifying the reason that the 74717  
sale is not legally subject to the tax. The certificate shall be 74718  
in such form, and shall be provided either in a hard copy form or 74719  
electronic form, as the tax commissioner prescribes. 74720

(b) A vendor that obtains a fully completed exemption 74721  
certificate from a consumer is relieved of liability for 74722  
collecting and remitting tax on any sale covered by that 74723  
certificate. If it is determined the exemption was improperly 74724  
claimed, the consumer shall be liable for any tax due on that sale 74725  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 74726  
5741. of the Revised Code. Relief under this division from 74727  
liability does not apply to any of the following: 74728

(i) A vendor that fraudulently fails to collect tax; 74729

(ii) A vendor that solicits consumers to participate in the 74730  
unlawful claim of an exemption; 74731

(iii) A vendor that accepts an exemption certificate from a 74732  
consumer that claims an exemption based on who purchases or who 74733  
sells property or a service, when the subject of the transaction 74734  
sought to be covered by the exemption certificate is actually 74735

received by the consumer at a location operated by the vendor in 74736  
this state, and this state has posted to its web site an exemption 74737  
certificate form that clearly and affirmatively indicates that the 74738  
claimed exemption is not available in this state; 74739

(iv) A vendor that accepts an exemption certificate from a 74740  
consumer who claims a multiple points of use exemption under 74741  
division (D) of section 5739.033 of the Revised Code, if the item 74742  
purchased is tangible personal property, other than prewritten 74743  
computer software. 74744

(2) The vendor shall maintain records, including exemption 74745  
certificates, of all sales on which a consumer has claimed an 74746  
exemption, and provide them to the tax commissioner on request. 74747

(3) The tax commissioner may establish an identification 74748  
system whereby the commissioner issues an identification number to 74749  
a consumer that is exempt from payment of the tax. The consumer 74750  
must present the number to the vendor, if any sale is claimed to 74751  
be exempt as provided in this section. 74752

(4) If no certificate is provided or obtained within ninety 74753  
days after the date on which such sale is consummated, it shall be 74754  
presumed that the tax applies. Failure to have so provided or 74755  
obtained a certificate shall not preclude a vendor, within one 74756  
hundred twenty days after the tax commissioner gives written 74757  
notice of intent to levy an assessment, from either establishing 74758  
that the sale is not subject to the tax, or obtaining, in good 74759  
faith, a fully completed exemption certificate. 74760

(5) Certificates need not be obtained nor provided where the 74761  
identity of the consumer is such that the transaction is never 74762  
subject to the tax imposed or where the item of tangible personal 74763  
property sold or the service provided is never subject to the tax 74764  
imposed, regardless of use, or when the sale is in interstate 74765  
commerce. 74766

(6) If a transaction is claimed to be exempt under division 74767  
(B)(13) of section 5739.02 of the Revised Code, the contractor 74768  
shall obtain certification of the claimed exemption from the 74769  
contractee. This certification shall be in addition to an 74770  
exemption certificate provided by the contractor to the vendor. A 74771  
contractee that provides a certification under this division shall 74772  
be deemed to be the consumer of all items purchased by the 74773  
contractor under the claim of exemption, if it is subsequently 74774  
determined that the exemption is not properly claimed. The 74775  
certification shall be in such form as the tax commissioner 74776  
prescribes. 74777

(C) As used in this division, "contractee" means a person who 74778  
seeks to enter or enters into a contract or agreement with a 74779  
contractor or vendor for the construction of real property or for 74780  
the sale and installation onto real property of tangible personal 74781  
property. 74782

Any contractor or vendor may request from any contractee a 74783  
certification of what portion of the property to be transferred 74784  
under such contract or agreement is to be incorporated into the 74785  
realty and what portion will retain its status as tangible 74786  
personal property after installation is completed. The contractor 74787  
or vendor shall request the certification by certified mail 74788  
delivered to the contractee, return receipt requested. Upon 74789  
receipt of such request and prior to entering into the contract or 74790  
agreement, the contractee shall provide to the contractor or 74791  
vendor a certification sufficiently detailed to enable the 74792  
contractor or vendor to ascertain the resulting classification of 74793  
all materials purchased or fabricated by the contractor or vendor 74794  
and transferred to the contractee. This requirement applies to a 74795  
contractee regardless of whether the contractee holds a direct 74796  
payment permit under section 5739.031 of the Revised Code or 74797  
provides to the contractor or vendor an exemption certificate as 74798

provided under this section. 74799

For the purposes of the taxes levied by this chapter and 74800  
Chapter 5741. of the Revised Code, the contractor or vendor may in 74801  
good faith rely on the contractee's certification. Notwithstanding 74802  
division (B) of section 5739.01 of the Revised Code, if the tax 74803  
commissioner determines that certain property certified by the 74804  
contractee as tangible personal property pursuant to this division 74805  
is, in fact, real property, the contractee shall be considered to 74806  
be the consumer of all materials so incorporated into that real 74807  
property and shall be liable for the applicable tax, and the 74808  
contractor or vendor shall be excused from any liability on those 74809  
materials. 74810

If a contractee fails to provide such certification upon the 74811  
request of the contractor or vendor, the contractor or vendor 74812  
shall comply with the provisions of this chapter and Chapter 5741. 74813  
of the Revised Code without the certification. If the tax 74814  
commissioner determines that such compliance has been performed in 74815  
good faith and that certain property treated as tangible personal 74816  
property by the contractor or vendor is, in fact, real property, 74817  
the contractee shall be considered to be the consumer of all 74818  
materials so incorporated into that real property and shall be 74819  
liable for the applicable tax, and the construction contractor or 74820  
vendor shall be excused from any liability on those materials. 74821

This division does not apply to any contract or agreement 74822  
where the tax commissioner determines as a fact that a 74823  
certification under this division was made solely on the decision 74824  
or advice of the contractor or vendor. 74825

(D) Notwithstanding division (B) of section 5739.01 of the 74826  
Revised Code, whenever the total rate of tax imposed under this 74827  
chapter is increased after the date after a construction contract 74828  
is entered into, the contractee shall reimburse the construction 74829  
contractor for any additional tax paid on tangible property 74830

consumed or services received pursuant to the contract. 74831

(E) A vendor who files a petition for reassessment contesting 74832  
the assessment of tax on sales for which the vendor obtained no 74833  
valid exemption certificates and for which the vendor failed to 74834  
establish that the sales were properly not subject to the tax 74835  
during the one-hundred-twenty-day period allowed under division 74836  
(B) of this section, may present to the tax commissioner 74837  
additional evidence to prove that the sales were properly subject 74838  
to a claim of exception or exemption. The vendor shall file such 74839  
evidence within ninety days of the receipt by the vendor of the 74840  
notice of assessment, except that, upon application and for 74841  
reasonable cause, the period for submitting such evidence shall be 74842  
extended thirty days. 74843

The commissioner shall consider such additional evidence in 74844  
reaching the final determination on the assessment and petition 74845  
for reassessment. 74846

(F) Whenever a vendor refunds the price, minus any separately 74847  
stated delivery charge, of an item of tangible personal property 74848  
on which the tax imposed under this chapter has been paid, the 74849  
vendor shall also refund the amount of tax paid, minus the amount 74850  
of tax attributable to the delivery charge. 74851

**Sec. 5739.05.** (A)(1) The tax commissioner shall enforce and 74852  
administer sections 5739.01 to 5739.31 of the Revised Code, which 74853  
are hereby declared to be sections which the commissioner is 74854  
required to administer within the meaning of sections 5703.17 to 74855  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 74856  
commissioner may adopt and promulgate, in accordance with sections 74857  
119.01 to 119.13 of the Revised Code, such rules as the 74858  
commissioner deems necessary to administer sections 5739.01 to 74859  
5739.31 of the Revised Code. 74860

(2) On or before the first day of May of each year, the 74861

commissioner shall make available to vendors a notice explaining 74862  
the three-day exemption period required under division (B)(56) of 74863  
section 5739.02 of the Revised Code. 74864

(B) Upon application, the commissioner may authorize a vendor 74865  
to pay on a predetermined basis the tax levied by or pursuant to 74866  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 74867  
Code upon sales of things produced or distributed or services 74868  
provided by such vendor, and the commissioner may waive the 74869  
collection of the tax from the consumer. The commissioner shall 74870  
not grant such authority unless the commissioner finds that the 74871  
granting of the authority would improve compliance and increase 74872  
the efficiency of the administration of the tax. The person to 74873  
whom such authority is granted shall post a notice, if required by 74874  
the commissioner, at the location where the product is offered for 74875  
sale that the tax is included in the selling price. The 74876  
commissioner may adopt rules to administer this division. 74877

(C) Upon application, the commissioner may authorize a vendor 74878  
to remit, on the basis of a prearranged agreement under this 74879  
division, the tax levied by section 5739.02 or pursuant to section 74880  
5739.021, 5739.023, or 5739.026 of the Revised Code. The 74881  
proportions and ratios in a prearranged agreement shall be 74882  
determined either by a test check conducted by the commissioner 74883  
under terms and conditions agreed to by the commissioner and the 74884  
vendor or by any other method agreed upon by the vendor and the 74885  
commissioner. If the parties are unable to agree to the terms and 74886  
conditions of the test check or other method, the application 74887  
shall be denied. 74888

If used, the test check shall determine the proportion that 74889  
taxable retail sales bear to all of the vendor's retail sales and 74890  
the ratio which the tax required to be collected under sections 74891  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 74892  
bears to the receipts from the vendor's taxable retail sales. 74893

The vendor's liability for remitting the tax shall be based 74894  
solely upon the proportions and ratios established in the 74895  
agreement until such time that the vendor or the commissioner 74896  
believes that the nature of the vendor's business has so changed 74897  
as to make the agreement no longer representative. The 74898  
commissioner may give notice to the vendor at any time that the 74899  
authorization is revoked or the vendor may notify the commissioner 74900  
that the vendor no longer elects to report under the 74901  
authorization. Such notice shall be delivered to the other party 74902  
personally or by registered mail. The revocation or cancellation 74903  
is effective the last day of the month in which the vendor or the 74904  
commissioner receives the notice. 74905

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 74906  
resolution adopted by a majority of the members of the board, levy 74907  
an excise tax not to exceed three per cent on transactions by 74908  
which lodging by a hotel is or is to be furnished to transient 74909  
guests. The board shall establish all regulations necessary to 74910  
provide for the administration and allocation of the tax. The 74911  
regulations may prescribe the time for payment of the tax, and may 74912  
provide for the imposition of a penalty or interest, or both, for 74913  
late payments, provided that the penalty does not exceed ten per 74914  
cent of the amount of tax due, and the rate at which interest 74915  
accrues does not exceed the rate per annum prescribed pursuant to 74916  
section 5703.47 of the Revised Code. Except as provided in 74917  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 74918  
and (12) of this section, the regulations shall provide, after 74919  
deducting the real and actual costs of administering the tax, for 74920  
the return to each municipal corporation or township that does not 74921  
levy an excise tax on the transactions, a uniform percentage of 74922  
the tax collected in the municipal corporation or in the 74923  
unincorporated portion of the township from each transaction, not 74924  
to exceed thirty-three and one-third per cent. The remainder of 74925

the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under this division to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) or (H) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution

adopted by a majority of the members of the board, amend a 74958  
resolution levying a tax under this division to provide that the 74959  
revenue from the tax shall be used by the board as described in 74960  
division (H) of section 307.695 of the Revised Code, in which case 74961  
the tax shall remain in effect at the rate at which it was imposed 74962  
for the duration of any agreement entered into by the board under 74963  
section 307.695 of the Revised Code, the duration during which any 74964  
securities issued by the board under that section are outstanding, 74965  
or the duration of the period during which the board owns a 74966  
project as defined in section 307.695 of the Revised Code, 74967  
whichever duration is longest. 74968

The board of county commissioners of an eligible county as 74969  
defined in section 307.678 of the Revised Code may, by resolution, 74970  
amend a resolution levying a tax under this division to provide 74971  
that revenue from the tax, not to exceed five hundred thousand 74972  
dollars each year, may be used as described in division (E) of 74973  
section 307.678 of the Revised Code. 74974

Notwithstanding division (A)(1) of this section, the board of 74975  
county commissioners of a county described in division (A)(8)(a) 74976  
of this section may, by resolution, amend a resolution levying a 74977  
tax under this division to provide that all or a portion of the 74978  
revenue from the tax, including any revenue otherwise required to 74979  
be returned to townships or municipal corporations under this 74980  
division, may be used or pledged for the payment of debt service 74981  
on securities issued to pay the costs of constructing, operating, 74982  
and maintaining sports facilities described in division (A)(8)(b) 74983  
of this section. 74984

The board of county commissioners of a county described in 74985  
division (A)(9) of this section may, by resolution, amend a 74986  
resolution levying a tax under this division to provide that all 74987  
or a portion of the revenue from the tax may be used for the 74988  
purposes described in section 307.679 of the Revised Code. 74989

(2) A board of county commissioners that levies an excise tax 74990  
under division (A)(1) of this section on June 30, 1997, at a rate 74991  
of three per cent, and that has pledged revenue from the tax to an 74992  
agreement entered into under section 307.695 of the Revised Code 74993  
or, in the case of the board of county commissioners of an 74994  
eligible county as defined in section 307.695 of the Revised Code, 74995  
has amended a resolution levying a tax under division (C) of this 74996  
section to provide that proceeds from the tax shall be used by the 74997  
board as described in division (H) of section 307.695 of the 74998  
Revised Code, may, at any time by a resolution adopted by a 74999  
majority of the members of the board, amend the resolution levying 75000  
a tax under division (A)(1) of this section to provide for an 75001  
increase in the rate of that tax up to seven per cent on each 75002  
transaction; to provide that revenue from the increase in the rate 75003  
shall be used as described in division (H) of section 307.695 of 75004  
the Revised Code or be spent solely to make contributions to the 75005  
convention and visitors' bureau operating within the county to be 75006  
used specifically for promotion, advertising, and marketing of the 75007  
region in which the county is located; and to provide that the 75008  
rate in excess of the three per cent levied under division (A)(1) 75009  
of this section shall remain in effect at the rate at which it is 75010  
imposed for the duration of the period during which any agreement 75011  
is in effect that was entered into under section 307.695 of the 75012  
Revised Code by the board of county commissioners levying a tax 75013  
under division (A)(1) of this section, the duration of the period 75014  
during which any securities issued by the board under division (I) 75015  
of section 307.695 of the Revised Code are outstanding, or the 75016  
duration of the period during which the board owns a project as 75017  
defined in section 307.695 of the Revised Code, whichever duration 75018  
is longest. The amendment also shall provide that no portion of 75019  
that revenue need be returned to townships or municipal 75020  
corporations as would otherwise be required under division (A)(1) 75021  
of this section. 75022

(3) A board of county commissioners that levies a tax under 75023  
division (A)(1) of this section on March 18, 1999, at a rate of 75024  
three per cent may, by resolution adopted not later than 75025  
forty-five days after March 18, 1999, amend the resolution levying 75026  
the tax to provide for all of the following: 75027

(a) That the rate of the tax shall be increased by not more 75028  
than an additional four per cent on each transaction; 75029

(b) That all of the revenue from the increase in the rate 75030  
shall be pledged and contributed to a convention facilities 75031  
authority established by the board of county commissioners under 75032  
Chapter 351. of the Revised Code on or before November 15, 1998, 75033  
and used to pay costs of constructing, maintaining, operating, and 75034  
promoting a facility in the county, including paying bonds, or 75035  
notes issued in anticipation of bonds, as provided by that 75036  
chapter; 75037

(c) That no portion of the revenue arising from the increase 75038  
in rate need be returned to municipal corporations or townships as 75039  
otherwise required under division (A)(1) of this section; 75040

(d) That the increase in rate shall not be subject to 75041  
diminution by initiative or referendum or by law while any bonds, 75042  
or notes in anticipation of bonds, issued by the authority under 75043  
Chapter 351. of the Revised Code to which the revenue is pledged, 75044  
remain outstanding in accordance with their terms, unless 75045  
provision is made by law or by the board of county commissioners 75046  
for an adequate substitute therefor that is satisfactory to the 75047  
trustee if a trust agreement secures the bonds. 75048

Division (A)(3) of this section does not apply to the board 75049  
of county commissioners of any county in which a convention center 75050  
or facility exists or is being constructed on November 15, 1998, 75051  
or of any county in which a convention facilities authority levies 75052  
a tax pursuant to section 351.021 of the Revised Code on that 75053

date. 75054

As used in division (A)(3) of this section, "cost" and 75055  
"facility" have the same meanings as in section 351.01 of the 75056  
Revised Code, and "convention center" has the same meaning as in 75057  
section 307.695 of the Revised Code. 75058

(4)(a) A board of county commissioners that levies a tax 75059  
under division (A)(1) of this section on June 30, 2002, at a rate 75060  
of three per cent may, by resolution adopted not later than 75061  
September 30, 2002, amend the resolution levying the tax to 75062  
provide for all of the following: 75063

(i) That the rate of the tax shall be increased by not more 75064  
than an additional three and one-half per cent on each 75065  
transaction; 75066

(ii) That all of the revenue from the increase in rate shall 75067  
be pledged and contributed to a convention facilities authority 75068  
established by the board of county commissioners under Chapter 75069  
351. of the Revised Code on or before May 15, 2002, and be used to 75070  
pay costs of constructing, expanding, maintaining, operating, or 75071  
promoting a convention center in the county, including paying 75072  
bonds, or notes issued in anticipation of bonds, as provided by 75073  
that chapter; 75074

(iii) That no portion of the revenue arising from the 75075  
increase in rate need be returned to municipal corporations or 75076  
townships as otherwise required under division (A)(1) of this 75077  
section; 75078

(iv) That the increase in rate shall not be subject to 75079  
diminution by initiative or referendum or by law while any bonds, 75080  
or notes in anticipation of bonds, issued by the authority under 75081  
Chapter 351. of the Revised Code to which the revenue is pledged, 75082  
remain outstanding in accordance with their terms, unless 75083  
provision is made by law or by the board of county commissioners 75084

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) Any board of county commissioners that, pursuant to division (A)(4)(a) of this section, has amended a resolution levying the tax authorized by division (A)(1) of this section may further amend the resolution to provide that the revenue referred to in division (A)(4)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a

county that created, participated in the creation of, or has 75116  
joined such a port authority may do one or both of the following: 75117

(i) Amend a resolution previously adopted under division 75118  
(A)(1) of this section to designate some or all of the revenue 75119  
from the tax levied under the resolution to be used for that 75120  
purpose, notwithstanding that division; 75121

(ii) Amend a resolution previously adopted under division 75122  
(A)(1) of this section to increase the rate of the tax by not more 75123  
than an additional two per cent and use the revenue from the 75124  
increase exclusively for that purpose. 75125

(c) If a board of county commissioners amends a resolution to 75126  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 75127  
of this section, the board also may amend the resolution to 75128  
specify that the increase in rate of the tax does not apply to 75129  
"hotels," as otherwise defined in section 5739.01 of the Revised 75130  
Code, having fewer rooms used for the accommodation of guests than 75131  
a number of rooms specified by the board. 75132

(6) A board of county commissioners of a county organized 75133  
under a county charter adopted pursuant to Article X, Section 3, 75134  
Ohio Constitution, and that levies an excise tax under division 75135  
(A)(1) of this section at a rate of three per cent and levies an 75136  
additional excise tax under division (E) of this section at a rate 75137  
of one and one-half per cent may, by resolution adopted not later 75138  
than January 1, 2008, by a majority of the members of the board, 75139  
amend the resolution levying a tax under division (A)(1) of this 75140  
section to provide for an increase in the rate of that tax by not 75141  
more than an additional one per cent on transactions by which 75142  
lodging by a hotel is or is to be furnished to transient guests. 75143  
Notwithstanding divisions (A)(1) and (E) of this section, the 75144  
resolution shall provide that all of the revenue from the increase 75145  
in rate, after deducting the real and actual costs of 75146  
administering the tax, shall be used to pay the costs of 75147

improving, expanding, equipping, financing, or operating a 75148  
convention center by a convention and visitors' bureau in the 75149  
county. The increase in rate shall remain in effect for the period 75150  
specified in the resolution, not to exceed ten years, and may be 75151  
extended for an additional period of time not to exceed ten years 75152  
thereafter by a resolution adopted by a majority of the members of 75153  
the board. The increase in rate shall be subject to the 75154  
regulations adopted under division (A)(1) of this section, except 75155  
that the resolution may provide that no portion of the revenue 75156  
from the increase in the rate shall be returned to townships or 75157  
municipal corporations as would otherwise be required under that 75158  
division. 75159

(7) Division (A)(7) of this section applies only to a county 75160  
with a population greater than sixty-five thousand and less than 75161  
seventy thousand according to the most recent federal decennial 75162  
census and in which, on December 31, 2006, an excise tax is levied 75163  
under division (A)(1) of this section at a rate not less than and 75164  
not greater than three per cent, and in which the most recent 75165  
increase in the rate of that tax was enacted or took effect in 75166  
November 1984. 75167

The board of county commissioners of a county to which this 75168  
division applies, by resolution adopted by a majority of the 75169  
members of the board, may increase the rate of the tax by not more 75170  
than one per cent on transactions by which lodging by a hotel is 75171  
or is to be furnished to transient guests. The increase in rate 75172  
shall be for the purpose of paying expenses deemed necessary by 75173  
the convention and visitors' bureau operating in the county to 75174  
promote travel and tourism. The increase in rate shall remain in 75175  
effect for the period specified in the resolution, not to exceed 75176  
twenty years, provided that the increase in rate may not continue 75177  
beyond the time when the purpose for which the increase is levied 75178  
ceases to exist. If revenue from the increase in rate is pledged 75179

to the payment of debt charges on securities, the increase in rate 75180  
is not subject to diminution by initiative or referendum or by law 75181  
for so long as the securities are outstanding, unless provision is 75182  
made by law or by the board of county commissioners for an 75183  
adequate substitute for that revenue that is satisfactory to the 75184  
trustee if a trust agreement secures payment of the debt charges. 75185  
The increase in rate shall be subject to the regulations adopted 75186  
under division (A)(1) of this section, except that the resolution 75187  
may provide that no portion of the revenue from the increase in 75188  
the rate shall be returned to townships or municipal corporations 75189  
as would otherwise be required under division (A)(1) of this 75190  
section. A resolution adopted under division (A)(7) of this 75191  
section is subject to referendum under sections 305.31 to 305.99 75192  
of the Revised Code. 75193

(8)(a) Division (A)(8) of this section applies only to a 75194  
county satisfying all of the following: 75195

(i) The population of the county is greater than one hundred 75196  
seventy-five thousand and less than two hundred twenty-five 75197  
thousand according to the most recent federal decennial census. 75198

(ii) An amusement park with an average yearly attendance in 75199  
excess of two million guests is located in the county. 75200

(iii) On December 31, 2014, an excise tax was levied in the 75201  
county under division (A)(1) of this section at a rate of three 75202  
per cent. 75203

(b) The board of county commissioners of a county to which 75204  
this division applies, by resolution adopted by a majority of the 75205  
members of the board, may increase the rate of the tax by not more 75206  
than one per cent on transactions by which lodging by a hotel is 75207  
or is to be furnished to transient guests. The increase in rate 75208  
shall be used to pay the costs of constructing and maintaining 75209  
facilities owned by the county or by a port authority created 75210

under Chapter 4582. of the Revised Code, and designed to host 75211  
sporting events and expenses deemed necessary by the convention 75212  
and visitors' bureau operating in the county to promote travel and 75213  
tourism with reference to the sports facilities, and to pay or 75214  
pledge to the payment of debt service on securities issued to pay 75215  
the costs of constructing, operating, and maintaining the sports 75216  
facilities. The increase in rate shall remain in effect for the 75217  
period specified in the resolution. If revenue from the increase 75218  
in rate is pledged to the payment of debt charges on securities, 75219  
the increase in rate is not subject to diminution by initiative or 75220  
referendum or by law for so long as the securities are 75221  
outstanding, unless provision is made by law or by the board of 75222  
county commissioners for an adequate substitute for that revenue 75223  
that is satisfactory to the trustee if a trust agreement secures 75224  
payment of the debt charges. The increase in rate shall be subject 75225  
to the regulations adopted under division (A)(1) of this section, 75226  
except that the resolution may provide that no portion of the 75227  
revenue from the increase in the rate shall be returned to 75228  
townships or municipal corporations as would otherwise be required 75229  
under division (A)(1) of this section. 75230

(9) The board of county commissioners of a county with a 75231  
population greater than seventy-five thousand and less than 75232  
seventy-eight thousand, by resolution adopted by a majority of the 75233  
members of the board not later than October 15, 2015, may increase 75234  
the rate of the tax by not more than one per cent on transactions 75235  
by which lodging by a hotel is or is to be furnished to transient 75236  
guests. The increase in rate shall be for the purposes described 75237  
in section 307.679 of the Revised Code or for the promotion of 75238  
travel and tourism in the county, including travel and tourism to 75239  
sports facilities. The increase in rate shall remain in effect for 75240  
the period specified in the resolution and as necessary to fulfill 75241  
the county's obligations under a cooperative agreement entered 75242  
into under section 307.679 of the Revised Code. If the resolution 75243

is adopted by the board before September 29, 2015, but after that 75244  
enactment becomes law, the increase in rate shall become effective 75245  
beginning on September 29, 2015. If revenue from the increase in 75246  
rate is pledged to the payment of debt charges on securities, or 75247  
to substitute for other revenues pledged to the payment of such 75248  
debt, the increase in rate is not subject to diminution by 75249  
initiative or referendum or by law for so long as the securities 75250  
are outstanding, unless provision is made by law or by the board 75251  
of county commissioners for an adequate substitute for that 75252  
revenue that is satisfactory to the trustee if a trust agreement 75253  
secures payment of the debt charges. The increase in rate shall be 75254  
subject to the regulations adopted under division (A)(1) of this 75255  
section, except that no portion of the revenue from the increase 75256  
in the rate shall be returned to townships or municipal 75257  
corporations as would otherwise be required under division (A)(1) 75258  
of this section. 75259

(10) Division (A)(10) of this section applies only to 75260  
counties satisfying either of the following: 75261

(a) A county that, on July 1, 2015, does not levy an excise 75262  
tax under division (A)(1) of this section and that has a 75263  
population of at least thirty-nine thousand but not more than 75264  
forty thousand according to the 2010 federal decennial census; 75265

(b) A county that, on July 1, 2015, levies an excise tax 75266  
under division (A)(1) of this section at a rate of three per cent 75267  
and that has a population of at least seventy-one thousand but not 75268  
more than seventy-five thousand according to 2010 federal 75269  
decennial census. 75270

The board of county commissioners of a county to which 75271  
division (A)(10) of this section applies, by resolution adopted by 75272  
a majority of the members of the board, may levy an excise tax at 75273  
a rate not to exceed three per cent on transactions by which 75274  
lodging by a hotel is or is to be furnished to transient guests 75275

for the purpose of acquiring, constructing, equipping, or 75276  
repairing permanent improvements, as defined in section 133.01 of 75277  
the Revised Code. If the board does not levy a tax under division 75278  
(A)(1) of this section, the board shall establish regulations 75279  
necessary to provide for the administration of the tax, which may 75280  
prescribe the time for payment of the tax and the imposition of 75281  
penalty or interest subject to the limitations on penalty and 75282  
interest provided in division (A)(1) of this section. No portion 75283  
of the revenue shall be returned to townships or municipal 75284  
corporations in the county unless otherwise provided by resolution 75285  
of the board. The tax shall apply throughout the territory of the 75286  
county, including in any township or municipal corporation levying 75287  
an excise tax under division (B) of this section or division (A) 75288  
of section 5739.08 of the Revised Code. The levy of the tax is 75289  
subject to referendum as provided under section 305.31 of the 75290  
Revised Code. 75291

The tax shall remain in effect for the period specified in 75292  
the resolution. If revenue from the increase in rate is pledged to 75293  
the payment of debt charges on securities, the increase in rate is 75294  
not subject to diminution by initiative or referendum or by law 75295  
for so long as the securities are outstanding unless provision is 75296  
made by law or by the board for an adequate substitute for that 75297  
revenue that is satisfactory to the trustee if a trust agreement 75298  
secures payment of the debt charges. 75299

(11) The board of county commissioners of an eligible county, 75300  
as defined in section 307.678 of the Revised Code, that levies an 75301  
excise tax under division (A)(1) of this section on July 1, 2017, 75302  
at a rate of three per cent may, by resolution adopted by a 75303  
majority of the members of the board, amend the resolution levying 75304  
the tax to increase the rate of the tax by not more than an 75305  
additional three per cent on each transaction. No portion of the 75306  
revenue shall be returned to townships or municipal corporations 75307

in the county unless otherwise provided by resolution of the 75308  
board. Otherwise, the revenue from the increase in the rate shall 75309  
be distributed and used in the same manner described under 75310  
division (A)(1) of this section or distributed or used to provide 75311  
credit enhancement facilities as authorized under section 307.678 75312  
of the Revised Code. The increase in rate shall remain in effect 75313  
for the period specified in the resolution. If revenue from the 75314  
increase in rate is pledged to the payment of debt charges on 75315  
securities, the increase in rate is not subject to diminution by 75316  
initiative or referendum or by law for so long as the securities 75317  
are outstanding unless provision is made by law or by the board 75318  
for an adequate substitute for that revenue that is satisfactory 75319  
to the trustee if a trust agreement secures payment of the debt 75320  
charges. 75321

(12)(a) As used in this division: 75322

(i) "Eligible county" means a county that has a population 75323  
greater than one hundred ninety thousand and less than two hundred 75324  
thousand according to the 2010 federal decennial census and that 75325  
levies an excise tax under division (A)(1) of this section at a 75326  
rate of three per cent. 75327

(ii) "Professional sports facility" means a sports facility 75328  
that is intended to house major or minor league professional 75329  
athletic teams, including a stadium, together with all parking 75330  
facilities, walkways, and other auxiliary facilities, real and 75331  
personal property, property rights, easements, and interests that 75332  
may be appropriate for, or used in connection with, the operation 75333  
of the facility. 75334

(b) Subject to division (A)(12)(c) of this section, the board 75335  
of county commissioners of an eligible county, by resolution 75336  
adopted by a majority of the members of the board, may increase 75337  
the rate of the tax by not more than one per cent on transactions 75338  
by which lodging by a hotel is or is to be furnished to transient 75339

guests. Revenue from the increase in rate shall be used for the 75340  
purposes of paying the costs of constructing, improving, and 75341  
maintaining a professional sports facility in the county and 75342  
paying expenses considered necessary by the convention and 75343  
visitors' bureau operating in the county to promote travel and 75344  
tourism with respect to that professional sports facility. The tax 75345  
shall take effect only after the convention and visitors' bureau 75346  
enters into a contract for the construction, improvement, or 75347  
maintenance of a professional sports facility that is or will be 75348  
located on property acquired, in whole or in part, with revenue 75349  
from the increased rate, and thereafter shall remain in effect for 75350  
the period specified in the resolution. If revenue from the 75351  
increase in rate is pledged to the payment of debt charges on 75352  
securities, the increase in rate is not subject to diminution by 75353  
initiative or referendum or by law for so long as the securities 75354  
are outstanding, unless a provision is made by law or by the board 75355  
of county commissioners for an adequate substitute for that 75356  
revenue that is satisfactory to the trustee if a trust agreement 75357  
secures payment of the debt charges. The increase in rate shall be 75358  
subject to the regulations adopted under division (A)(1) of this 75359  
section, except that the resolution may provide that no portion of 75360  
the revenue from the increase in the rate shall be returned to 75361  
townships or municipal corporations as would otherwise be required 75362  
under division (A)(1) of this section. 75363

(c) If, on December 31, 2019, the convention and visitors' 75364  
bureau has not entered into a contract for the construction, 75365  
improvement, or maintenance of a professional sports facility that 75366  
is or will be located on property acquired, in whole or in part, 75367  
with revenue from the increased rate, the authority to levy the 75368  
tax under division (A)(12)(b) of this section is hereby repealed 75369  
on that date. 75370

(B)(1) The legislative authority of a municipal corporation 75371

or the board of trustees of a township that is not wholly or 75372  
partly located in a county that has in effect a resolution levying 75373  
an excise tax pursuant to division (A)(1) of this section may, by 75374  
ordinance or resolution, levy an excise tax not to exceed three 75375  
per cent on transactions by which lodging by a hotel is or is to 75376  
be furnished to transient guests. The legislative authority of the 75377  
municipal corporation or the board of trustees of the township 75378  
shall deposit at least fifty per cent of the revenue from the tax 75379  
levied pursuant to this division into a separate fund, which shall 75380  
be spent solely to make contributions to convention and visitors' 75381  
bureaus operating within the county in which the municipal 75382  
corporation or township is wholly or partly located, and the 75383  
balance of that revenue shall be deposited in the general fund. 75384  
The municipal corporation or township shall establish all 75385  
regulations necessary to provide for the administration and 75386  
allocation of the tax. The regulations may prescribe the time for 75387  
payment of the tax, and may provide for the imposition of a 75388  
penalty or interest, or both, for late payments, provided that the 75389  
penalty does not exceed ten per cent of the amount of tax due, and 75390  
the rate at which interest accrues does not exceed the rate per 75391  
annum prescribed pursuant to section 5703.47 of the Revised Code. 75392  
The levy of a tax under this division is in addition to any tax 75393  
imposed on the same transaction by a municipal corporation or a 75394  
township as authorized by division (A) of section 5739.08 of the 75395  
Revised Code. 75396

(2)(a) The legislative authority of the most populous 75397  
municipal corporation located wholly or partly in a county in 75398  
which the board of county commissioners has levied a tax under 75399  
division (A)(4) of this section may amend, on or before September 75400  
30, 2002, that municipal corporation's ordinance or resolution 75401  
that levies an excise tax on transactions by which lodging by a 75402  
hotel is or is to be furnished to transient guests, to provide for 75403  
all of the following: 75404

(i) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended its ordinance or resolution to increase the rate of the tax authorized by division (B)(1) of this section may further amend the ordinance or resolution to provide that the revenue referred to in division (B)(2)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (B)(2) of this section, "cost" has the 75437  
same meaning as in section 351.01 of the Revised Code, and 75438  
"convention center" has the same meaning as in section 307.695 of 75439  
the Revised Code. 75440

(3) The legislative authority of an eligible municipal 75441  
corporation may amend, on or before December 31, 2017, that 75442  
municipal corporation's ordinance or resolution that levies an 75443  
excise tax on transactions by which lodging by a hotel is or is to 75444  
be furnished to transient guests, to provide for the following: 75445

(a) That the rate of the tax shall be increased by not more 75446  
than an additional three per cent on each transaction; 75447

(b) That all of the revenue from the increase in rate shall 75448  
be used by the municipal corporation for economic development and 75449  
tourism-related purposes. 75450

As used in division (B)(3) of this section, "eligible 75451  
municipal corporation" means a municipal corporation that, on the 75452  
effective date of the amendment of this section by H.B. 49 of the 75453  
132nd general assembly, September 29, 2017, levied a tax under 75454  
division (B)(1) of this section at a rate of three per cent and 75455  
that is located in a county that, on that date, levied a tax under 75456  
division (A) of this section at a rate of three per cent and that 75457  
has, according to the most recent federal decennial census, a 75458  
population exceeding three hundred thousand but not greater than 75459  
three hundred fifty thousand. 75460

(C) For the purposes described in section 307.695 of the 75461  
Revised Code and to cover the costs of administering the tax, a 75462  
board of county commissioners of a county where a tax imposed 75463  
under division (A)(1) of this section is in effect may, by 75464  
resolution adopted within ninety days after July 15, 1985, by a 75465  
majority of the members of the board, levy an additional excise 75466  
tax not to exceed three per cent on transactions by which lodging 75467

by a hotel is or is to be furnished to transient guests. The tax 75468  
authorized by this division shall be in addition to any tax that 75469  
is levied pursuant to division (A) of this section, but it shall 75470  
not apply to transactions subject to a tax levied by a municipal 75471  
corporation or township pursuant to the authorization granted by 75472  
division (A) of section 5739.08 of the Revised Code. The board 75473  
shall establish all regulations necessary to provide for the 75474  
administration and allocation of the tax. The regulations may 75475  
prescribe the time for payment of the tax, and may provide for the 75476  
imposition of a penalty or interest, or both, for late payments, 75477  
provided that the penalty does not exceed ten per cent of the 75478  
amount of tax due, and the rate at which interest accrues does not 75479  
exceed the rate per annum prescribed pursuant to section 5703.47 75480  
of the Revised Code. All revenues arising from the tax shall be 75481  
expended in accordance with section 307.695 of the Revised Code. 75482  
The board of county commissioners of an eligible county as defined 75483  
in section 307.695 of the Revised Code may, by resolution adopted 75484  
by a majority of the members of the board, amend the resolution 75485  
levying a tax under this division to provide that the revenue from 75486  
the tax shall be used by the board as described in division (H) of 75487  
section 307.695 of the Revised Code. A tax imposed under this 75488  
division shall remain in effect at the rate at which it is imposed 75489  
for the duration of the period during which any agreement entered 75490  
into by the board under section 307.695 of the Revised Code is in 75491  
effect, the duration of the period during which any securities 75492  
issued by the board under division (I) of section 307.695 of the 75493  
Revised Code are outstanding, or the duration of the period during 75494  
which the board owns a project as defined in section 307.695 of 75495  
the Revised Code, whichever duration is longest. 75496

(D) For the purpose of providing contributions under division 75497  
(B)(1) of section 307.671 of the Revised Code to enable the 75498  
acquisition, construction, and equipping of a port authority 75499  
educational and cultural facility in the county and, to the extent 75500

provided for in the cooperative agreement authorized by that 75501  
section, for the purpose of paying debt service charges on bonds, 75502  
or notes in anticipation of bonds, described in division (B)(1)(b) 75503  
of that section, a board of county commissioners, by resolution 75504  
adopted within ninety days after December 22, 1992, by a majority 75505  
of the members of the board, may levy an additional excise tax not 75506  
to exceed one and one-half per cent on transactions by which 75507  
lodging by a hotel is or is to be furnished to transient guests. 75508  
The excise tax authorized by this division shall be in addition to 75509  
any tax that is levied pursuant to divisions (A), (B), and (C) of 75510  
this section, to any excise tax levied pursuant to section 5739.08 75511  
of the Revised Code, and to any excise tax levied pursuant to 75512  
section 351.021 of the Revised Code. The board of county 75513  
commissioners shall establish all regulations necessary to provide 75514  
for the administration and allocation of the tax that are not 75515  
inconsistent with this section or section 307.671 of the Revised 75516  
Code. The regulations may prescribe the time for payment of the 75517  
tax, and may provide for the imposition of a penalty or interest, 75518  
or both, for late payments, provided that the penalty does not 75519  
exceed ten per cent of the amount of tax due, and the rate at 75520  
which interest accrues does not exceed the rate per annum 75521  
prescribed pursuant to section 5703.47 of the Revised Code. All 75522  
revenues arising from the tax shall be expended in accordance with 75523  
section 307.671 of the Revised Code and division (D) of this 75524  
section. The levy of a tax imposed under this division may not 75525  
commence prior to the first day of the month next following the 75526  
execution of the cooperative agreement authorized by section 75527  
307.671 of the Revised Code by all parties to that agreement. The 75528  
tax shall remain in effect at the rate at which it is imposed for 75529  
the period of time described in division (C) of section 307.671 of 75530  
the Revised Code for which the revenue from the tax has been 75531  
pledged by the county to the corporation pursuant to that section, 75532  
but, to any extent provided for in the cooperative agreement, for 75533

no lesser period than the period of time required for payment of 75534  
the debt service charges on bonds, or notes in anticipation of 75535  
bonds, described in division (B)(1)(b) of that section. 75536

(E) For the purpose of paying the costs of acquiring, 75537  
constructing, equipping, and improving a municipal educational and 75538  
cultural facility, including debt service charges on bonds 75539  
provided for in division (B) of section 307.672 of the Revised 75540  
Code, and for any additional purposes determined by the county in 75541  
the resolution levying the tax or amendments to the resolution, 75542  
including subsequent amendments providing for paying costs of 75543  
acquiring, constructing, renovating, rehabilitating, equipping, 75544  
and improving a port authority educational and cultural performing 75545  
arts facility, as defined in section 307.674 of the Revised Code, 75546  
and including debt service charges on bonds provided for in 75547  
division (B) of section 307.674 of the Revised Code, the 75548  
legislative authority of a county, by resolution adopted within 75549  
ninety days after June 30, 1993, by a majority of the members of 75550  
the legislative authority, may levy an additional excise tax not 75551  
to exceed one and one-half per cent on transactions by which 75552  
lodging by a hotel is or is to be furnished to transient guests. 75553  
The excise tax authorized by this division shall be in addition to 75554  
any tax that is levied pursuant to divisions (A), (B), (C), and 75555  
(D) of this section, to any excise tax levied pursuant to section 75556  
5739.08 of the Revised Code, and to any excise tax levied pursuant 75557  
to section 351.021 of the Revised Code. The legislative authority 75558  
of the county shall establish all regulations necessary to provide 75559  
for the administration and allocation of the tax. The regulations 75560  
may prescribe the time for payment of the tax, and may provide for 75561  
the imposition of a penalty or interest, or both, for late 75562  
payments, provided that the penalty does not exceed ten per cent 75563  
of the amount of tax due, and the rate at which interest accrues 75564  
does not exceed the rate per annum prescribed pursuant to section 75565  
5703.47 of the Revised Code. All revenues arising from the tax 75566

shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county. That period of time shall not exceed fifteen years, except that the legislative authority of a county with a population of less than two hundred fifty thousand according to the most recent federal decennial census, by resolution adopted by a majority of its members before the original tax expires, may extend the duration of the tax for an additional period of time. The additional period of time by which a legislative authority extends a tax levied under this division shall not exceed fifteen years.

(F) The legislative authority of a county that has levied a tax under division (E) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code. The resolution may also provide for the extension of the tax at the

same rate for the longer of the period of time determined by the 75600  
legislative authority of the county, but not to exceed an 75601  
additional twenty-five years, or the period of time required to 75602  
pay all debt service charges on bonds provided for in division (B) 75603  
of section 307.672 of the Revised Code and on port authority 75604  
revenue bonds provided for in division (B) of section 307.674 of 75605  
the Revised Code. All revenues arising from the amendment and 75606  
extension of the tax shall be expended in accordance with section 75607  
307.674 of the Revised Code, this division, and division (E) of 75608  
this section. 75609

(G) For purposes of a tax levied by a county, township, or 75610  
municipal corporation under this section or section 5739.08 of the 75611  
Revised Code, a board of county commissioners, board of township 75612  
trustees, or the legislative authority of a municipal corporation 75613  
may adopt a resolution or ordinance at any time specifying that 75614  
"hotel," as otherwise defined in section 5739.01 of the Revised 75615  
Code, includes the following: 75616

(1) Establishments in which fewer than five rooms are used 75617  
for the accommodation of guests. 75618

(2) Establishments at which rooms are used for the 75619  
accommodation of guests regardless of whether each room is 75620  
accessible through its own keyed entry or several rooms are 75621  
accessible through the same keyed entry; and, in determining the 75622  
number of rooms, all rooms are included regardless of the number 75623  
of structures in which the rooms are situated or the number of 75624  
parcels of land on which the structures are located if the 75625  
structures are under the same ownership and the structures are not 75626  
identified in advertisements of the accommodations as distinct 75627  
establishments. For the purposes of division (G)(2) of this 75628  
section, two or more structures are under the same ownership if 75629  
they are owned by the same person, or if they are owned by two or 75630  
more persons the majority of the ownership interests of which are 75631

owned by the same person. 75632

The resolution or ordinance may apply to a tax imposed 75633  
pursuant to this section prior to the adoption of the resolution 75634  
or ordinance if the resolution or ordinance so states, but the tax 75635  
shall not apply to transactions by which lodging by such an 75636  
establishment is provided to transient guests prior to the 75637  
adoption of the resolution or ordinance. 75638

(H)(1) As used in this division: 75639

(a) "Convention facilities authority" has the same meaning as 75640  
in section 351.01 of the Revised Code. 75641

(b) "Convention center" has the same meaning as in section 75642  
307.695 of the Revised Code. 75643

(2) Notwithstanding any contrary provision of division (D) of 75644  
this section, the legislative authority of a county with a 75645  
population of one million or more according to the most recent 75646  
federal decennial census that has levied a tax under division (D) 75647  
of this section may, by resolution adopted by a majority of the 75648  
members of the legislative authority, provide for the extension of 75649  
such levy and may provide that the proceeds of that tax, to the 75650  
extent that they are no longer needed for their original purpose 75651  
as defined by a cooperative agreement entered into under section 75652  
307.671 of the Revised Code, shall be deposited into the county 75653  
general revenue fund. The resolution shall provide for the 75654  
extension of the tax at a rate not to exceed the rate specified in 75655  
division (D) of this section for a period of time determined by 75656  
the legislative authority of the county, but not to exceed an 75657  
additional forty years. 75658

(3) The legislative authority of a county with a population 75659  
of one million or more that has levied a tax under division (A)(1) 75660  
of this section may, by resolution adopted by a majority of the 75661  
members of the legislative authority, increase the rate of the tax 75662

levied by such county under division (A)(1) of this section to a 75663  
rate not to exceed five per cent on transactions by which lodging 75664  
by a hotel is or is to be furnished to transient guests. 75665  
Notwithstanding any contrary provision of division (A)(1) of this 75666  
section, the resolution may provide that all collections resulting 75667  
from the rate levied in excess of three per cent, after deducting 75668  
the real and actual costs of administering the tax, shall be 75669  
deposited in the county general fund. 75670

(4) The legislative authority of a county with a population 75671  
of one million or more that has levied a tax under division (A)(1) 75672  
of this section may, by resolution adopted on or before August 30, 75673  
2004, by a majority of the members of the legislative authority, 75674  
provide that all or a portion of the proceeds of the tax levied 75675  
under division (A)(1) of this section, after deducting the real 75676  
and actual costs of administering the tax and the amounts required 75677  
to be returned to townships and municipal corporations with 75678  
respect to the first three per cent levied under division (A)(1) 75679  
of this section, shall be deposited in the county general fund, 75680  
provided that such proceeds shall be used to satisfy any pledges 75681  
made in connection with an agreement entered into under section 75682  
307.695 of the Revised Code. 75683

(5) No amount collected from a tax levied, extended, or 75684  
required to be deposited in the county general fund under division 75685  
(H) of this section shall be contributed to a convention 75686  
facilities authority, corporation, or other entity created after 75687  
July 1, 2003, for the principal purpose of constructing, 75688  
improving, expanding, equipping, financing, or operating a 75689  
convention center unless the mayor of the municipal corporation in 75690  
which the convention center is to be operated by that convention 75691  
facilities authority, corporation, or other entity has consented 75692  
to the creation of that convention facilities authority, 75693  
corporation, or entity. Notwithstanding any contrary provision of 75694

section 351.04 of the Revised Code, if a tax is levied by a county 75695  
under division (H) of this section, the board of county 75696  
commissioners of that county may determine the manner of 75697  
selection, the qualifications, the number, and terms of office of 75698  
the members of the board of directors of any convention facilities 75699  
authority, corporation, or other entity described in division 75700  
(H)(5) of this section. 75701

(6)(a) No amount collected from a tax levied, extended, or 75702  
required to be deposited in the county general fund under division 75703  
(H) of this section may be used for any purpose other than paying 75704  
the direct and indirect costs of constructing, improving, 75705  
expanding, equipping, financing, or operating a convention center 75706  
and for the real and actual costs of administering the tax, 75707  
unless, prior to the adoption of the resolution of the legislative 75708  
authority of the county authorizing the levy, extension, increase, 75709  
or deposit, the county and the mayor of the most populous 75710  
municipal corporation in that county have entered into an 75711  
agreement as to the use of such amounts, provided that such 75712  
agreement has been approved by a majority of the mayors of the 75713  
other municipal corporations in that county. The agreement shall 75714  
provide that the amounts to be used for purposes other than paying 75715  
the convention center or administrative costs described in 75716  
division (H)(6)(a) of this section be used only for the direct and 75717  
indirect costs of capital improvements, including the financing of 75718  
capital improvements. 75719

(b) If the county in which the tax is levied has an 75720  
association of mayors and city managers, the approval of that 75721  
association of an agreement described in division (H)(6)(a) of 75722  
this section shall be considered to be the approval of the 75723  
majority of the mayors of the other municipal corporations for 75724  
purposes of that division. 75725

(7) Each year, the auditor of state shall conduct an audit of 75726

the uses of any amounts collected from taxes levied, extended, or 75727  
deposited under division (H) of this section and shall prepare a 75728  
report of the auditor of state's findings. The auditor of state 75729  
shall submit the report to the legislative authority of the county 75730  
that has levied, extended, or deposited the tax, the speaker of 75731  
the house of representatives, the president of the senate, and the 75732  
leaders of the minority parties of the house of representatives 75733  
and the senate. 75734

(I)(1) As used in this division: 75735

(a) "Convention facilities authority" has the same meaning as 75736  
in section 351.01 of the Revised Code. 75737

(b) "Convention center" has the same meaning as in section 75738  
307.695 of the Revised Code. 75739

(2) Notwithstanding any contrary provision of division (D) of 75740  
this section, the legislative authority of a county with a 75741  
population of one million two hundred thousand or more according 75742  
to the most recent federal decennial census or the most recent 75743  
annual population estimate published or released by the United 75744  
States census bureau at the time the resolution is adopted placing 75745  
the levy on the ballot, that has levied a tax under division (D) 75746  
of this section may, by resolution adopted by a majority of the 75747  
members of the legislative authority, provide for the extension of 75748  
such levy and may provide that the proceeds of that tax, to the 75749  
extent that the proceeds are no longer needed for their original 75750  
purpose as defined by a cooperative agreement entered into under 75751  
section 307.671 of the Revised Code and after deducting the real 75752  
and actual costs of administering the tax, shall be used for 75753  
paying the direct and indirect costs of constructing, improving, 75754  
expanding, equipping, financing, or operating a convention center. 75755  
The resolution shall provide for the extension of the tax at a 75756  
rate not to exceed the rate specified in division (D) of this 75757  
section for a period of time determined by the legislative 75758

authority of the county, but not to exceed an additional forty 75759  
years. 75760

(3) The legislative authority of a county with a population 75761  
of one million two hundred thousand or more that has levied a tax 75762  
under division (A)(1) of this section may, by resolution adopted 75763  
by a majority of the members of the legislative authority, 75764  
increase the rate of the tax levied by such county under division 75765  
(A)(1) of this section to a rate not to exceed five per cent on 75766  
transactions by which lodging by a hotel is or is to be furnished 75767  
to transient guests. Notwithstanding any contrary provision of 75768  
division (A)(1) of this section, the resolution shall provide that 75769  
all collections resulting from the rate levied in excess of three 75770  
per cent, after deducting the real and actual costs of 75771  
administering the tax, shall be used for paying the direct and 75772  
indirect costs of constructing, improving, expanding, equipping, 75773  
financing, or operating a convention center. 75774

(4) The legislative authority of a county with a population 75775  
of one million two hundred thousand or more that has levied a tax 75776  
under division (A)(1) of this section may, by resolution adopted 75777  
on or before July 1, 2008, by a majority of the members of the 75778  
legislative authority, provide that all or a portion of the 75779  
proceeds of the tax levied under division (A)(1) of this section, 75780  
after deducting the real and actual costs of administering the tax 75781  
and the amounts required to be returned to townships and municipal 75782  
corporations with respect to the first three per cent levied under 75783  
division (A)(1) of this section, shall be used to satisfy any 75784  
pledges made in connection with an agreement entered into under 75785  
section 307.695 of the Revised Code or shall otherwise be used for 75786  
paying the direct and indirect costs of constructing, improving, 75787  
expanding, equipping, financing, or operating a convention center. 75788

(5) Any amount collected from a tax levied or extended under 75789  
division (I) of this section may be contributed to a convention 75790

facilities authority created before July 1, 2005, but no amount 75791  
collected from a tax levied or extended under division (I) of this 75792  
section may be contributed to a convention facilities authority, 75793  
corporation, or other entity created after July 1, 2005, unless 75794  
the mayor of the municipal corporation in which the convention 75795  
center is to be operated by that convention facilities authority, 75796  
corporation, or other entity has consented to the creation of that 75797  
convention facilities authority, corporation, or entity. 75798

(J)(1) Except as provided in division (J)(2) of this section, 75799  
money collected by a county and distributed under this section to 75800  
a convention and visitors' bureau in existence as of June 30, 75801  
2013, the effective date of H.B. 59 of the 130th general assembly, 75802  
except for any such money pledged, as of that effective date, to 75803  
the payment of debt service charges on bonds, notes, securities, 75804  
or lease agreements, shall be used solely for tourism sales, 75805  
marketing and promotion, and their associated costs, including, 75806  
but not limited to, operational and administrative costs of the 75807  
bureau, sales and marketing, and maintenance of the physical 75808  
bureau structure. 75809

(2) A convention and visitors' bureau that has entered into 75810  
an agreement under section 307.678 of the Revised Code may use 75811  
revenue it receives from a tax levied under division (A)(1) of 75812  
this section as described in division (E) of section 307.678 of 75813  
the Revised Code. 75814

(K) The board of county commissioners of a county with a 75815  
population between one hundred three thousand and one hundred 75816  
seven thousand according to the most recent federal decennial 75817  
census, by resolution adopted by a majority of the members of the 75818  
board within six months after September 15, 2014, the effective 75819  
date of H.B. 483 of the 130th general assembly, may levy a tax not 75820  
to exceed three per cent on transactions by which a hotel is or is 75821  
to be furnished to transient guests. The purpose of the tax shall 75822

be to pay the costs of expanding, maintaining, or operating a 75823  
soldiers' memorial and the costs of administering the tax. All 75824  
revenue arising from the tax shall be credited to one or more 75825  
special funds in the county treasury and shall be spent solely for 75826  
the purposes of paying those costs. The board of county 75827  
commissioners shall adopt all rules necessary to provide for the 75828  
administration of the tax subject to the same limitations on 75829  
imposing penalty or interest under division (A)(1) of this 75830  
section. 75831

As used in this division "soldiers' memorial" means a 75832  
memorial constructed and funded under Chapter 345. of the Revised 75833  
Code. 75834

(L) A board of county commissioners of an eligible county, by 75835  
resolution adopted by a majority of the members of the board, may 75836  
levy an excise tax at the rate of up to three per cent on 75837  
transactions by which lodging by a hotel is or is to be furnished 75838  
to transient guests for the purpose of paying the costs of 75839  
permanent improvements at sites at which one or more agricultural 75840  
societies conduct fairs or exhibits, paying the costs of 75841  
maintaining or operating such permanent improvements, and paying 75842  
the costs of administering the tax. A resolution adopted under 75843  
this division, other than a resolution that only extends the 75844  
period of time for which the tax is levied, shall direct the board 75845  
of elections to submit the question of the proposed lodging tax to 75846  
the electors of the county at a special election held on the date 75847  
specified by the board in the resolution, provided that the 75848  
election occurs not less than ninety days after a certified copy 75849  
of the resolution is transmitted to the board of elections. A 75850  
resolution submitted to the electors under this division shall not 75851  
go into effect unless it is approved by a majority of those voting 75852  
upon it. The resolution takes effect on the date the board of 75853  
county commissioners receives notification from the board of 75854

elections of an affirmative vote. 75855

The tax shall remain in effect for the period specified in 75856  
the resolution, not to exceed five years, and may be extended for 75857  
an additional period of time not to exceed fifteen years 75858  
thereafter by a resolution adopted by a majority of the members of 75859  
the board. A resolution extending the period of time for which the 75860  
tax is in effect is not subject to approval of the electors of the 75861  
county, but is subject to referendum under sections 305.31 to 75862  
305.99 of the Revised Code. All revenue arising from the tax shall 75863  
be credited to one or more special funds in the county treasury 75864  
and shall be spent solely for the purposes of paying the costs of 75865  
such permanent improvements and maintaining or operating the 75866  
improvements. Revenue allocated for the use of a county 75867  
agricultural society may be credited to the county agricultural 75868  
society fund created in section 1711.16 of the Revised Code upon 75869  
appropriation by the board. If revenue is credited to that fund, 75870  
it shall be expended only as provided in that section. 75871

The board of county commissioners shall adopt all rules 75872  
necessary to provide for the administration of the tax. The rules 75873  
may prescribe the time for payment of the tax, and may provide for 75874  
the imposition or penalty or interest, or both, for late payments, 75875  
provided that the penalty does not exceed ten per cent of the 75876  
amount of tax due, and the rate at which interest accrues does not 75877  
exceed the rate per annum prescribed in section 5703.47 of the 75878  
Revised Code. 75879

As used in this division, "eligible county" means a county in 75880  
which a county agricultural society or independent agricultural 75881  
society is organized under section 1711.01 or 1711.02 of the 75882  
Revised Code, provided the agricultural society owns a facility or 75883  
site in the county at which an annual harness horse race is 75884  
conducted where one-day attendance equals at least forty thousand 75885  
attendees. 75886

(M) As used in this division, "eligible county" means a 75887  
county in which a tax is levied under division (A) of this section 75888  
at a rate of three per cent and whose territory includes a part of 75889  
Lake Erie the shoreline of which represents at least fifty per 75890  
cent of the linear length of the county's border with other 75891  
counties of this state. 75892

The board of county commissioners of an eligible county that 75893  
has entered into an agreement with a port authority in the county 75894  
under section 4582.56 of the Revised Code may levy an additional 75895  
lodging tax on transactions by which lodging by a hotel is or is 75896  
to be furnished to transient guests for the purpose of financing 75897  
lakeshore improvement projects constructed or financed by the port 75898  
authority under that section. The resolution levying the tax shall 75899  
specify the purpose of the tax, the rate of the tax, which shall 75900  
not exceed two per cent, and the number of years the tax will be 75901  
levied or that it will be levied for a continuing period of time. 75902  
The tax shall be administered pursuant to the regulations adopted 75903  
by the board under division (A) of this section, except that all 75904  
the proceeds of the tax levied under this division shall be 75905  
pledged to the payment of the costs, including debt charges, of 75906  
lakeshore improvements undertaken by a port authority pursuant to 75907  
the agreement under section 4582.56 of the Revised Code. No 75908  
revenue from the tax may be used to pay the current expenses of 75909  
the port authority. 75910

A resolution levying a tax under this division is subject to 75911  
referendum under sections 305.31 to 305.41 and 305.99 of the 75912  
Revised Code. 75913

(N)(1)(a) Notwithstanding division (A) of this section, the 75914  
board of county commissioners, board of township trustees, or 75915  
legislative authority of any county, township, or municipal 75916  
corporation that levies a lodging tax on September 29, 2017, and 75917  
in which any part of a tourism development district is located on 75918

or after that date shall amend the ordinance or resolution levying 75919  
the tax to require either of the following: 75920

(i) In the case of a tax levied by a county, that all tourism 75921  
development district lodging tax proceeds from that tax be used 75922  
exclusively to foster and develop tourism in the tourism 75923  
development district; 75924

(ii) In the case of a tax levied by a township or municipal 75925  
corporation, that all tourism development district lodging tax 75926  
proceeds from that tax be used exclusively to foster and develop 75927  
tourism in the tourism development district. 75928

(b) Notwithstanding division (A) of this section, any 75929  
ordinance or resolution levying a lodging tax adopted on or after 75930  
September 29, 2017, by a county, township, or municipal 75931  
corporation in which any part of a tourism development district is 75932  
located on or after that date shall require that all tourism 75933  
development district lodging tax proceeds from that tax be used 75934  
exclusively to foster and develop tourism in the tourism 75935  
development district. 75936

(c) A county shall not use any of the proceeds described in 75937  
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 75938  
convention and visitors' bureau operating within the county 75939  
approves the manner in which such proceeds are used to foster and 75940  
develop tourism in the tourism development district. Upon 75941  
obtaining such approval, the county may pay such proceeds to the 75942  
bureau to use for the agreed-upon purpose. 75943

A municipal corporation or township shall not use any of the 75944  
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 75945  
section unless the convention and visitors' bureau operating 75946  
within the municipal corporation or township approves the manner 75947  
in which such proceeds are used to foster and develop tourism in 75948  
the tourism development district. Upon obtaining such approval, 75949

the municipal corporation or township may pay such proceeds to the bureau to use for the agreed-upon purpose.

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (N)(2)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(3) As used in division (N) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section

or section 5739.08 of the Revised Code. 75981

(c) "Tourism development district lodging tax proceeds" means 75982  
all proceeds of a lodging tax derived from transactions by which 75983  
lodging by a hotel located in a tourism development district is or 75984  
is to be provided to transient guests. 75985

(d) "Eligible county" has the same meaning as in section 75986  
307.678 of the Revised Code. 75987

**Sec. 5739.101.** (A) The legislative authority of a municipal 75988  
corporation, by ordinance or resolution, or of a township, by 75989  
resolution, may declare the municipal corporation or township to 75990  
be a resort area for the purposes of this section, if all of the 75991  
following criteria are met: 75992

(1) According to statistics published by the federal 75993  
government based on data compiled during the most recent decennial 75994  
census of the United States, at least sixty-two per cent of total 75995  
housing units in the municipal corporation or township are 75996  
classified as "for seasonal, recreational, or occasional use"; 75997

(2) Entertainment and recreation facilities are provided 75998  
within the municipal corporation or township that are primarily 75999  
intended to provide seasonal leisure time activities for persons 76000  
other than permanent residents of the municipal corporation or 76001  
township; 76002

(3) The municipal corporation or township experiences 76003  
seasonal peaks of employment and demand for government services as 76004  
a direct result of the seasonal population increase. 76005

(B) For the purpose of providing revenue for its general 76006  
fund, the legislative authority of a municipal corporation or 76007  
township, in its ordinance or resolution declaring itself a resort 76008  
area under this section, may levy a tax on the privilege of 76009  
engaging in the business of either of the following: 76010

(1) Making sales in the municipal corporation or township, 76011  
whether wholesale or retail, but including sales of food only to 76012  
the extent such sales are subject to the tax levied under section 76013  
5739.02 of the Revised Code; 76014

(2) Intrastate transportation of passengers or property 76015  
primarily to or from the municipal corporation or township by a 76016  
railroad, watercraft, or motor vehicle subject to regulation by 76017  
the public utilities commission, except not including 76018  
transportation of passengers as part of a tour or cruise in which 76019  
the passengers will stay in the municipal corporation or township 76020  
for no more than one hour. 76021

The tax is imposed upon and shall be paid by the person 76022  
making the sales or transporting the passengers or property. The 76023  
rate of the tax shall be one-half, one, or one and one-half per 76024  
cent of the person's gross receipts derived from making the sales 76025  
or transporting the passengers or property to or from the 76026  
municipal corporation or township. 76027

(C) For the purpose of fostering and developing tourism in a 76028  
tourism development district designated under section 503.56 or 76029  
715.014 of the Revised Code, the legislative authority of a 76030  
municipal corporation or township, by ordinance or resolution 76031  
adopted on or before December 31, ~~2018~~ 2020, may levy a tax on the 76032  
privilege of engaging in the business of making sales in the 76033  
tourism development district, whether wholesale or retail, but 76034  
including sales of food only to the extent such sales are subject 76035  
to the tax levied under section 5739.02 of the Revised Code. 76036

The tax is imposed upon and shall be paid by the person 76037  
making the sales. The rate of the tax shall be one-half, one, one 76038  
and one-half, or two per cent of the person's gross receipts 76039  
derived from making the sales in the tourism development district. 76040

(D) A tax levied under division (B) or (C) of this section 76041

shall take effect on the first day of the month that begins at 76042  
least sixty days after the effective date of the ordinance or 76043  
resolution by which it is levied. The legislative authority shall 76044  
certify copies of the ordinance or resolution to the tax 76045  
commissioner and treasurer of state within five days after its 76046  
adoption. In addition, one time each week during the two weeks 76047  
following the adoption of the ordinance or resolution, the 76048  
legislative authority shall cause to be published in a newspaper 76049  
of general circulation in the municipal corporation or township, 76050  
or as provided in section 7.16 of the Revised Code, a notice 76051  
explaining the tax and stating the rate of the tax, the date it 76052  
will take effect, and that persons subject to the tax must 76053  
register with the tax commissioner under section 5739.103 of the 76054  
Revised Code. 76055

(E) No more than once a year, and subject to the rates 76056  
prescribed in division (B) or (C) of this section, the legislative 76057  
authority of the municipal corporation or township, by ordinance 76058  
or resolution, may increase or decrease the rate of a tax levied 76059  
under this section. The legislative authority, by ordinance or 76060  
resolution, at any time may repeal such a tax. The legislative 76061  
authority shall certify to the tax commissioner and treasurer of 76062  
state copies of the ordinance or resolution repealing or changing 76063  
the rate of the tax within five days after its adoption. In 76064  
addition, one time each week during the two weeks following the 76065  
adoption of the ordinance or resolution, the legislative authority 76066  
shall cause to be published in a newspaper of general circulation 76067  
in the municipal corporation or township, or as provided in 76068  
section 7.16 of the Revised Code, notice of the repeal or change. 76069

(F) A person may separately or proportionately bill or 76070  
invoice a tax levied pursuant to division (B) or (C) of this 76071  
section to another person. 76072

Sec. 5741.01. As used in this chapter: 76073

(A) "Person" includes individuals, receivers, assignees, 76074  
trustees in bankruptcy, estates, firms, partnerships, 76075  
associations, joint-stock companies, joint ventures, clubs, 76076  
societies, corporations, business trusts, governments, and 76077  
combinations of individuals of any form. 76078

(B) "Storage" means and includes any keeping or retention in 76079  
this state for use or other consumption in this state. 76080

(C) "Use" means and includes the exercise of any right or 76081  
power incidental to the ownership of the thing used. A thing is 76082  
also "used" in this state if its consumer gives or otherwise 76083  
distributes it, without charge, to recipients in this state. 76084

(D) "Purchase" means acquired or received for a 76085  
consideration, whether such acquisition or receipt was effected by 76086  
a transfer of title, or of possession, or of both, or a license to 76087  
use or consume; whether such transfer was absolute or conditional, 76088  
and by whatever means the transfer was effected; and whether the 76089  
consideration was money, credit, barter, or exchange. Purchase 76090  
includes production, even though the article produced was used, 76091  
stored, or consumed by the producer. The transfer of copyrighted 76092  
motion picture films for exhibition purposes is not a purchase, 76093  
except such films as are used solely for advertising purposes. 76094

(E) "Seller" means the person from whom a purchase is made, 76095  
and includes every person engaged in this state or elsewhere in 76096  
the business of selling tangible personal property or providing a 76097  
service for storage, use, or other consumption or benefit in this 76098  
state; and when, in the opinion of the tax commissioner, it is 76099  
necessary for the efficient administration of this chapter, to 76100  
regard any salesperson, representative, peddler, or canvasser as 76101  
the agent of a dealer, distributor, supervisor, or employer under 76102  
whom the person operates, or from whom the person obtains tangible 76103

personal property, sold by the person for storage, use, or other 76104  
consumption in this state, irrespective of whether or not the 76105  
person is making such sales on the person's own behalf, or on 76106  
behalf of such dealer, distributor, supervisor, or employer, the 76107  
commissioner may regard the person as such agent, and may regard 76108  
such dealer, distributor, supervisor, or employer as the seller. 76109  
"Seller" A marketplace facilitator shall be treated as the 76110  
"seller" with respect to all sales facilitated by the marketplace 76111  
facilitator on behalf of one or more marketplace sellers on and 76112  
after the first day of the first month that begins at least thirty 76113  
days after the marketplace facilitator first has substantial nexus 76114  
with this state. Otherwise, "seller" does not include any person 76115  
to the extent the person provides a communications medium, such 76116  
as, but not limited to, newspapers, magazines, radio, television, 76117  
or cable television, by means of which sellers solicit purchases 76118  
of their goods or services. 76119

(F) "Consumer" means any person who has purchased tangible 76120  
personal property or has been provided a service for storage, use, 76121  
or other consumption or benefit in this state. "Consumer" does not 76122  
include a person who receives, without charge, tangible personal 76123  
property or a service. 76124

A person who performs a facility management or similar 76125  
service contract for a contractee is a consumer of all tangible 76126  
personal property and services purchased for use in connection 76127  
with the performance of such contract, regardless of whether title 76128  
to any such property vests in the contractee. The purchase of such 76129  
property and services is not subject to the exception for resale 76130  
under division (E) of section 5739.01 of the Revised Code. 76131

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 76132  
of this section, has the same meaning as in division (H)(1) of 76133  
section 5739.01 of the Revised Code. 76134

(2) In the case of watercraft, outboard motors, or new motor 76135

vehicles, "price" has the same meaning as in divisions (H)(2) and 76136  
(3) of section 5739.01 of the Revised Code. 76137

(3) In the case of a nonresident business consumer that 76138  
purchases and uses tangible personal property outside this state 76139  
and subsequently temporarily stores, uses, or otherwise consumes 76140  
such tangible personal property in the conduct of business in this 76141  
state, the consumer or the tax commissioner may determine the 76142  
price based on the value of the temporary storage, use, or other 76143  
consumption, in lieu of determining the price pursuant to division 76144  
(G)(1) of this section. A price determination made by the consumer 76145  
is subject to review and redetermination by the commissioner. 76146

(4) In the case of tangible personal property held in this 76147  
state as inventory for sale or lease, and that is temporarily 76148  
stored, used, or otherwise consumed in a taxable manner, the price 76149  
is the value of the temporary use. A price determination made by 76150  
the consumer is subject to review and redetermination by the 76151  
commissioner. 76152

(5) In the case of tangible personal property originally 76153  
purchased and used by the consumer outside this state, and that 76154  
becomes permanently stored, used, or otherwise consumed in this 76155  
state more than six months after its acquisition by the consumer, 76156  
the consumer or the commissioner may determine the price based on 76157  
the current value of such tangible personal property, in lieu of 76158  
determining the price pursuant to division (G)(1) of this section. 76159  
A price determination made by the consumer is subject to review 76160  
and redetermination by the commissioner. 76161

(6) If a consumer produces tangible personal property for 76162  
sale and removes that property from inventory for the consumer's 76163  
own use, the price is the produced cost of that tangible personal 76164  
property. 76165

(H) "Nexus with this state" means that the seller engages in 76166

continuous and widespread solicitation of purchases from residents 76167  
of this state or otherwise purposefully directs its business 76168  
activities at residents of this state. 76169

(I)(1) "Substantial nexus with this state" means that the 76170  
seller has sufficient contact with this state, in accordance with 76171  
Section 8 of Article I of the Constitution of the United States, 76172  
to allow the state to require the seller to collect and remit use 76173  
tax on sales of tangible personal property or services made to 76174  
consumers in this state. 76175

(2) "Substantial nexus with this state" is presumed to exist 76176  
when the seller does any of the following: 76177

(a) Uses an office, distribution facility, warehouse, storage 76178  
facility, or similar place of business within this state, whether 76179  
operated by the seller or any other person, other than a common 76180  
carrier acting in its capacity as a common carrier. 76181

(b) Regularly uses employees, agents, representatives, 76182  
solicitors, installers, repairers, salespersons, or other persons 76183  
in this state for the purpose of conducting the business of the 76184  
seller or either to engage in a business with the same or a 76185  
similar industry classification as the seller selling a similar 76186  
product or line of products as the seller, or to use trademarks, 76187  
service marks, or trade names in this state that are the same or 76188  
substantially similar to those used by the seller. 76189

(c) Uses any person, other than a common carrier acting in 76190  
its capacity as a common carrier, in this state for any of the 76191  
following purposes: 76192

(i) Receiving or processing orders of the seller's goods or 76193  
services; 76194

(ii) Using that person's employees or facilities in this 76195  
state to advertise, promote, or facilitate sales by the seller to 76196  
customers; 76197

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;	76198 76199
(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.	76200 76201 76202 76203 76204
(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier.	76205 76206
(e) Has an affiliated person that has substantial nexus with this state.	76207 76208
(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state.	76209 76210 76211
(g) <del>Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.</del>	76212 76213 76214 76215 76216 76217 76218 76219
(h) <del>Uses in state software to sell or lease taxable tangible personal property or services to consumers, provided the seller</del> <u>Has</u> gross receipts in excess of <del>five</del> <u>one</u> hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.	76220 76221 76222 76223 76224 76225 76226
(i) <del>Provides or enters into an agreement with another person to provide a content distribution network in this state to</del>	76227 76228

~~accelerate or enhance the delivery of the seller's web site to~~ 76229  
~~consumers, provided the seller has gross receipts in excess of~~ 76230  
~~five hundred thousand dollars (h) Engages,~~ in the current or 76231  
~~preceding calendar year from the sale of , in two hundred or more~~ 76232  
~~separate transactions selling~~ tangible personal property for 76233  
~~storage, use, or consumption in this state or from providing~~ 76234  
~~services the benefit of which is realized in this state.~~ 76235

(3) A seller presumed to have substantial nexus with this 76236  
state under divisions (I)(2)(a) to (f), (g), and (h), ~~and (i)~~ of 76237  
this section may rebut that presumption by demonstrating that 76238  
activities described in any of those divisions that are conducted 76239  
by a person in this state on the seller's behalf are not 76240  
significantly associated with the seller's ability to establish or 76241  
maintain a market in this state for the seller's sales. 76242

~~(4) A seller presumed to have substantial nexus with this~~ 76243  
~~state under division (I)(2)(g) of this section may rebut that~~ 76244  
~~presumption by submitting proof that each resident engaged by the~~ 76245  
~~seller as described in that division did not engage in any~~ 76246  
~~activity within this state during the preceding twelve months that~~ 76247  
~~was significantly associated with the seller's ability to~~ 76248  
~~establish or maintain the seller's market in this state during the~~ 76249  
~~preceding twelve months. Such proof may consist of sworn written~~ 76250  
~~statements from all the residents with whom the seller has an~~ 76251  
~~agreement stating that the resident did not engage in any~~ 76252  
~~solicitation in this state on behalf of the seller during the~~ 76253  
~~preceding twelve months if such statements are provided and~~ 76254  
~~obtained in good faith. A marketplace facilitator is presumed to~~ 76255  
~~have substantial nexus with this state if either of the following~~ 76256  
~~apply in the current or preceding calendar year:~~ 76257

(a) The aggregate gross receipts derived from sales of 76258  
tangible personal property for storage, use, or consumption in 76259  
this state or services the benefit of which is realized in this 76260

state, including sales made by the marketplace facilitator on its own behalf and sales facilitated by the marketplace facilitator on behalf of one or more marketplace sellers, exceed one hundred thousand dollars; 76261  
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(b) The marketplace facilitator engages in on its own behalf, or facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state. 76265  
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code. 76270  
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(6) As used in division (I) of this section: 76276

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. 76277  
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(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code. 76282  
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(c) "State agency" has the same meaning as in section 1.60 of the Revised Code. 76284  
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~~(d) "In state software" means computer software, as that term is defined in section 5739.01 of the Revised Code, that is stored on property in this state or is distributed within this state for the purpose of facilitating a seller's sales.~~ 76286  
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~~(e) "Content delivery network" means a system of distributed~~ 76290

~~servers that deliver web sites and other web content to a user 76291  
based on the geographic location of the user, the origin of the 76292  
web site or web content, and a content delivery server. 76293~~

(J) "Fiscal officer" means, with respect to a regional 76294  
transit authority, the secretary-treasurer thereof, and with 76295  
respect to a county which is a transit authority, the fiscal 76296  
officer of the county transit board appointed pursuant to section 76297  
306.03 of the Revised Code or, if the board of county 76298  
commissioners operates the county transit system, the county 76299  
auditor. 76300

(K) "Territory of the transit authority" means all of the 76301  
area included within the territorial boundaries of a transit 76302  
authority as they from time to time exist. Such territorial 76303  
boundaries must at all times include all the area of a single 76304  
county or all the area of the most populous county which is a part 76305  
of such transit authority. County population shall be measured by 76306  
the most recent census taken by the United States census bureau. 76307

(L) "Transit authority" means a regional transit authority 76308  
created pursuant to section 306.31 of the Revised Code or a county 76309  
in which a county transit system is created pursuant to section 76310  
306.01 of the Revised Code. For the purposes of this chapter, a 76311  
transit authority must extend to at least the entire area of a 76312  
single county. A transit authority which includes territory in 76313  
more than one county must include all the area of the most 76314  
populous county which is a part of such transit authority. County 76315  
population shall be measured by the most recent census taken by 76316  
the United States census bureau. 76317

(M) "Providing a service" has the same meaning as in section 76318  
5739.01 of the Revised Code. 76319

(N) "Other consumption" includes receiving the benefits of a 76320  
service. 76321

(O) "Lease" or "rental" has the same meaning as in section 5739.01 of the Revised Code. 76322  
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(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 76324  
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(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States. 76326  
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(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state. 76330  
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(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify 76345  
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as a remote small seller. 76354

(T) "Marketplace facilitator" means a person that owns, 76355  
operates, or controls a physical or electronic marketplace through 76356  
which retail sales are facilitated on behalf of one or more 76357  
marketplace sellers, or an affiliate of such a person. 76358  
"Marketplace facilitator" does not include a person that provides 76359  
advertising services, including tangible personal property or 76360  
services listed for sale, if the advertising service platform or 76361  
forum does not engage directly or indirectly through one or more 76362  
affiliated persons in the activities described in division (W)(2) 76363  
of this section. 76364

(U) "Marketplace seller" means a person on behalf of which a 76365  
marketplace facilitator facilitates the sale of tangible personal 76366  
property for storage, use, or consumption in this state or 76367  
services the benefit of which are realized in this state, 76368  
regardless of whether or not the person has a substantial nexus 76369  
with this state. 76370

(V) "Electronic marketplace" includes digital distribution 76371  
services, digital distribution platforms, online portals, 76372  
application stores, computer software applications, in-app 76373  
purchase mechanisms, or other digital products. 76374

(W) A sale is "facilitated" by a marketplace facilitator on 76375  
behalf of a marketplace seller if it satisfies divisions (W)(1), 76376  
(2), and (3) of this section: 76377

(1) The marketplace facilitator, directly or indirectly, does 76378  
any of the following: 76379

(a) Lists, makes available, or advertises the tangible 76380  
personal property or services that are the subject of the sale in 76381  
a physical or electronic marketplace owned, operated, or 76382  
controlled by the marketplace facilitator; 76383

(b) Transmits or otherwise communicates an offer or 76384

acceptance of the sale between the marketplace seller and the purchaser in a shop, store, booth, catalog, internet site, or other similar forum; 76385  
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(c) Owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark, or patent that connects the marketplace seller to the purchaser for the purpose of making sales; 76388  
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(d) Provides the marketplace in which the sale was made or otherwise facilitates the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 76393  
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(e) Provides software development or research and development services directly related to a physical or electronic marketplace that is involved in one or more of the activities described in division (W)(1) of this section; 76397  
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(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale; 76401  
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(g) Sets the price of the sale on behalf of the marketplace seller; 76404  
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(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale; 76406  
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(i) Brands or otherwise identifies the sale as a sale of the marketplace facilitator. 76410  
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(2) The marketplace facilitator, directly or indirectly, does any of the following: 76412  
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(a) Collects the price of the tangible personal property or 76414

<u>services sold to the consumer;</u>	76415
<u>(b) Provides payment processing services for the sale;</u>	76416
<u>(c) Collects payment in connection with the sale from the</u>	76417
<u>consumer through terms and conditions, agreements, or arrangements</u>	76418
<u>with a third party, and transmits that payment to the marketplace</u>	76419
<u>seller, regardless of whether the person collecting and</u>	76420
<u>transmitting such payment receives compensation or other</u>	76421
<u>consideration in exchange for the service;</u>	76422
<u>(d) Provides virtual currency that consumers are allowed or</u>	76423
<u>required to use to purchase the tangible personal property or</u>	76424
<u>services that are the subject of the sale.</u>	76425
<u>(3) The subject of the sale is tangible personal property or</u>	76426
<u>services other than lodging by a hotel that is or is to be</u>	76427
<u>furnished to transient guests.</u>	76428
<b>Sec. 5741.04.</b> Every seller required to register with the tax	76429
commissioner pursuant to section 5741.17 of the Revised Code who	76430
is engaged in the business of selling <u>or facilitating the sale of</u>	76431
tangible personal property in this state for storage, use, or	76432
other consumption in this state, to which section 5741.02 of the	76433
Revised Code applies, or which is subject to a tax levied pursuant	76434
to section 5741.021, 5741.022, or 5741.023 of the Revised Code,	76435
shall, and any other seller who is authorized by rule of the tax	76436
commissioner to do so may, collect from the consumer the full and	76437
exact amount of the tax payable on each such storage, use, or	76438
consumption, in the manner and at the times provided as follows:	76439
(A) If the price is, at or prior to the delivery of	76440
possession of the thing sold to the consumer, paid in currency	76441
passed from hand to hand by the consumer or the consumer's agent,	76442
to the seller or the seller's agent, the seller or the seller's	76443
agent shall collect the tax with and at the same time as the	76444

price. 76445

(B) If the price is otherwise paid or to be paid, the seller 76446  
or the seller's agent shall, at or prior to the delivery of 76447  
possession of the thing sold to the consumer, charge the tax 76448  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 76449  
5741.023 of the Revised Code to the account of the consumer, which 76450  
amount shall be collected by the seller from the consumer in 76451  
addition to the price. Such transaction shall be reported on the 76452  
return for the period in which the transaction occurred, and the 76453  
amount of tax applicable to the transaction shall be remitted with 76454  
the return or, if the consumer is subject to section 5741.121 of 76455  
the Revised Code, in the manner prescribed by that section. The 76456  
amount of the tax shall become a legal charge in favor of the 76457  
seller and against the consumer. 76458

(C) It shall be the obligation of each consumer, as required 76459  
by section 5741.12 of the Revised Code, to report and pay the 76460  
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 76461  
Revised Code, if applicable, on any storage, use, or other 76462  
consumption of tangible personal property purchased in this state 76463  
from a vendor required to be licensed pursuant to section 5739.17 76464  
of the Revised Code. 76465

**Sec. 5741.05.** As used in this section, "receive" means taking 76466  
possession of tangible personal property or making first use of a 76467  
service. "Receive" does not include possession by a shipping 76468  
company on behalf of a consumer. 76469

(A) ~~A~~ Except as otherwise provided in division (B) of this 76470  
section, a seller that collects the tax levied by sections 76471  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 76472  
transactions, other than sales of titled motor vehicles, titled 76473  
watercraft, or titled outboard motors, shall determine under 76474  
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 76475

for which to collect the tax. A 76476

(B) A marketplace facilitator that collects the tax levied by 76477  
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 76478  
Code on sales facilitated by the marketplace facilitator, other 76479  
than sales of titled motor vehicles, titled watercraft, or titled 76480  
outboard motors, shall determine the jurisdiction for which to 76481  
collect the tax as follows: 76482

(1) The location known to the marketplace facilitator where 76483  
the consumer or the donee designated by the consumer receives the 76484  
tangible personal property or service, including the location 76485  
indicated by instructions for delivery to the consumer or the 76486  
consumer's donee; 76487

(2) If division (B)(1) of this section does not apply, the 76488  
location indicated by an address for the consumer that is 76489  
available from the marketplace facilitator's business records that 76490  
are maintained in the ordinary course of the marketplace 76491  
facilitator's business, when use of that address does not 76492  
constitute bad faith; 76493

(3) If divisions (B)(1) and (2) of this section do not apply, 76494  
the location indicated by an address for the consumer obtained 76495  
during the consummation of the sale, including the address 76496  
associated with the consumer's payment instrument, if no other 76497  
address is available, when use of that address does not constitute 76498  
bad faith. 76499

(4) If divisions (B)(1), (2), and (3) of this section do not 76500  
apply, including in the circumstance where the marketplace 76501  
facilitator is without sufficient information to apply any of 76502  
those divisions, the address from which tangible personal property 76503  
was shipped, or from which the service was provided, disregarding 76504  
any location that merely provided the electronic transfer of the 76505  
property sold or service provided. 76506

(C) A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code and the additional taxes levied by division (A)(1) of section 5741.021, division (A)(1) of section 5741.022, and division (A)(1) of section 5741.023 of the Revised Code for the consumer's county of residence as provided in section 1548.06 and division (B) of section 4505.06 of the Revised Code.

~~(B)~~(D) A vendor or seller is not responsible for collecting or remitting additional tax if a consumer subsequently stores, uses, or consumes the tangible personal property or service in another jurisdiction with a rate of tax imposed by sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that is higher than the amount collected by the vendor or seller pursuant to Chapter 5739. or 5741. of the Revised Code.

**Sec. 5741.07.** Except as otherwise provided in section 5741.11 of the Revised Code, a marketplace facilitator that is treated as a seller pursuant to division (E) of section 5741.01 of the Revised Code has the same rights and obligations under this chapter as other sellers. Such obligations include registering with the tax commissioner under section 5741.17 of the Revised Code and collecting and remitting the taxes levied under this chapter on sales facilitated by the marketplace facilitator in accordance with section 5741.04 of the Revised Code. A marketplace facilitator's rights and obligations regarding a sale are not affected by the amount of the price paid by the consumer that will accrue to or benefit the marketplace facilitator as compared to the marketplace seller for which the sale is facilitated, or by whether or not such marketplace seller has substantial nexus with this state, registers with the tax commissioner under section 5741.17 of the Revised Code, or collects and remits taxes on sales not facilitated by a marketplace facilitator in accordance with

section 5741.04 of the Revised Code. 76539

A marketplace seller that is required to collect and remit 76540  
the taxes levied under this chapter shall continue to do so for 76541  
all sales other than those facilitated by a marketplace 76542  
facilitator that is treated as a seller pursuant to division (E) 76543  
of section 5741.01 of the Revised Code, including sales 76544  
facilitated before the first day of the first month that begins at 76545  
least thirty days after the marketplace facilitator first has 76546  
substantial nexus with this state. 76547

**Sec. 5741.071.** (A) A marketplace seller may request and shall 76548  
obtain a waiver from the tax commissioner for a marketplace 76549  
facilitator not to be treated as a seller pursuant to division (E) 76550  
of section 5741.01 of the Revised Code with respect to a specific 76551  
marketplace seller if the following conditions are met: 76552

(1) The marketplace seller certifies it has annual gross 76553  
receipts within the United States, including the gross receipts of 76554  
any affiliate, as defined in section 122.15 of the Revised Code, 76555  
of at least one billion dollars; 76556

(2) The marketplace seller or its affiliate, as defined in 76557  
section 122.15 of the Revised Code, is publicly traded on at least 76558  
one major stock exchange; 76559

(3) The marketplace seller is current on all taxes, fees, and 76560  
charges administered by the department of taxation that are not 76561  
subject to a bona fide dispute; 76562

(4) The marketplace seller has not, within the past twelve 76563  
months, requested that a waiver related to the marketplace 76564  
facilitator at issue be canceled nor has the waiver been revoked 76565  
by the commissioner; and 76566

(5) The marketplace seller has not violated division (B) of 76567  
section 5739.30 of the Revised Code. 76568

(B) A marketplace seller shall request a waiver on the form prescribed by the commissioner. A request for a waiver shall contain a signed declaration from the marketplace facilitator acquiescing to the request for a waiver. A waiver request that is not ruled upon by the commissioner within thirty days of the date it was filed is deemed granted. A waiver that is granted by the commissioner or deemed to be granted is effective on and after the first day of the first month that begins at least thirty days after the commissioner grants the waiver or the waiver is deemed granted. The waiver is valid until the first day of the first month that begins at least sixty days after it is revoked by the commissioner or cancelled by the marketplace seller.

(C)(1) If a waiver is granted by the commissioner, the commissioner shall notify the marketplace seller and the seller shall be considered the vendor pursuant to division (C) of section 5739.01 of the Revised Code or a seller pursuant to division (E) of section 5741.01 of the Revised Code, as applicable.

(2) A marketplace seller is required to notify the marketplace facilitator of the status of the waiver of the marketplace seller. However, if a waiver is denied by the commissioner, a copy of the denial shall be provided to the marketplace facilitator.

(3) A marketplace seller that has been issued a waiver under this section may cancel the waiver by sending notice to the commissioner and to the marketplace facilitator identified in the waiver application. The commissioner may revoke a waiver if the commissioner determines that any of the conditions described in divisions (A)(1) to (5) of this section are no longer met by the marketplace seller. The commissioner shall notify the marketplace seller and the marketplace facilitator upon revoking a waiver.

(D) Notwithstanding section 5703.21 of the Revised Code, the commissioner may divulge information related to the status of the

waiver sought by or granted to the marketplace seller for a 76601  
particular marketplace facilitator to either the impacted 76602  
marketplace seller or marketplace facilitator. 76603

(E) The commissioner may promulgate rules the commissioner 76604  
deems necessary to administer this section. 76605

**Sec. 5741.11.** ~~If~~ (A) Except as otherwise provided in 76606  
divisions (B) and (C) of this section, if any seller who is 76607  
required or authorized to collect the tax imposed by or pursuant 76608  
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 76609  
Code fails to do so, ~~he~~ the seller shall be liable personally for 76610  
such amount as ~~he~~ the seller failed to collect. If any seller 76611  
collects the tax imposed by or pursuant to any such section and 76612  
fails to remit the same to the state as prescribed, ~~he~~ the seller 76613  
shall be personally liable for any amount collected ~~which he~~ that 76614  
the seller failed to remit. The tax commissioner may make an 76615  
assessment against such seller, based upon any information within 76616  
~~his~~ the commissioner's possession. The commissioner shall give to 76617  
the seller written notice of such assessment. Such notice may be 76618  
served upon the seller personally or by certified mail. 76619

(B) A marketplace facilitator is relieved of all liability 76620  
under division (A) of this section for failure to collect the tax 76621  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 76622  
5741.023 of the Revised Code on a sale facilitated by the 76623  
marketplace facilitator on behalf of an unaffiliated marketplace 76624  
seller if it is demonstrated to the satisfaction of the 76625  
commissioner that the marketplace facilitator made a reasonable 76626  
effort to obtain sufficient and accurate information about the 76627  
sale from the marketplace seller and that the marketplace 76628  
facilitator failed to collect the correct amount of tax because of 76629  
insufficient or incorrect information provided by the marketplace 76630  
seller. 76631

If a marketplace facilitator is relieved of liability under this division, the marketplace seller for which the sale was facilitated and the purchaser are personally liable for any amount of tax that is not properly collected, paid, or remitted. 76632  
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(C) Division (B) of this section does not absolve a marketplace facilitator, marketplace seller, or any other person from personal liability for collecting but failing to remit the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. 76636  
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(D) No class action may be brought against a marketplace facilitator in any court of this state on behalf of consumers arising from or in any way related to an overpayment of the tax imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on sales facilitated by the marketplace facilitator, regardless of whether the claim is characterized as a tax refund claim. 76641  
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**Sec. 5741.13.** (A) Except as provided in division (B) of this section: 76648  
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(1) If any person required by section 5741.12 of the Revised Code to make a return to the tax commissioner fails to make such return at the time required by or under authority of such section, the commissioner may make an assessment against such person, based upon any information within the commissioner's possession. The commissioner shall give to such person written notice of the assessment as provided in section 5703.37 of the Revised Code. 76650  
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(2) If information in the possession of the commissioner indicates that the tax paid by any consumer is less than that due, the commissioner may audit a representative sample of that consumer's purchases and may issue an assessment based thereon. The commissioner shall make a good faith effort to reach agreement with the consumer on selecting a representative sample. 76657  
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(3) If information in the possession of the commissioner indicates that the amount required to be collected or paid under this chapter is greater than the amount remitted by the seller, the commissioner may audit a representative sample of the seller's sales to determine the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the seller in selecting a representative sample.

(B) The commissioner may audit only the marketplace facilitator for sales with respect to which the marketplace facilitator is treated as the seller pursuant to division (E) of section 5741.01 of the Revised Code and may not audit the marketplace seller on behalf of which the sale was facilitated. This division does not absolve a marketplace seller or the purchaser from personal liability under division (B) of section 5741.11 of the Revised Code for taxes that are not properly collected, paid, or remitted due to the inability of the marketplace facilitator to obtain accurate information about the sale from the marketplace seller.

**Sec. 5741.17.** (A)(1) Except as otherwise provided in divisions (A)(2), (3), and (4) of this section, every seller of tangible personal property or services who has substantial nexus with this state shall register with the tax commissioner and supply any information concerning the seller's contacts with this state that may be required by the commissioner.

(2) A seller who is licensed as a vendor pursuant to section 5739.17 of the Revised Code shall not be required to register with the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of the seller's vendor's license.

~~(3) Unless the seller has substantial nexus with this state~~

~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code,~~ a A seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

**Sec. 5743.01.** As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its political subdivisions.

(B) "Wholesale dealer" includes only those persons: 76724

(1) Who bring in or cause to be brought into this state 76725  
unstamped cigarettes purchased directly from the manufacturer, 76726  
producer, or importer of cigarettes for sale in this state but 76727  
does not include persons who bring in or cause to be brought into 76728  
this state cigarettes with respect to which no evidence of tax 76729  
payment is required thereon as provided in section 5743.04 of the 76730  
Revised Code; or 76731

(2) Who are engaged in the business of selling cigarettes ~~or~~ 76732  
tobacco products, or vapor products to others for the purpose of 76733  
resale. 76734

"Wholesale dealer" does not include any cigarette 76735  
manufacturer, export warehouse proprietor, or importer with a 76736  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 76737  
in this state only to wholesale dealers holding valid and current 76738  
licenses under section 5743.15 of the Revised Code or to an export 76739  
warehouse proprietor or another manufacturer. 76740

(C) "Retail dealer" includes: 76741

(1) In reference to dealers in cigarettes, every person other 76742  
than a wholesale dealer engaged in the business of selling 76743  
cigarettes in this state, regardless of whether the person is 76744  
located in this state or elsewhere, and regardless of quantity, 76745  
amount, or number of sales; 76746

(2) In reference to dealers in tobacco products, any person 76747  
in this state engaged in the business of selling tobacco products 76748  
to ultimate consumers in this state, regardless of quantity, 76749  
amount, or number of sales; 76750

(3) In reference to dealers in vapor products, any person in 76751  
this state engaged in the business of selling vapor products to 76752  
ultimate consumers in this state, regardless of quantity, amount, 76753  
or number of sales. 76754

(D) "Sale" includes exchange, barter, gift, offer for sale, 76755  
and distribution, and includes transactions in interstate or 76756  
foreign commerce. 76757

(E) "Cigarettes" includes any roll for smoking made wholly or 76758  
in part of tobacco, irrespective of size or shape, and whether or 76759  
not such tobacco is flavored, adulterated, or mixed with any other 76760  
ingredient, the wrapper or cover of which is made of paper, 76761  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 76762  
cigarette tobacco sheet, or any similar materials other than cigar 76763  
tobacco. 76764

(F) "Package" means the individual package, box, or other 76765  
container in or from which retail sales of cigarettes are normally 76766  
made or intended to be made. 76767

(G) "Storage" includes any keeping or retention of cigarettes 76768  
~~or~~ tobacco products, or vapor products for use or consumption in 76769  
this state. 76770

(H) "Use" includes the exercise of any right or power 76771  
incidental to the ownership of cigarettes ~~or~~ tobacco products, or 76772  
vapor products. 76773

(I) "Tobacco product" or "other tobacco product" means any 76774  
product made from tobacco, other than cigarettes, that is made for 76775  
smoking or chewing, or both, and snuff. 76776

(J) "Wholesale price" means the invoice price, including all 76777  
federal excise taxes, at which the manufacturer of the tobacco 76778  
product sells the tobacco product to unaffiliated distributors, 76779  
excluding any discounts based on the method of payment of the 76780  
invoice or on time of payment of the invoice. If the taxpayer buys 76781  
from other than a manufacturer, "wholesale price" means the 76782  
invoice price, including all federal excise taxes and excluding 76783  
any discounts based on the method of payment of the invoice or on 76784  
time of payment of the invoice. 76785

- (K) "Distributor" means: 76786
- (1) Any manufacturer who sells, barter, exchanges, or 76787  
distributes tobacco products to a retail dealer in the state, 76788  
except when selling to a retail dealer that has filed with the 76789  
manufacturer a signed statement agreeing to pay and be liable for 76790  
the tax imposed by section 5743.51 of the Revised Code; 76791
- (2) Any wholesale dealer located in the state who receives 76792  
tobacco products from a manufacturer, or who receives tobacco 76793  
products on which the tax imposed by this chapter has not been 76794  
paid; 76795
- (3) Any wholesale dealer located outside the state who sells, 76796  
barter, exchanges, or distributes tobacco products to a wholesale 76797  
or retail dealer in the state; or 76798
- (4) Any retail dealer who receives tobacco products on which 76799  
the tax has not or will not be paid by another distributor, 76800  
including a retail dealer that has filed a signed statement with a 76801  
manufacturer in which the retail dealer agrees to pay and be 76802  
liable for the tax that would otherwise be imposed on the 76803  
manufacturer by section 5743.51 of the Revised Code. 76804
- (L) "Taxpayer" means any person liable for the tax imposed by 76805  
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 76806
- (M) "Seller" means any person located outside this state 76807  
engaged in the business of selling tobacco products or vapor 76808  
products to consumers for storage, use, or other consumption in 76809  
this state. 76810
- (N) "Manufacturer" means any person who manufactures and 76811  
sells cigarettes ~~or~~, tobacco products, or vapor products. 76812
- (O) "Importer" means any person that is authorized, under a 76813  
valid permit issued under Section 5713 of the Internal Revenue 76814  
Code, to import finished cigarettes into the United States, either 76815

directly or indirectly. 76816

(P) "Little cigar" means any roll for smoking, other than 76817  
cigarettes, made wholly or in part of tobacco that uses an 76818  
integrated cellulose acetate filter or other filter and is wrapped 76819  
in any substance containing tobacco, other than natural leaf 76820  
tobacco. 76821

(Q) "Premium cigar" means any roll for smoking, other than 76822  
cigarettes and little cigars, that is made wholly or in part of 76823  
tobacco and that has all of the following characteristics: 76824

(1) The binder and wrapper of the roll consist entirely of 76825  
leaf tobacco. 76826

(2) The roll contains no filter or tip, nor any mouthpiece 76827  
consisting of a material other than tobacco. 76828

(3) The weight of one thousand such rolls is at least six 76829  
pounds. 76830

(R) "Maximum tax amount" means fifty cents plus the tax 76831  
adjustment factor computed under this division. 76832

In April of each year beginning in 2018, the tax commissioner 76833  
shall compute a tax adjustment factor by multiplying fifty cents 76834  
by the cumulative percentage increase in the consumer price index 76835  
(all items, all urban consumers) prepared by the bureau of labor 76836  
statistics of the United States department of labor from January 76837  
1, 2017, to the last day of December of the preceding year and 76838  
rounding the resulting product to the nearest one cent; provided, 76839  
that the tax adjustment factor for any year shall not be less than 76840  
that for the immediately preceding year. The maximum tax amount 76841  
resulting from the computation of the tax adjustment factor 76842  
applies on and after the ensuing first day of July through the 76843  
thirtieth day of June thereafter. 76844

(S) "Secondary manufacturer" means any person in this state 76845

engaged in the business of repackaging, reconstituting, diluting, 76846  
or reprocessing a vapor product for resale to consumers. 76847

(T) "Vapor product" means any liquid solution or other 76848  
substance that (1) contains nicotine and (2) is depleted as it is 76849  
used in an electronic smoking product. "Vapor product" does not 76850  
include any solution or substance regulated as a drug, device, or 76851  
combination product under Chapter V of the "Federal Food, Drug, 76852  
and Cosmetic Act," 21 U.S.C. 301, et seq. 76853

(U) "Electronic smoking product" means any noncombustible 76854  
product, other than a cigarette or tobacco product, that (1) 76855  
contains or is designed to use vapor products and (2) employs a 76856  
heating element, power source, electronic circuit, or other 76857  
electronic, chemical, or mechanical means, regardless of shape or 76858  
size, that can be used to produce vapor from the vapor product. 76859  
"Vapor product" includes an electronic cigarette, electronic 76860  
cigar, electronic cigarillo, electronic pipe, electronic hookah, 76861  
vape pen, vaporizer, or similar product or device, but does not 76862  
include any product regulated as a drug, device, or combination 76863  
product under Chapter V of the "Federal Food, Drug, and Cosmetic 76864  
Act," 21 U.S.C. 301, et seq. 76865

(V) "Vapor distributor" means any person that: 76866

(1) Sells vapor products to a retail dealer; 76867

(2) Is a retail dealer that receives vapor products with 76868  
respect to which the tax imposed by this chapter has not or will 76869  
not be paid by another person that is a vapor distributor; or 76870

(3) Is a secondary manufacturer; or 76871

(4) Is a wholesale dealer located in this state that receives 76872  
vapor products from a manufacturer, or receives vapor products on 76873  
which the tax imposed by this chapter has not been paid. 76874

(W) "Vapor volume" means one of the following, as applicable: 76875

(1) If a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product; 76876  
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(2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product. 76878  
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**Sec. 5743.025.** In addition to the return required by section 76880  
5743.03 of the Revised Code, each retail dealer of cigarettes in a 76881  
county in which a tax is levied under section 5743.021, 5743.024, 76882  
or 5743.026 of the Revised Code shall, within thirty days after 76883  
the date on which the tax takes effect, make and file a return, on 76884  
forms prescribed by the tax commissioner, showing the total number 76885  
of cigarettes which such retail dealer had on hand as of the 76886  
beginning of business on the date on which the tax takes effect, 76887  
and such other information as the commissioner deems necessary for 76888  
the administration of section 5743.021, 5743.024, or 5743.026 of 76889  
the Revised Code. Each such retail dealer shall deliver the return 76890  
together with a remittance of the additional amount of tax due on 76891  
the cigarettes shown on such return to the commissioner. Any 76892  
retail dealer of cigarettes who fails to file a return under this 76893  
section shall, for each day the retail dealer so fails, forfeit 76894  
and pay into the state treasury the sum of one dollar as revenue 76895  
arising from the tax imposed by section 5743.021, 5743.024, or 76896  
5743.026 of the Revised Code, and such sum may be collected by 76897  
assessment in the manner provided in section 5743.081 of the 76898  
Revised Code. For thirty days after the effective date of a tax 76899  
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 76900  
Code, a retail dealer may possess for sale or sell in the county 76901  
in which the tax is levied cigarettes not bearing the stamp 76902  
required by section 5743.03 of the Revised Code to evidence 76903  
payment of the county tax but on which the tax has or will be 76904  
paid. 76905

**Sec. 5743.14.** (A) The tax commissioner or an agent of the tax 76906

commissioner may enter and inspect the facilities and records of a 76907  
person selling cigarettes ~~or~~, other tobacco products, or vapor 76908  
products. Such entrance and inspection requires a properly issued 76909  
search warrant if conducted outside the normal business hours of 76910  
the person, but does not require a search warrant if conducted 76911  
during the normal business hours of the person. No person shall 76912  
prevent or hinder the ~~tax~~ commissioner or an agent of the ~~tax~~ 76913  
commissioner from carrying out the authority granted under this 76914  
division. 76915

(B) If a peace officer as defined in section 2935.01 of the 76916  
Revised Code knows or has reasonable cause to believe that a motor 76917  
vehicle is transporting cigarettes ~~or~~, other tobacco products, or 76918  
vapor products in violation of this chapter or section 2927.023 of 76919  
the Revised Code, the peace officer may stop the vehicle and 76920  
inspect the vehicle to determine the presence of such cigarettes 76921  
~~or~~, other tobacco products, or vapor products. 76922

**Sec. 5743.20.** No person shall sell any cigarettes both as a 76923  
retail dealer and as a wholesale dealer at the same place of 76924  
business. No person other than a licensed wholesale dealer shall 76925  
sell cigarettes to a licensed retail dealer. No retail dealer 76926  
shall purchase cigarettes from any person other than a licensed 76927  
wholesale dealer. 76928

Subject to section 5743.031 of the Revised Code, a licensed 76929  
wholesale dealer may not sell cigarettes to any person in this 76930  
state other than a licensed retail dealer, except a licensed 76931  
wholesale dealer may sell cigarettes to another licensed wholesale 76932  
dealer if the tax commissioner has authorized the sale of the 76933  
cigarettes between those wholesale dealers and the wholesale 76934  
dealer that sells the cigarettes received them directly from a 76935  
licensed manufacturer or licensed importer. 76936

The tax commissioner shall adopt rules governing sales of 76937

cigarettes between licensed wholesale dealers, including rules 76938  
establishing criteria for authorizing such sales. 76939

No manufacturer or importer shall sell cigarettes to any 76940  
person in this state other than to a licensed wholesale dealer or 76941  
licensed importer. No importer shall purchase cigarettes from any 76942  
person other than a licensed manufacturer or licensed importer. 76943

A retail dealer may purchase other tobacco products or vapor 76944  
products only from a licensed distributor. A licensed distributor 76945  
may sell tobacco products or vapor products only to a retail 76946  
dealer, except a licensed distributor may sell tobacco products or 76947  
vapor products to another licensed distributor if the tax 76948  
commissioner has authorized the sale of the tobacco products or 76949  
vapor products between those distributors and the distributor that 76950  
sells the tobacco products or vapor products received them 76951  
directly from a manufacturer or importer of tobacco products or 76952  
vapor products, as applicable. 76953

The tax commissioner may adopt rules governing sales of 76954  
tobacco products or vapor products between licensed distributors, 76955  
including rules establishing criteria for authorizing such sales. 76956

No person other than a secondary manufacturer that is a 76957  
licensed vapor distributor shall reconstitute, dilute, or 76958  
reprocess vapor products for resale to consumers. All secondary 76959  
manufacturers shall package reconstituted, diluted, or reprocessed 76960  
vapor products in compliance with Chapter 39A of Title 15 of the 76961  
United States Code. A licensed vapor distributor may sell vapor 76962  
products only to a retail dealer or to another person licensed 76963  
under section 5743.61 of the Revised Code, except that, if the 76964  
licensed vapor distributor is a retail dealer, the licensed vapor 76965  
distributor may also sell vapor products to consumers. 76966

The identities of cigarette manufacturers and importers, 76967  
licensed cigarette wholesalers, licensed distributors of other 76968

tobacco products, ~~and~~ registered manufacturers and importers of 76969  
other tobacco products or vapor products, and licensed vapor 76970  
distributors are subject to public disclosure. The tax 76971  
commissioner shall maintain an alphabetical list of all such 76972  
manufacturers, importers, wholesalers, and distributors, shall 76973  
post the list on a web site accessible to the public through the 76974  
internet, and shall periodically update the web site posting. 76975

As used in this section, "licensed" means the manufacturer, 76976  
importer, wholesale dealer, or distributor or vapor distributor 76977  
holds a current and valid license issued under section 5743.15 or 76978  
5743.61 of the Revised Code, and "registered" means registered 76979  
with the commissioner under section 5743.66 of the Revised Code. 76980

**Sec. 5743.41.** No person engaged in the business of 76981  
trafficking in cigarettes or in the business of distributing 76982  
tobacco products, vapor products, or both shall fail to post and 76983  
keep constantly displayed in a conspicuous place in the building 76984  
where such business is carried on the license required by section 76985  
5743.15 or 5743.61 of the Revised Code, or sell or offer to sell 76986  
cigarettes, cigarette wrappers, or a substitute for either, or 76987  
sell or offer to sell tobacco products or vapor products, without 76988  
complying with the law relating to cigarettes ~~and~~, tobacco 76989  
products, and vapor products. 76990

**Sec. 5743.44.** (A) Any person, other than an employee of the 76991  
state, who furnishes to the department of taxation, attorney 76992  
general, or any law enforcement agency original information 76993  
concerning any violation of Chapter 5743. of the Revised Code, 76994  
which information results in the collection and recovery of any 76995  
tax or penalty or leads to the forfeiture of any cigarettes, may 76996  
be awarded and paid by the treasurer of state, upon the 76997  
certification of the tax commissioner, a compensation of not more 76998  
than twenty per cent of the net amount received from the sale of 76999

any forfeited cigarettes, but not exceeding ten thousand dollars 77000  
in any case, which shall be paid out of the receipts of such sale. 77001  
If in the opinion of the attorney general and the tax commissioner 77002  
it is necessary to preserve the identity of the person furnishing 77003  
such information, they shall file with the treasurer of state an 77004  
affidavit stating such necessity and a warrant may be issued 77005  
jointly to the attorney general and the tax commissioner. Upon 77006  
payment of such money to the person furnishing the information, 77007  
the attorney general and the tax commissioner shall file with the 77008  
treasurer of state an affidavit that the money has been paid by 77009  
them to the person entitled thereto. 77010

(B) Except for the minimum quantity of cigarettes ~~or~~ tobacco 77011  
products, or vapor products needed as evidence to establish a 77012  
violation under this chapter, all cigarettes ~~or~~ tobacco products, 77013  
or vapor products seized under this chapter shall be within the 77014  
sole control and jurisdiction of the tax commissioner for sale 77015  
pursuant to section 5743.08 or 5743.55 of the Revised Code. 77016

**Sec. 5743.51.** (A) To provide revenue for the general revenue 77017  
fund of the state, an excise tax on tobacco products and vapor 77018  
products is hereby levied at one of the following rates: 77019

(1) For tobacco products other than little cigars or premium 77020  
cigars, seventeen per cent of the wholesale price of the tobacco 77021  
product received by a distributor or sold by a manufacturer to a 77022  
retail dealer located in this state. 77023

(2) ~~For invoices dated October 1, 2013, or later,~~ 77024  
~~thirty-seven~~ Thirty-seven per cent of the wholesale price of 77025  
little cigars received by a distributor or sold by a manufacturer 77026  
to a retail dealer located in this state. 77027

(3) For premium cigars received by a distributor or sold by a 77028  
manufacturer to a retail dealer located in this state, the lesser 77029  
of seventeen per cent of the wholesale price of such premium 77030

cigars or the maximum tax amount per each such premium cigar. 77031

(4) For vapor products, one cent multiplied by the vapor 77032  
volume of vapor products the first time the products are received 77033  
by a vapor distributor in this state. 77034

Each distributor or vapor distributor who brings tobacco 77035  
products or vapor products, or causes tobacco products or vapor 77036  
products to be brought, into this state for distribution within 77037  
this state, or any out-of-state distributor or vapor distributor 77038  
who sells tobacco products or vapor products to wholesale or 77039  
retail dealers located in this state for resale by those wholesale 77040  
or retail dealers is liable for the tax imposed by this section. 77041  
Only one sale of the same article shall be used in computing the 77042  
amount of the tax due. If a vapor product is repackaged, 77043  
reconstituted, diluted, or reprocessed, the subsequent sale of 77044  
that vapor product shall be considered another sale of the same 77045  
article for purposes of computing the amount of tax due. 77046

(B) The treasurer of state shall place to the credit of the 77047  
tax refund fund created by section 5703.052 of the Revised Code, 77048  
out of the receipts from the tax levied by this section, amounts 77049  
equal to the refunds certified by the tax commissioner pursuant to 77050  
section 5743.53 of the Revised Code. The balance of the taxes 77051  
collected under this section shall be paid into the general 77052  
revenue fund. 77053

(C) The commissioner may adopt rules as are necessary to 77054  
assist in the enforcement and administration of sections 5743.51 77055  
to 5743.66 of the Revised Code, including rules providing for the 77056  
remission of penalties imposed. 77057

(D) A manufacturer is not liable for payment of the tax 77058  
imposed by this section for sales of tobacco products to a retail 77059  
dealer that has filed a signed statement with the manufacturer in 77060  
which the retail dealer agrees to pay and be liable for the tax, 77061

as long as the manufacturer has provided a copy of the statement 77062  
to the tax commissioner. 77063

**Sec. 5743.52.** (A) Each distributor of tobacco products or 77064  
vapor distributor subject to the tax levied by section 5743.51 of 77065  
the Revised Code, on or before the twenty-third day of each month, 77066  
shall file with the tax commissioner a return for the preceding 77067  
month showing any information the tax commissioner finds necessary 77068  
for the proper administration of ~~sections 5743.51 to 5743.66 of~~ 77069  
~~the Revised Code~~ this chapter, together with remittance of the tax 77070  
due. The return and payment of the tax required by this section 77071  
shall be filed ~~in such a manner that it is received by the~~ 77072  
~~commissioner~~ and made electronically on or before the twenty-third 77073  
day of the month following the reporting period. If the return is 77074  
filed and the amount of tax shown on the return to be due is paid 77075  
on or before the date the return is required to be filed, the 77076  
distributor or vapor distributor is entitled to a discount equal 77077  
to two and five-tenths per cent of the amount shown on the return 77078  
to be due. 77079

(B) Any person who fails to timely file the return and make 77080  
payment of taxes as required under this section, section 5743.62, 77081  
or section 5743.63 of the Revised Code may be required to pay an 77082  
additional charge not exceeding the greater of fifty dollars or 77083  
ten per cent of the tax due. Any additional charge imposed under 77084  
this section may be collected by assessment as provided in section 77085  
5743.56 of the Revised Code. 77086

(C) If any tax due is not paid timely in accordance with 77087  
sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the 77088  
person liable for the tax shall pay interest, calculated at the 77089  
rate per annum as prescribed by section 5703.47 of the Revised 77090  
Code, from the date the tax payment was due to the date of payment 77091  
or to the date an assessment is issued under section 5743.56 of 77092

the Revised Code, whichever occurs first. The commissioner may 77093  
collect such interest by assessment pursuant to section 5743.56 of 77094  
the Revised Code. 77095

(D) The commissioner may authorize the filing of returns and 77096  
the payment of the tax required by this section, section 5743.62, 77097  
or section 5743.63 of the Revised Code for periods longer than a 77098  
calendar month. 77099

(E) The commissioner may order any taxpayer to file with the 77100  
commissioner security to the satisfaction of the commissioner 77101  
conditioned upon filing the return and paying the taxes required 77102  
under this section, section 5743.62, or section 5743.63 of the 77103  
Revised Code if the commissioner believes that the collection of 77104  
the tax may be in jeopardy. 77105

**Sec. 5743.53.** (A) The treasurer of state shall refund to a 77106  
taxpayer any of the following: 77107

(1) Any tobacco products or vapor products tax paid 77108  
erroneously; 77109

(2) Any tobacco products or vapor products tax paid on an 77110  
illegal or erroneous assessment; 77111

(3) Any tax paid on tobacco products or vapor products that 77112  
have been sold or shipped to retail ~~or dealers,~~ wholesale dealers, 77113  
or vapor distributors outside this state, returned to the 77114  
manufacturer, or destroyed by the taxpayer with the prior approval 77115  
of the tax commissioner. 77116

Any application for refund shall be filed with the ~~tax~~ 77117  
commissioner on a form prescribed by the commissioner for that 77118  
purpose. The commissioner may not pay any refund on an application 77119  
for refund filed with the commissioner more than three years from 77120  
the date of payment of the tax. 77121

(B) On the filing of the application for refund, the 77122

commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and to the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department of taxation, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum in the manner prescribed by section 5703.47 of the Revised Code.

(C) If any person entitled to a refund of tax under this section or section 5703.70 of the Revised Code is indebted to the state for any tax administered by the tax commissioner, or any charge, penalties, or interest arising from such tax, the amount allowable on the application for refund first shall be applied in satisfaction of the debt.

(D) In lieu of granting a refund payable under division (A)(3) of this section, the tax commissioner may allow a taxpayer to claim a credit of the amount of refundable tax on the return for the period during which the tax became refundable. The commissioner may require taxpayers to submit any information necessary to support a claim for a credit under this section, and the commissioner shall allow no credit if that information is not provided.

**Sec. 5743.54.** (A) Each distributor of tobacco products and each vapor distributor of vapor products shall maintain complete and accurate records of all purchases and sales of tobacco products or vapor products, and shall procure and retain all

invoices, bills of lading, and other documents relating to the 77154  
purchases and sales of ~~tobacco~~ those products. The distributor or 77155  
vapor distributor shall keep open records and documents during 77156  
business hours for the inspection of the tax commissioner, and 77157  
shall preserve them for a period of three years from the date the 77158  
return was due or was filed, whichever is later, unless the 77159  
commissioner, in writing, consents to their destruction within 77160  
that period, or orders that they be kept for a longer period of 77161  
time. 77162

(B)(1) Each distributor of tobacco products and each vapor 77163  
distributor of vapor products subject to the tax levied by section 77164  
5743.51 of the Revised Code shall mark on the invoices of tobacco 77165  
products or vapor products sold that the tax levied by that 77166  
section has been paid and shall indicate the distributor's or 77167  
vapor distributor's account number as assigned by the ~~tax~~ 77168  
commissioner. 77169

(2) Each vapor distributor subject to the tax imposed by 77170  
section 5743.51 of the Revised Code shall mark on all invoices the 77171  
total weight of the vapor product, rounded to the nearest 77172  
one-tenth of one gram, if the vapor product is not sold in liquid 77173  
form. If the vapor product is sold in liquid form, the invoice 77174  
shall instead indicate the total volume of the vapor product, 77175  
rounded to the nearest one-tenth of one milliliter. 77176

(C) No person shall make a false entry upon any invoice or 77177  
record upon which an entry is required by this section and no 77178  
person shall present any false entry for the inspection of the 77179  
commissioner with the intent to evade the tax levied under section 77180  
5743.51, 5743.62, or 5743.63 of the Revised Code. 77181

**Sec. 5743.55.** Whenever the tax commissioner discovers any 77182  
tobacco products or vapor products, subject to the tax levied 77183  
under section 5743.51, 5743.62, or 5743.63 of the Revised Code, 77184

~~and~~ upon which the tax has not been paid or the commissioner has 77185  
reason to believe the tax is being avoided, the commissioner may 77186  
seize and take possession of the tobacco products or vapor 77187  
products, which, upon seizure, shall be forfeited to the state. 77188  
Within a reasonable time after seizure, the commissioner may sell 77189  
the forfeited ~~tobacco~~ products. From the proceeds of this sale, 77190  
the ~~tax~~ commissioner shall pay the costs incurred in the seizure 77191  
and sale, and any proceeds remaining after the sale shall be 77192  
considered as revenue arising from the tax. The seizure and sale 77193  
shall not relieve any person from the fine or imprisonment 77194  
provided for violation of sections 5743.51 to 5743.66 of the 77195  
Revised Code. The commissioner shall make the sale where it is 77196  
most convenient and economical, but may order the destruction of 77197  
the forfeited ~~tobacco~~ products if the quantity or quality ~~of~~ 77198  
~~tobacco products~~ is not sufficient to warrant their sale. 77199

**Sec. 5743.59.** (A) No retail dealer of tobacco products or 77200  
vapor products shall have in the retail dealer's possession 77201  
tobacco products or vapor products on which the tax imposed by 77202  
section 5743.51 of the Revised Code has not been paid, unless the 77203  
retail dealer is licensed under section 5743.61 of the Revised 77204  
Code. Payment may be evidenced by invoices from distributors or 77205  
vapor distributors stating the tax has been paid. 77206

(B) The tax commissioner may inspect any place where tobacco 77207  
products or vapor products subject to the tax levied under section 77208  
5743.51 of the Revised Code are sold or stored. 77209

(C) No person shall prevent or hinder the ~~tax~~ commissioner 77210  
from making a full inspection of any place where tobacco products 77211  
or vapor products subject to the tax imposed by section 5743.51 of 77212  
the Revised Code are sold or stored, or prevent or hinder the full 77213  
inspection of invoices, books, or records required to be kept by 77214  
section 5743.54 of the Revised Code. 77215

**Sec. 5743.60.** No person shall prepare for shipment, ship, 77216  
transport, deliver, prepare for distribution, or distribute 77217  
tobacco products or vapor products, or otherwise engage or 77218  
participate in the business of distributing tobacco products or 77219  
vapor products, with the intent to avoid payment of the tax levied 77220  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code, when 77221  
the wholesale price of the tobacco products or the first invoice 77222  
price of the vapor products exceeds three hundred dollars during 77223  
any twelve-month period. 77224

As used in this section, "first invoice price" means the 77225  
invoice price of the vapor product, excluding any discount based 77226  
on the method of payment of the invoice or on the time of payment 77227  
of the invoice. 77228

**Sec. 5743.61.** (A) ~~Except as otherwise provided in this~~ 77229  
~~division, no~~ (1) No distributor or vapor distributor shall engage 77230  
in the business of distributing tobacco products, vapor products, 77231  
or both within this state without having a license issued by the 77232  
department of taxation to engage in that business. ~~On~~ 77233

(2) On the dissolution of a partnership by death, the 77234  
surviving partner may operate under the license of the partnership 77235  
until the expiration of the license, and the heirs or legal 77236  
representatives of deceased persons, and receivers and trustees in 77237  
bankruptcy appointed by any competent authority, may operate under 77238  
the license of the person succeeded in possession by the heir, 77239  
representative, receiver, or trustee in bankruptcy if the partner 77240  
or successor notifies the department of taxation of the 77241  
dissolution or succession within thirty days after the dissolution 77242  
or succession. 77243

(B)(1) Each applicant for a license ~~to engage in the business~~ 77244  
~~of distributing tobacco products~~ described by division (A)(1) of 77245

this section, annually, on or before the first day of February, 77246  
shall make and deliver to the tax commissioner, upon a form 77247  
furnished by the commissioner for that purpose, a statement 77248  
showing the name of the applicant, each physical place from which 77249  
the applicant distributes to distributors, vapor distributors, 77250  
retail dealers, or wholesale dealers, and any other information 77251  
the commissioner considers necessary for the administration of 77252  
sections 5743.51 to 5743.66 of the Revised Code. 77253

(2) At the time of making the license application for a 77254  
license to engage either in the business of distributing tobacco 77255  
products or in the business of distributing both tobacco products 77256  
and vapor products, the applicant shall pay an application fee of 77257  
one thousand dollars for each place listed on the application 77258  
where the applicant proposes to carry on that business. The 77259  
application fee for a license to engage solely in the business of 77260  
distributing vapor products shall be one hundred twenty-five 77261  
dollars for each place listed on the application where the 77262  
applicant proposes to carry on that business. The fee charged for 77263  
the application shall accompany the application and shall be made 77264  
payable to the treasurer of state for deposit into the cigarette 77265  
tax enforcement fund. 77266

(3) Upon receipt of the application and payment of any 77267  
licensing fee required by this section, the commissioner shall 77268  
verify that the applicant has filed all returns, submitted all 77269  
information, and paid all outstanding taxes, charges, or fees as 77270  
required for any taxes, charges, or fees administered by the 77271  
commissioner, to the extent the commissioner is aware of the 77272  
returns, information, taxes, charges, or fees at the time of the 77273  
application. Upon approval, the commissioner shall issue to the 77274  
applicant a license for each place of distribution designated in 77275  
the application authorizing the applicant to engage in business at 77276  
that location for one year commencing on the first day of 77277

February. For licenses issued after the first day of February, the 77278  
license application fee shall be reduced proportionately by the 77279  
remainder of the twelve-month period for which the license is 77280  
issued, except that the application fee required to be paid under 77281  
this section shall be not less than two hundred dollars. If the 77282  
original license is lost, destroyed, or defaced, a duplicate 77283  
license may be obtained from the commissioner upon payment of a 77284  
license replacement fee of twenty-five dollars. 77285

(C) The holder of a tobacco or vapor products license may 77286  
transfer the license to a place of business on condition that the 77287  
licensee's ownership and business structure remains unchanged and 77288  
the licensee applies to the commissioner for the transfer on a 77289  
form issued by the commissioner, and pays a transfer fee of 77290  
twenty-five dollars. 77291

(D) If a distributor or vapor distributor fails to file forms 77292  
as required under Chapter 1346. or section 5743.52 of the Revised 77293  
Code or pay the tax due for two consecutive periods or three 77294  
periods during any twelve-month period, the commissioner may 77295  
suspend the license issued to the distributor or vapor distributor 77296  
under this section. The suspension is effective ten days after the 77297  
commissioner notifies the distributor or vapor distributor of the 77298  
suspension in writing personally or by certified mail. The 77299  
commissioner shall lift the suspension when the distributor or 77300  
vapor distributor files the delinquent forms and pays the tax due, 77301  
including any penalties, interest, and additional charges. The 77302  
commissioner may refuse to issue the annual renewal of the license 77303  
required by this section and may refuse to issue a new license for 77304  
a location of the distributor until all delinquent forms are filed 77305  
and outstanding taxes are paid. This division does not apply to 77306  
any unpaid or underpaid tax liability that is the subject of a 77307  
petition or appeal filed pursuant to section 5743.56, 5717.02, or 77308  
5717.04 of the Revised Code. 77309

(E)(1) The tax commissioner may impose a penalty of up to one 77310  
thousand dollars on any person found to be engaging in the 77311  
business of distributing tobacco products or vapor products 77312  
without a license as required by this section. 77313

(2) Any person engaging in the business of distributing 77314  
tobacco products or vapor products without a license as required 77315  
by this section shall comply with divisions (B)(1) and (2) of this 77316  
section within ten days after being notified of the requirement to 77317  
do so. Failure to comply with division (E)(2) of this section 77318  
subjects a person to penalties imposed under section 5743.99 of 77319  
the Revised Code. 77320

**Sec. 5743.62.** (A) To provide revenue for the general revenue 77321  
fund of the state, an excise tax is hereby levied on the seller of 77322  
tobacco products or vapor products in this state at one of the 77323  
following rates: 77324

(1) For tobacco products other than little cigars or premium 77325  
cigars, seventeen per cent of the wholesale price of the tobacco 77326  
product whenever the tobacco product is delivered to a consumer in 77327  
this state for the storage, use, or other consumption of such 77328  
tobacco products. 77329

(2) For little cigars, thirty-seven per cent of the wholesale 77330  
price of the little cigars whenever the little cigars are 77331  
delivered to a consumer in this state for the storage, use, or 77332  
other consumption of the little cigars. 77333

(3) For premium cigars, whenever the premium cigars are 77334  
delivered to a consumer in this state for the storage, use, or 77335  
other consumption of the premium cigars, the lesser of seventeen 77336  
per cent of the wholesale price of such premium cigars or the 77337  
maximum tax amount per each such premium cigar. 77338

(4) For vapor products, one cent multiplied by the vapor 77339

volume of vapor products when the vapor products are delivered to 77340  
a consumer in this state for the storage, use, or other 77341  
consumption of the vapor products. 77342

The tax imposed by this section applies only to sellers 77343  
having substantial nexus ~~in~~ with this state, as defined in section 77344  
5741.01 of the Revised Code. 77345

(B) A seller of tobacco products or vapor products who has 77346  
substantial nexus ~~in~~ with this state as defined in section 5741.01 77347  
of the Revised Code shall register with the tax commissioner and 77348  
supply any information concerning the seller's contacts with this 77349  
state as may be required by the tax commissioner. A seller who 77350  
does not have substantial nexus ~~in~~ with this state may voluntarily 77351  
register with the tax commissioner. A seller who voluntarily 77352  
registers with the tax commissioner is entitled to the same 77353  
benefits and is subject to the same duties and requirements as a 77354  
seller required to be registered with the tax commissioner under 77355  
this division. 77356

(C) Each seller of tobacco products or vapor products subject 77357  
to the tax levied by this section, on or before the ~~last~~ 77358  
twenty-third day of each month, shall file with the tax 77359  
commissioner a return for the preceding month showing any 77360  
information the tax commissioner finds necessary for the proper 77361  
administration of sections 5743.51 to 5743.66 of the Revised Code, 77362  
together with remittance of the tax due, payable to the treasurer 77363  
of state. The return and payment of the tax required by this 77364  
section shall be filed in such a manner that it is received by the 77365  
tax commissioner on or before the ~~last~~ twenty-third day of the 77366  
month following the reporting period. If the return is filed and 77367  
the amount of the tax shown on the return to be due is paid on or 77368  
before the date the return is required to be filed, the seller is 77369  
entitled to a discount equal to two and five-tenths per cent of 77370  
the amount shown on the return to be due. 77371

(D) The tax commissioner shall immediately forward to the 77372  
treasurer of state all money received from the tax levied by this 77373  
section, and the treasurer shall credit the amount to the general 77374  
revenue fund. 77375

(E) Each seller of tobacco products or vapor products subject 77376  
to the tax levied by this section shall mark on the invoices of 77377  
tobacco products or vapor products sold that the tax levied by 77378  
that section has been paid and shall indicate the seller's account 77379  
number as assigned by the tax commissioner. 77380

**Sec. 5743.63.** (A) To provide revenue for the general revenue 77381  
fund of the state, an excise tax is hereby levied on the storage, 77382  
use, or other consumption of tobacco products or vapor products at 77383  
one of the following rates: 77384

(1) For tobacco products other than little cigars or premium 77385  
cigars, seventeen per cent of the wholesale price of the tobacco 77386  
product. 77387

(2) For little cigars, thirty-seven per cent of the wholesale 77388  
price of the little cigars. 77389

(3) For premium cigars, the lesser of seventeen per cent of 77390  
the wholesale price of the premium cigars or the maximum tax 77391  
amount per each premium cigar. 77392

(4) For vapor products, one cent multiplied by the vapor 77393  
volume of the vapor products. 77394

The tax levied under division (A) of this section is imposed 77395  
only if the tax has not been paid by the seller as provided in 77396  
section 5743.62 of the Revised Code, or by the distributor or 77397  
vapor distributor as provided in section 5743.51 of the Revised 77398  
Code. 77399

(B) Each person subject to the tax levied by this section, on 77400  
or before the ~~last~~ twenty-third day of each month, shall file with 77401

the tax commissioner a return for the preceding month showing any 77402  
information the ~~tax~~ commissioner finds necessary for the proper 77403  
administration of sections 5743.51 to 5743.66 of the Revised Code, 77404  
together with remittance of the tax due, payable to the treasurer 77405  
of state. The return and payment of the tax required by this 77406  
section shall be filed in such a manner that it is received by the 77407  
~~tax~~ commissioner on or before the ~~last~~ twenty-third day of the 77408  
month following the reporting period. 77409

(C) The tax commissioner shall immediately forward to the 77410  
treasurer of state all money received from the tax levied by this 77411  
section, and the treasurer shall credit the amount to the general 77412  
revenue fund. 77413

**Sec. 5743.64.** No person shall transport within this state, 77414  
tobacco products or vapor products that have a wholesale value in 77415  
excess of three hundred dollars, unless ~~he~~ the person has obtained 77416  
consent to transport the tobacco products or vapor products from 77417  
the tax commissioner prior to transportation. The consent is not 77418  
required if the applicable tax levied under section 5743.51, 77419  
5743.62, or 5743.63 of the Revised Code has been paid or will be 77420  
paid by the distributor, vapor distributor, or seller. Application 77421  
for the consent shall be in the form prescribed by the 77422  
commissioner. 77423

Every person transporting tobacco products or vapor products 77424  
with the department's consent shall have the consent with ~~him~~ the 77425  
person while transporting or possessing the tobacco products or 77426  
vapor products within this state and shall produce the consent 77427  
upon request of any law enforcement officer or authorized agent of 77428  
the tax commissioner. 77429

Any person transporting tobacco products or vapor products 77430  
without the consent required by this section shall be subject to 77431  
the provisions of sections 5743.51 to 5743.66 of the Revised Code, 77432

including the tax imposed by section 5743.51, 5743.62, or 5743.63 77433  
of the Revised Code. 77434

**Sec. 5743.66.** (A) Each manufacturer or importer of tobacco 77435  
products or vapor products shall register with the tax 77436  
commissioner before it sells or distributes tobacco products or 77437  
vapor products to distributors in this state, and, upon the 77438  
request of the commissioner, shall provide complete information on 77439  
sales made to distributors in this state and a current list of 77440  
prices charged for tobacco products or vapor products sold to 77441  
distributors in this state. 77442

(B) On or before the ~~last~~ twenty-third day of each month, 77443  
every manufacturer or importer of tobacco products or vapor 77444  
products shall file a report with the commissioner listing all 77445  
sales of tobacco products or vapor products to distributors 77446  
located in this state during the preceding month and any other 77447  
information the commissioner finds necessary for the proper 77448  
administration of sections 5743.51 to 5743.66 of the Revised Code. 77449

**Sec. 5745.05.** (A) Prior to the first day of March, June, 77450  
September, and December, the tax commissioner shall certify to the 77451  
director of budget and management the amount to be paid to each 77452  
municipal corporation, as indicated on the declaration of 77453  
estimated tax reports and annual reports received under sections 77454  
5745.03 and 5745.04 of the Revised Code, less any amounts 77455  
previously distributed and net of any audit adjustments made by 77456  
the tax commissioner. Not later than the first day of March, June, 77457  
September, and December, the director of budget and management 77458  
shall provide for payment of the amount certified to each 77459  
municipal corporation from the municipal income tax fund, plus a 77460  
pro rata share of any investment earnings accruing to the fund 77461  
since the previous payment under this section apportioned among 77462  
municipal corporations entitled to such payments in proportion to 77463

the amount certified by the tax commissioner, and minus any 77464  
reduction required by the commissioner under division (D) of 77465  
section 718.83 of the Revised Code. All investment earnings on 77466  
money in the municipal income tax fund shall be credited to that 77467  
fund. 77468

(B) If the tax commissioner determines that the amount of tax 77469  
paid by a taxpayer and distributed to a municipal corporation 77470  
under this section for a taxable year exceeds the amount payable 77471  
to that municipal corporation under this chapter after accounting 77472  
for amounts remitted with the annual report and as estimated 77473  
taxes, the tax commissioner shall permit the taxpayer to credit 77474  
the excess against the taxpayer's payments to the municipal 77475  
corporation of estimated taxes remitted for an ensuing taxable 77476  
year under section 5745.04 of the Revised Code. If, upon the 77477  
written request of the taxpayer, the tax commissioner determines 77478  
that the excess to be so credited is likely to exceed the amount 77479  
of estimated taxes payable by the taxpayer to the municipal 77480  
corporation during the ensuing twelve months, the tax commissioner 77481  
shall so notify the municipal corporation and the municipal 77482  
corporation shall issue a refund of the excess to the taxpayer 77483  
within ninety days after receiving such a notice. Interest shall 77484  
accrue on the amount to be refunded and is payable to the taxpayer 77485  
at the rate per annum prescribed by section 5703.47 of the Revised 77486  
Code from the ninety-first day after the notice is received by the 77487  
municipal corporation until the day the refund is paid. 77488  
Immediately after notifying a municipal corporation under this 77489  
division of an excess to be refunded, the commissioner also shall 77490  
notify the director of budget and management of the amount of the 77491  
excess, and the director shall transfer from the municipal income 77492  
tax administrative fund to the municipal income tax fund one and 77493  
one-half per cent of the amount of the excess. The commissioner 77494  
shall include the transferred amount in the computation of the 77495  
amount due the municipal corporation in the next certification to 77496

the director under division (A) of this section. 77497

**Sec. 5747.01.** Except as otherwise expressly provided or 77498  
clearly appearing from the context, any term used in this chapter 77499  
that is not otherwise defined in this section has the same meaning 77500  
as when used in a comparable context in the laws of the United 77501  
States relating to federal income taxes or if not used in a 77502  
comparable context in those laws, has the same meaning as in 77503  
section 5733.40 of the Revised Code. Any reference in this chapter 77504  
to the Internal Revenue Code includes other laws of the United 77505  
States relating to federal income taxes. 77506

As used in this chapter: 77507

(A) "Adjusted gross income" or "Ohio adjusted gross income" 77508  
means federal adjusted gross income, as defined and used in the 77509  
Internal Revenue Code, adjusted as provided in this section: 77510

(1) Add interest or dividends on obligations or securities of 77511  
any state or of any political subdivision or authority of any 77512  
state, other than this state and its subdivisions and authorities. 77513

(2) Add interest or dividends on obligations of any 77514  
authority, commission, instrumentality, territory, or possession 77515  
of the United States to the extent that the interest or dividends 77516  
are exempt from federal income taxes but not from state income 77517  
taxes. 77518

(3) Deduct interest or dividends on obligations of the United 77519  
States and its territories and possessions or of any authority, 77520  
commission, or instrumentality of the United States to the extent 77521  
that the interest or dividends are included in federal adjusted 77522  
gross income but exempt from state income taxes under the laws of 77523  
the United States. 77524

(4) Deduct disability and survivor's benefits to the extent 77525  
included in federal adjusted gross income. 77526

(5) Deduct benefits under Title II of the Social Security Act 77527  
and tier 1 railroad retirement benefits to the extent included in 77528  
federal adjusted gross income under section 86 of the Internal 77529  
Revenue Code. 77530

(6) In the case of a taxpayer who is a beneficiary of a trust 77531  
that makes an accumulation distribution as defined in section 665 77532  
of the Internal Revenue Code, add, for the beneficiary's taxable 77533  
years beginning before 2002, the portion, if any, of such 77534  
distribution that does not exceed the undistributed net income of 77535  
the trust for the three taxable years preceding the taxable year 77536  
in which the distribution is made to the extent that the portion 77537  
was not included in the trust's taxable income for any of the 77538  
trust's taxable years beginning in 2002 or thereafter. 77539

"Undistributed net income of a trust" means the taxable income of 77540  
the trust increased by (a)(i) the additions to adjusted gross 77541  
income required under division (A) of this section and (ii) the 77542  
personal exemptions allowed to the trust pursuant to section 77543  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 77544  
deductions to adjusted gross income required under division (A) of 77545  
this section, (ii) the amount of federal income taxes attributable 77546  
to such income, and (iii) the amount of taxable income that has 77547  
been included in the adjusted gross income of a beneficiary by 77548  
reason of a prior accumulation distribution. Any undistributed net 77549  
income included in the adjusted gross income of a beneficiary 77550  
shall reduce the undistributed net income of the trust commencing 77551  
with the earliest years of the accumulation period. 77552

(7) Deduct the amount of wages and salaries, if any, not 77553  
otherwise allowable as a deduction but that would have been 77554  
allowable as a deduction in computing federal adjusted gross 77555  
income for the taxable year, had the targeted jobs credit allowed 77556  
and determined under sections 38, 51, and 52 of the Internal 77557  
Revenue Code not been in effect. 77558

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income. 77559  
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(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income. 77563  
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(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code. 77567  
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(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year. 77571  
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(b) Deduct, to the extent not otherwise deducted or excluded 77590

in computing federal or Ohio adjusted gross income during the 77591  
taxable year, the amount the taxpayer paid during the taxable 77592  
year, not compensated for by any insurance or otherwise, for 77593  
medical care of the taxpayer, the taxpayer's spouse, and 77594  
dependents, to the extent the expenses exceed seven and one-half 77595  
per cent of the taxpayer's federal adjusted gross income. 77596

(c) Deduct, to the extent not otherwise deducted or excluded 77597  
in computing federal or Ohio adjusted gross income, any amount 77598  
included in federal adjusted gross income under section 105 or not 77599  
excluded under section 106 of the Internal Revenue Code solely 77600  
because it relates to an accident and health plan for a person who 77601  
otherwise would be a "qualifying relative" and thus a "dependent" 77602  
under section 152 of the Internal Revenue Code but for the fact 77603  
that the person fails to meet the income and support limitations 77604  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 77605

(d) For purposes of division (A)(11) of this section, 77606  
"medical care" has the meaning given in section 213 of the 77607  
Internal Revenue Code, subject to the special rules, limitations, 77608  
and exclusions set forth therein, and "qualified long-term care" 77609  
has the same meaning given in section 7702B(c) of the Internal 77610  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 77611  
of this section, "dependent" includes a person who otherwise would 77612  
be a "qualifying relative" and thus a "dependent" under section 77613  
152 of the Internal Revenue Code but for the fact that the person 77614  
fails to meet the income and support limitations under section 77615  
152(d)(1)(B) and (C) of the Internal Revenue Code. 77616

(12)(a) Deduct any amount included in federal adjusted gross 77617  
income solely because the amount represents a reimbursement or 77618  
refund of expenses that in any year the taxpayer had deducted as 77619  
an itemized deduction pursuant to section 63 of the Internal 77620  
Revenue Code and applicable United States department of the 77621  
treasury regulations. The deduction otherwise allowed under 77622

division (A)(12)(a) of this section shall be reduced to the extent 77623  
the reimbursement is attributable to an amount the taxpayer 77624  
deducted under this section in any taxable year. 77625

(b) Add any amount not otherwise included in Ohio adjusted 77626  
gross income for any taxable year to the extent that the amount is 77627  
attributable to the recovery during the taxable year of any amount 77628  
deducted or excluded in computing federal or Ohio adjusted gross 77629  
income in any taxable year. 77630

(13) Deduct any portion of the deduction described in section 77631  
1341(a)(2) of the Internal Revenue Code, for repaying previously 77632  
reported income received under a claim of right, that meets both 77633  
of the following requirements: 77634

(a) It is allowable for repayment of an item that was 77635  
included in the taxpayer's adjusted gross income for a prior 77636  
taxable year and did not qualify for a credit under division (A) 77637  
or (B) of section 5747.05 of the Revised Code for that year; 77638

(b) It does not otherwise reduce the taxpayer's adjusted 77639  
gross income for the current or any other taxable year. 77640

(14) Deduct an amount equal to the deposits made to, and net 77641  
investment earnings of, a medical savings account during the 77642  
taxable year, in accordance with section 3924.66 of the Revised 77643  
Code. The deduction allowed by division (A)(14) of this section 77644  
does not apply to medical savings account deposits and earnings 77645  
otherwise deducted or excluded for the current or any other 77646  
taxable year from the taxpayer's federal adjusted gross income. 77647

(15)(a) Add an amount equal to the funds withdrawn from a 77648  
medical savings account during the taxable year, and the net 77649  
investment earnings on those funds, when the funds withdrawn were 77650  
used for any purpose other than to reimburse an account holder 77651  
for, or to pay, eligible medical expenses, in accordance with 77652  
section 3924.66 of the Revised Code; 77653

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 77654  
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(16) Add any amount claimed as a credit under section 5747.059 ~~or 5747.65~~ of the Revised Code to the extent that such amount satisfies either of the following: 77657  
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 77660  
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 77664  
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 77667  
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of 77675  
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this state and is enrolled in or attending a program that 77685  
culminates in a degree or diploma at an eligible institution. The 77686  
deduction may be claimed only to the extent that qualified tuition 77687  
and fees are not otherwise deducted or excluded for any taxable 77688  
year from federal or Ohio adjusted gross income. The deduction may 77689  
not be claimed for educational expenses for which the taxpayer 77690  
claims a credit under section 5747.27 of the Revised Code. 77691

(19) Add any reimbursement received during the taxable year 77692  
of any amount the taxpayer deducted under division (A)(18) of this 77693  
section in any previous taxable year to the extent the amount is 77694  
not otherwise included in Ohio adjusted gross income. 77695

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 77696  
(v) of this section, add five-sixths of the amount of depreciation 77697  
expense allowed by subsection (k) of section 168 of the Internal 77698  
Revenue Code, including the taxpayer's proportionate or 77699  
distributive share of the amount of depreciation expense allowed 77700  
by that subsection to a pass-through entity in which the taxpayer 77701  
has a direct or indirect ownership interest. 77702

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 77703  
this section, add five-sixths of the amount of qualifying section 77704  
179 depreciation expense, including the taxpayer's proportionate 77705  
or distributive share of the amount of qualifying section 179 77706  
depreciation expense allowed to any pass-through entity in which 77707  
the taxpayer has a direct or indirect ownership interest. 77708

(iii) Subject to division (A)(20)(a)(v) of this section, for 77709  
taxable years beginning in 2012 or thereafter, if the increase in 77710  
income taxes withheld by the taxpayer is equal to or greater than 77711  
ten per cent of income taxes withheld by the taxpayer during the 77712  
taxpayer's immediately preceding taxable year, "two-thirds" shall 77713  
be substituted for "five-sixths" for the purpose of divisions 77714  
(A)(20)(a)(i) and (ii) of this section. 77715

(iv) Subject to division (A)(20)(a)(v) of this section, for 77716  
taxable years beginning in 2012 or thereafter, a taxpayer is not 77717  
required to add an amount under division (A)(20) of this section 77718  
if the increase in income taxes withheld by the taxpayer and by 77719  
any pass-through entity in which the taxpayer has a direct or 77720  
indirect ownership interest is equal to or greater than the sum of 77721  
(I) the amount of qualifying section 179 depreciation expense and 77722  
(II) the amount of depreciation expense allowed to the taxpayer by 77723  
subsection (k) of section 168 of the Internal Revenue Code, and 77724  
including the taxpayer's proportionate or distributive shares of 77725  
such amounts allowed to any such pass-through entities. 77726

(v) If a taxpayer directly or indirectly incurs a net 77727  
operating loss for the taxable year for federal income tax 77728  
purposes, to the extent such loss resulted from depreciation 77729  
expense allowed by subsection (k) of section 168 of the Internal 77730  
Revenue Code and by qualifying section 179 depreciation expense, 77731  
"the entire" shall be substituted for "five-sixths of the" for the 77732  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 77733

The tax commissioner, under procedures established by the 77734  
commissioner, may waive the add-backs related to a pass-through 77735  
entity if the taxpayer owns, directly or indirectly, less than 77736  
five per cent of the pass-through entity. 77737

(b) Nothing in division (A)(20) of this section shall be 77738  
construed to adjust or modify the adjusted basis of any asset. 77739

(c) To the extent the add-back required under division 77740  
(A)(20)(a) of this section is attributable to property generating 77741  
nonbusiness income or loss allocated under section 5747.20 of the 77742  
Revised Code, the add-back shall be situated to the same location 77743  
as the nonbusiness income or loss generated by the property for 77744  
the purpose of determining the credit under division (A) of 77745  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 77746  
be apportioned, subject to one or more of the four alternative 77747

methods of apportionment enumerated in section 5747.21 of the Revised Code. 77748  
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(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 77750  
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(e) For the purposes of divisions (A)(20) and (21) of this section: 77757  
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 77759  
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 77762  
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 77767  
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following: 77774  
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of 77777  
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qualifying section 179 depreciation expense or depreciation 77779  
expense allowed by subsection (k) of section 168 of the Internal 77780  
Revenue Code; 77781

(ii) One-half of the amount so added for each of the two 77782  
succeeding taxable years if the amount so added was two-thirds of 77783  
such depreciation expense; 77784

(iii) One-sixth of the amount so added for each of the six 77785  
succeeding taxable years if the entire amount of such depreciation 77786  
expense was so added. 77787

(b) If the amount deducted under division (A)(21)(a) of this 77788  
section is attributable to an add-back allocated under division 77789  
(A)(20)(c) of this section, the amount deducted shall be sitused 77790  
to the same location. Otherwise, the add-back shall be apportioned 77791  
using the apportionment factors for the taxable year in which the 77792  
deduction is taken, subject to one or more of the four alternative 77793  
methods of apportionment enumerated in section 5747.21 of the 77794  
Revised Code. 77795

(c) No deduction is available under division (A)(21)(a) of 77796  
this section with regard to any depreciation allowed by section 77797  
168(k) of the Internal Revenue Code and by the qualifying section 77798  
179 depreciation expense amount to the extent that such 77799  
depreciation results in or increases a federal net operating loss 77800  
carryback or carryforward. If no such deduction is available for a 77801  
taxable year, the taxpayer may carry forward the amount not 77802  
deducted in such taxable year to the next taxable year and add 77803  
that amount to any deduction otherwise available under division 77804  
(A)(21)(a) of this section for that next taxable year. The 77805  
carryforward of amounts not so deducted shall continue until the 77806  
entire addition required by division (A)(20)(a) of this section 77807  
has been deducted. 77808

(d) No refund shall be allowed as a result of adjustments 77809

made by division (A)(21) of this section. 77810

(22) Deduct, to the extent not otherwise deducted or excluded 77811  
in computing federal or Ohio adjusted gross income for the taxable 77812  
year, the amount the taxpayer received during the taxable year as 77813  
reimbursement for life insurance premiums under section 5919.31 of 77814  
the Revised Code. 77815

(23) Deduct, to the extent not otherwise deducted or excluded 77816  
in computing federal or Ohio adjusted gross income for the taxable 77817  
year, the amount the taxpayer received during the taxable year as 77818  
a death benefit paid by the adjutant general under section 5919.33 77819  
of the Revised Code. 77820

(24) Deduct, to the extent included in federal adjusted gross 77821  
income and not otherwise allowable as a deduction or exclusion in 77822  
computing federal or Ohio adjusted gross income for the taxable 77823  
year, military pay and allowances received by the taxpayer during 77824  
the taxable year for active duty service in the United States 77825  
army, air force, navy, marine corps, or coast guard or reserve 77826  
components thereof or the national guard. The deduction may not be 77827  
claimed for military pay and allowances received by the taxpayer 77828  
while the taxpayer is stationed in this state. 77829

(25) Deduct, to the extent not otherwise allowable as a 77830  
deduction or exclusion in computing federal or Ohio adjusted gross 77831  
income for the taxable year and not otherwise compensated for by 77832  
any other source, the amount of qualified organ donation expenses 77833  
incurred by the taxpayer during the taxable year, not to exceed 77834  
ten thousand dollars. A taxpayer may deduct qualified organ 77835  
donation expenses only once for all taxable years beginning with 77836  
taxable years beginning in 2007. 77837

For the purposes of division (A)(25) of this section: 77838

(a) "Human organ" means all or any portion of a human liver, 77839  
pancreas, kidney, intestine, or lung, and any portion of human 77840

bone marrow. 77841

(b) "Qualified organ donation expenses" means travel 77842  
expenses, lodging expenses, and wages and salary forgone by a 77843  
taxpayer in connection with the taxpayer's donation, while living, 77844  
of one or more of the taxpayer's human organs to another human 77845  
being. 77846

(26) Deduct, to the extent not otherwise deducted or excluded 77847  
in computing federal or Ohio adjusted gross income for the taxable 77848  
year, amounts received by the taxpayer as retired personnel pay 77849  
for service in the uniformed services or reserve components 77850  
thereof, or the national guard, or received by the surviving 77851  
spouse or former spouse of such a taxpayer under the survivor 77852  
benefit plan on account of such a taxpayer's death. If the 77853  
taxpayer receives income on account of retirement paid under the 77854  
federal civil service retirement system or federal employees 77855  
retirement system, or under any successor retirement program 77856  
enacted by the congress of the United States that is established 77857  
and maintained for retired employees of the United States 77858  
government, and such retirement income is based, in whole or in 77859  
part, on credit for the taxpayer's uniformed service, the 77860  
deduction allowed under this division shall include only that 77861  
portion of such retirement income that is attributable to the 77862  
taxpayer's uniformed service, to the extent that portion of such 77863  
retirement income is otherwise included in federal adjusted gross 77864  
income and is not otherwise deducted under this section. Any 77865  
amount deducted under division (A)(26) of this section is not 77866  
included in a taxpayer's adjusted gross income for the purposes of 77867  
section 5747.055 of the Revised Code. No amount may be deducted 77868  
under division (A)(26) of this section on the basis of which a 77869  
credit was claimed under section 5747.055 of the Revised Code. 77870

(27) Deduct, to the extent not otherwise deducted or excluded 77871  
in computing federal or Ohio adjusted gross income for the taxable 77872

year, the amount the taxpayer received during the taxable year 77873  
from the military injury relief fund created in section 5902.05 of 77874  
the Revised Code. 77875

(28) Deduct, to the extent not otherwise deducted or excluded 77876  
in computing federal or Ohio adjusted gross income for the taxable 77877  
year, the amount the taxpayer received as a veterans bonus during 77878  
the taxable year from the Ohio department of veterans services as 77879  
authorized by Section 2r of Article VIII, Ohio Constitution. 77880

(29) Deduct, to the extent not otherwise deducted or excluded 77881  
in computing federal or Ohio adjusted gross income for the taxable 77882  
year, any income derived from a transfer agreement or from the 77883  
enterprise transferred under that agreement under section 4313.02 77884  
of the Revised Code. 77885

(30) Deduct, to the extent not otherwise deducted or excluded 77886  
in computing federal or Ohio adjusted gross income for the taxable 77887  
year, Ohio college opportunity or federal Pell grant amounts 77888  
received by the taxpayer or the taxpayer's spouse or dependent 77889  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 77890  
1070a, et seq., and used to pay room or board furnished by the 77891  
educational institution for which the grant was awarded at the 77892  
institution's facilities, including meal plans administered by the 77893  
institution. For the purposes of this division, receipt of a grant 77894  
includes the distribution of a grant directly to an educational 77895  
institution and the crediting of the grant to the enrollee's 77896  
account with the institution. 77897

~~(31)(a) For taxable years beginning in 2015, deduct from the 77898  
portion of an individual's adjusted gross income that is business 77899  
income, to the extent not otherwise deducted or excluded in 77900  
computing federal or Ohio adjusted gross income for the taxable 77901  
year, the lesser of the following amounts: 77902~~

~~(i) Seventy five per cent of the individual's business 77903~~

<del>income;</del>	77904
<del>(ii) Ninety three thousand seven hundred fifty dollars for</del>	77905
<del>each spouse if spouses file separate returns under section 5747.08</del>	77906
<del>of the Revised Code or one hundred eighty seven thousand five</del>	77907
<del>hundred dollars for all other individuals.</del>	77908
<del>(b) For taxable years beginning in 2016 or thereafter, deduct</del>	77909
<u>Deduct</u> from the portion of an individual's adjusted gross income	77910
that is business income, to the extent not otherwise deducted or	77911
excluded in computing federal adjusted gross income for the	77912
taxable year, one hundred twenty-five thousand dollars for each	77913
spouse if spouses file separate returns under section 5747.08 of	77914
the Revised Code or two hundred fifty thousand dollars for all	77915
other individuals.	77916
(32) Deduct, as provided under section 5747.78 of the Revised	77917
Code, contributions to ABLE savings accounts made in accordance	77918
with sections 113.50 to 113.56 of the Revised Code.	77919
(33)(a) Deduct, to the extent not otherwise deducted or	77920
excluded in computing federal or Ohio adjusted gross income during	77921
the taxable year, all of the following:	77922
(i) Compensation paid to a qualifying employee described in	77923
division (A)(14)(a) of section 5703.94 of the Revised Code to the	77924
extent such compensation is for disaster work conducted in this	77925
state during a disaster response period pursuant to a qualifying	77926
solicitation received by the employee's employer;	77927
(ii) Compensation paid to a qualifying employee described in	77928
division (A)(14)(b) of section 5703.94 of the Revised Code to the	77929
extent such compensation is for disaster work conducted in this	77930
state by the employee during the disaster response period on	77931
critical infrastructure owned or used by the employee's employer;	77932
(iii) Income received by an out-of-state disaster business	77933
for disaster work conducted in this state during a disaster	77934

response period, or, if the out-of-state disaster business is a 77935  
pass-through entity, a taxpayer's distributive share of the 77936  
pass-through entity's income from the business conducting disaster 77937  
work in this state during a disaster response period, if, in 77938  
either case, the disaster work is conducted pursuant to a 77939  
qualifying solicitation received by the business. 77940

(b) All terms used in division (A)(33) of this section have 77941  
the same meanings as in section 5703.94 of the Revised Code. 77942

(34) For a taxpayer who is a qualifying Ohio educator, 77943  
deduct, to the extent not otherwise deducted or excluded in 77944  
computing federal or Ohio adjusted gross income for the taxable 77945  
year, the lesser of two hundred fifty dollars or the amount of 77946  
expenses described in subsections (a)(2)(D)(i) and (ii) of section 77947  
62 of the Internal Revenue Code paid or incurred by the taxpayer 77948  
during the taxpayer's taxable year in excess of the amount the 77949  
taxpayer is authorized to deduct for that taxable year under 77950  
subsection (a)(2)(D) of that section. "Qualifying Ohio educator" 77951  
means an individual who, for a taxable year, qualifies as an 77952  
eligible educator, as that term is defined in section 62 of the 77953  
Internal Revenue Code, and who holds a certificate, license, or 77954  
permit described in Chapter 3319. or section 3301.071 of the 77955  
Revised Code. 77956

(B) "Business income" means income, including gain or loss, 77957  
arising from transactions, activities, and sources in the regular 77958  
course of a trade or business and includes income, gain, or loss 77959  
from real property, tangible property, and intangible property if 77960  
the acquisition, rental, management, and disposition of the 77961  
property constitute integral parts of the regular course of a 77962  
trade or business operation. "Business income" includes income, 77963  
including gain or loss, from a partial or complete liquidation of 77964  
a business, including, but not limited to, gain or loss from the 77965  
sale or other disposition of goodwill. 77966

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of

this section, that the trust consists directly or indirectly, in 77997  
whole or in part, of assets, net of any related liabilities, that 77998  
were transferred, or caused to be transferred, directly or 77999  
indirectly, to the trust by any of the following: 78000

(i) A person, a court, or a governmental entity or 78001  
instrumentality on account of the death of a decedent, but only if 78002  
the trust is described in division (I)(3)(e)(i) or (ii) of this 78003  
section; 78004

(ii) A person who was domiciled in this state for the 78005  
purposes of this chapter when the person directly or indirectly 78006  
transferred assets to an irrevocable trust, but only if at least 78007  
one of the trust's qualifying beneficiaries is domiciled in this 78008  
state for the purposes of this chapter during all or some portion 78009  
of the trust's current taxable year; 78010

(iii) A person who was domiciled in this state for the 78011  
purposes of this chapter when the trust document or instrument or 78012  
part of the trust document or instrument became irrevocable, but 78013  
only if at least one of the trust's qualifying beneficiaries is a 78014  
resident domiciled in this state for the purposes of this chapter 78015  
during all or some portion of the trust's current taxable year. If 78016  
a trust document or instrument became irrevocable upon the death 78017  
of a person who at the time of death was domiciled in this state 78018  
for purposes of this chapter, that person is a person described in 78019  
division (I)(3)(a)(iii) of this section. 78020

(b) A trust is irrevocable to the extent that the transferor 78021  
is not considered to be the owner of the net assets of the trust 78022  
under sections 671 to 678 of the Internal Revenue Code. 78023

(c) With respect to a trust other than a charitable lead 78024  
trust, "qualifying beneficiary" has the same meaning as "potential 78025  
current beneficiary" as defined in section 1361(e)(2) of the 78026  
Internal Revenue Code, and with respect to a charitable lead trust 78027

"qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code. 78028  
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(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows: 78034  
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(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities. 78042  
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(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities. 78048  
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(iii) Whether a transfer to the trust is by or from any of 78060  
the sources enumerated in division (I)(3)(a) of this section shall 78061  
be ascertained without regard to the domicile of the trust's 78062  
beneficiaries. 78063

(e) For the purposes of division (I)(3)(a)(i) of this 78064  
section: 78065

(i) A trust is described in division (I)(3)(e)(i) of this 78066  
section if the trust is a testamentary trust and the testator of 78067  
that testamentary trust was domiciled in this state at the time of 78068  
the testator's death for purposes of the taxes levied under 78069  
Chapter 5731. of the Revised Code. 78070

(ii) A trust is described in division (I)(3)(e)(ii) of this 78071  
section if the transfer is a qualifying transfer described in any 78072  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 78073  
irrevocable inter vivos trust, and at least one of the trust's 78074  
qualifying beneficiaries is domiciled in this state for purposes 78075  
of this chapter during all or some portion of the trust's current 78076  
taxable year. 78077

(f) For the purposes of division (I)(3)(e)(ii) of this 78078  
section, a "qualifying transfer" is a transfer of assets, net of 78079  
any related liabilities, directly or indirectly to a trust, if the 78080  
transfer is described in any of the following: 78081

(i) The transfer is made to a trust, created by the decedent 78082  
before the decedent's death and while the decedent was domiciled 78083  
in this state for the purposes of this chapter, and, prior to the 78084  
death of the decedent, the trust became irrevocable while the 78085  
decedent was domiciled in this state for the purposes of this 78086  
chapter. 78087

(ii) The transfer is made to a trust to which the decedent, 78088  
prior to the decedent's death, had directly or indirectly 78089  
transferred assets, net of any related liabilities, while the 78090

decedent was domiciled in this state for the purposes of this 78091  
chapter, and prior to the death of the decedent the trust became 78092  
irrevocable while the decedent was domiciled in this state for the 78093  
purposes of this chapter. 78094

(iii) The transfer is made on account of a contractual 78095  
relationship existing directly or indirectly between the 78096  
transferor and either the decedent or the estate of the decedent 78097  
at any time prior to the date of the decedent's death, and the 78098  
decedent was domiciled in this state at the time of death for 78099  
purposes of the taxes levied under Chapter 5731. of the Revised 78100  
Code. 78101

(iv) The transfer is made to a trust on account of a 78102  
contractual relationship existing directly or indirectly between 78103  
the transferor and another person who at the time of the 78104  
decedent's death was domiciled in this state for purposes of this 78105  
chapter. 78106

(v) The transfer is made to a trust on account of the will of 78107  
a testator who was domiciled in this state at the time of the 78108  
testator's death for purposes of the taxes levied under Chapter 78109  
5731. of the Revised Code. 78110

(vi) The transfer is made to a trust created by or caused to 78111  
be created by a court, and the trust was directly or indirectly 78112  
created in connection with or as a result of the death of an 78113  
individual who, for purposes of the taxes levied under Chapter 78114  
5731. of the Revised Code, was domiciled in this state at the time 78115  
of the individual's death. 78116

(g) The tax commissioner may adopt rules to ascertain the 78117  
part of a trust residing in this state. 78118

(J) "Nonresident" means an individual or estate that is not a 78119  
resident. An individual who is a resident for only part of a 78120  
taxable year is a nonresident for the remainder of that taxable 78121

year.	78122
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	78123 78124
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	78125 78126 78127 78128
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	78129 78130 78131 78132
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	78133 78134 78135 78136
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	78137 78138 78139 78140 78141
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	78142 78143 78144 78145 78146
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	78147 78148
(1) "Subdivision" means any county, municipal corporation, park district, or township.	78149 78150
(2) "Essential local government purposes" includes all	78151

functions that any subdivision is required by general law to 78152  
exercise, including like functions that are exercised under a 78153  
charter adopted pursuant to the Ohio Constitution. 78154

(R) "Overpayment" means any amount already paid that exceeds 78155  
the figure determined to be the correct amount of the tax. 78156

(S) "Taxable income" or "Ohio taxable income" applies only to 78157  
estates and trusts, and means federal taxable income, as defined 78158  
and used in the Internal Revenue Code, adjusted as follows: 78159

(1) Add interest or dividends, net of ordinary, necessary, 78160  
and reasonable expenses not deducted in computing federal taxable 78161  
income, on obligations or securities of any state or of any 78162  
political subdivision or authority of any state, other than this 78163  
state and its subdivisions and authorities, but only to the extent 78164  
that such net amount is not otherwise includible in Ohio taxable 78165  
income and is described in either division (S)(1)(a) or (b) of 78166  
this section: 78167

(a) The net amount is not attributable to the S portion of an 78168  
electing small business trust and has not been distributed to 78169  
beneficiaries for the taxable year; 78170

(b) The net amount is attributable to the S portion of an 78171  
electing small business trust for the taxable year. 78172

(2) Add interest or dividends, net of ordinary, necessary, 78173  
and reasonable expenses not deducted in computing federal taxable 78174  
income, on obligations of any authority, commission, 78175  
instrumentality, territory, or possession of the United States to 78176  
the extent that the interest or dividends are exempt from federal 78177  
income taxes but not from state income taxes, but only to the 78178  
extent that such net amount is not otherwise includible in Ohio 78179  
taxable income and is described in either division (S)(1)(a) or 78180  
(b) of this section; 78181

(3) Add the amount of personal exemption allowed to the 78182

estate pursuant to section 642(b) of the Internal Revenue Code; 78183

(4) Deduct interest or dividends, net of related expenses 78184  
deducted in computing federal taxable income, on obligations of 78185  
the United States and its territories and possessions or of any 78186  
authority, commission, or instrumentality of the United States to 78187  
the extent that the interest or dividends are exempt from state 78188  
taxes under the laws of the United States, but only to the extent 78189  
that such amount is included in federal taxable income and is 78190  
described in either division (S)(1)(a) or (b) of this section; 78191

(5) Deduct the amount of wages and salaries, if any, not 78192  
otherwise allowable as a deduction but that would have been 78193  
allowable as a deduction in computing federal taxable income for 78194  
the taxable year, had the targeted jobs credit allowed under 78195  
sections 38, 51, and 52 of the Internal Revenue Code not been in 78196  
effect, but only to the extent such amount relates either to 78197  
income included in federal taxable income for the taxable year or 78198  
to income of the S portion of an electing small business trust for 78199  
the taxable year; 78200

(6) Deduct any interest or interest equivalent, net of 78201  
related expenses deducted in computing federal taxable income, on 78202  
public obligations and purchase obligations, but only to the 78203  
extent that such net amount relates either to income included in 78204  
federal taxable income for the taxable year or to income of the S 78205  
portion of an electing small business trust for the taxable year; 78206

(7) Add any loss or deduct any gain resulting from sale, 78207  
exchange, or other disposition of public obligations to the extent 78208  
that such loss has been deducted or such gain has been included in 78209  
computing either federal taxable income or income of the S portion 78210  
of an electing small business trust for the taxable year; 78211

(8) Except in the case of the final return of an estate, add 78212  
any amount deducted by the taxpayer on both its Ohio estate tax 78213

return pursuant to section 5731.14 of the Revised Code, and on its 78214  
federal income tax return in determining federal taxable income; 78215

(9)(a) Deduct any amount included in federal taxable income 78216  
solely because the amount represents a reimbursement or refund of 78217  
expenses that in a previous year the decedent had deducted as an 78218  
itemized deduction pursuant to section 63 of the Internal Revenue 78219  
Code and applicable treasury regulations. The deduction otherwise 78220  
allowed under division (S)(9)(a) of this section shall be reduced 78221  
to the extent the reimbursement is attributable to an amount the 78222  
taxpayer or decedent deducted under this section in any taxable 78223  
year. 78224

(b) Add any amount not otherwise included in Ohio taxable 78225  
income for any taxable year to the extent that the amount is 78226  
attributable to the recovery during the taxable year of any amount 78227  
deducted or excluded in computing federal or Ohio taxable income 78228  
in any taxable year, but only to the extent such amount has not 78229  
been distributed to beneficiaries for the taxable year. 78230

(10) Deduct any portion of the deduction described in section 78231  
1341(a)(2) of the Internal Revenue Code, for repaying previously 78232  
reported income received under a claim of right, that meets both 78233  
of the following requirements: 78234

(a) It is allowable for repayment of an item that was 78235  
included in the taxpayer's taxable income or the decedent's 78236  
adjusted gross income for a prior taxable year and did not qualify 78237  
for a credit under division (A) or (B) of section 5747.05 of the 78238  
Revised Code for that year. 78239

(b) It does not otherwise reduce the taxpayer's taxable 78240  
income or the decedent's adjusted gross income for the current or 78241  
any other taxable year. 78242

(11) Add any amount claimed as a credit under section 78243  
5747.059 ~~or 5747.65~~ of the Revised Code to the extent that the 78244

amount satisfies either of the following: 78245

(a) The amount was deducted or excluded from the computation 78246  
of the taxpayer's federal taxable income as required to be 78247  
reported for the taxpayer's taxable year under the Internal 78248  
Revenue Code; 78249

(b) The amount resulted in a reduction in the taxpayer's 78250  
federal taxable income as required to be reported for any of the 78251  
taxpayer's taxable years under the Internal Revenue Code. 78252

(12) Deduct any amount, net of related expenses deducted in 78253  
computing federal taxable income, that a trust is required to 78254  
report as farm income on its federal income tax return, but only 78255  
if the assets of the trust include at least ten acres of land 78256  
satisfying the definition of "land devoted exclusively to 78257  
agricultural use" under section 5713.30 of the Revised Code, 78258  
regardless of whether the land is valued for tax purposes as such 78259  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 78260  
trust is a pass-through entity investor, section 5747.231 of the 78261  
Revised Code applies in ascertaining if the trust is eligible to 78262  
claim the deduction provided by division (S)(12) of this section 78263  
in connection with the pass-through entity's farm income. 78264

Except for farm income attributable to the S portion of an 78265  
electing small business trust, the deduction provided by division 78266  
(S)(12) of this section is allowed only to the extent that the 78267  
trust has not distributed such farm income. Division (S)(12) of 78268  
this section applies only to taxable years of a trust beginning in 78269  
2002 or thereafter. 78270

(13) Add the net amount of income described in section 641(c) 78271  
of the Internal Revenue Code to the extent that amount is not 78272  
included in federal taxable income. 78273

(14) Add or deduct the amount the taxpayer would be required 78274  
to add or deduct under division (A)(20) or (21) of this section if 78275

the taxpayer's Ohio taxable income were computed in the same 78276  
manner as an individual's Ohio adjusted gross income is computed 78277  
under this section. In the case of a trust, division (S)(14) of 78278  
this section applies only to any of the trust's taxable years 78279  
beginning in 2002 or thereafter. 78280

(T) "School district income" and "school district income tax" 78281  
have the same meanings as in section 5748.01 of the Revised Code. 78282

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 78283  
of this section, "public obligations," "purchase obligations," and 78284  
"interest or interest equivalent" have the same meanings as in 78285  
section 5709.76 of the Revised Code. 78286

(V) "Limited liability company" means any limited liability 78287  
company formed under Chapter 1705. of the Revised Code or under 78288  
the laws of any other state. 78289

(W) "Pass-through entity investor" means any person who, 78290  
during any portion of a taxable year of a pass-through entity, is 78291  
a partner, member, shareholder, or equity investor in that 78292  
pass-through entity. 78293

(X) "Banking day" has the same meaning as in section 1304.01 78294  
of the Revised Code. 78295

(Y) "Month" means a calendar month. 78296

(Z) "Quarter" means the first three months, the second three 78297  
months, the third three months, or the last three months of the 78298  
taxpayer's taxable year. 78299

(AA)(1) "Eligible institution" means a state university or 78300  
state institution of higher education as defined in section 78301  
3345.011 of the Revised Code, or a private, nonprofit college, 78302  
university, or other post-secondary institution located in this 78303  
state that possesses a certificate of authorization issued by the 78304  
chancellor of higher education pursuant to Chapter 1713. of the 78305

Revised Code or a certificate of registration issued by the state 78306  
board of career colleges and schools under Chapter 3332. of the 78307  
Revised Code. 78308

(2) "Qualified tuition and fees" means tuition and fees 78309  
imposed by an eligible institution as a condition of enrollment or 78310  
attendance, not exceeding two thousand five hundred dollars in 78311  
each of the individual's first two years of post-secondary 78312  
education. If the individual is a part-time student, "qualified 78313  
tuition and fees" includes tuition and fees paid for the academic 78314  
equivalent of the first two years of post-secondary education 78315  
during a maximum of five taxable years, not exceeding a total of 78316  
five thousand dollars. "Qualified tuition and fees" does not 78317  
include: 78318

(a) Expenses for any course or activity involving sports, 78319  
games, or hobbies unless the course or activity is part of the 78320  
individual's degree or diploma program; 78321

(b) The cost of books, room and board, student activity fees, 78322  
athletic fees, insurance expenses, or other expenses unrelated to 78323  
the individual's academic course of instruction; 78324

(c) Tuition, fees, or other expenses paid or reimbursed 78325  
through an employer, scholarship, grant in aid, or other 78326  
educational benefit program. 78327

(BB)(1) "Modified business income" means the business income 78328  
included in a trust's Ohio taxable income after such taxable 78329  
income is first reduced by the qualifying trust amount, if any. 78330

(2) "Qualifying trust amount" of a trust means capital gains 78331  
and losses from the sale, exchange, or other disposition of equity 78332  
or ownership interests in, or debt obligations of, a qualifying 78333  
investee to the extent included in the trust's Ohio taxable 78334  
income, but only if the following requirements are satisfied: 78335

(a) The book value of the qualifying investee's physical 78336

assets in this state and everywhere, as of the last day of the 78337  
qualifying investee's fiscal or calendar year ending immediately 78338  
prior to the date on which the trust recognizes the gain or loss, 78339  
is available to the trust. 78340

(b) The requirements of section 5747.011 of the Revised Code 78341  
are satisfied for the trust's taxable year in which the trust 78342  
recognizes the gain or loss. 78343

Any gain or loss that is not a qualifying trust amount is 78344  
modified business income, qualifying investment income, or 78345  
modified nonbusiness income, as the case may be. 78346

(3) "Modified nonbusiness income" means a trust's Ohio 78347  
taxable income other than modified business income, other than the 78348  
qualifying trust amount, and other than qualifying investment 78349  
income, as defined in section 5747.012 of the Revised Code, to the 78350  
extent such qualifying investment income is not otherwise part of 78351  
modified business income. 78352

(4) "Modified Ohio taxable income" applies only to trusts, 78353  
and means the sum of the amounts described in divisions (BB)(4)(a) 78354  
to (c) of this section: 78355

(a) The fraction, calculated under section 5747.013, and 78356  
applying section 5747.231 of the Revised Code, multiplied by the 78357  
sum of the following amounts: 78358

(i) The trust's modified business income; 78359

(ii) The trust's qualifying investment income, as defined in 78360  
section 5747.012 of the Revised Code, but only to the extent the 78361  
qualifying investment income does not otherwise constitute 78362  
modified business income and does not otherwise constitute a 78363  
qualifying trust amount. 78364

(b) The qualifying trust amount multiplied by a fraction, the 78365  
numerator of which is the sum of the book value of the qualifying 78366

investee's physical assets in this state on the last day of the 78367  
qualifying investee's fiscal or calendar year ending immediately 78368  
prior to the day on which the trust recognizes the qualifying 78369  
trust amount, and the denominator of which is the sum of the book 78370  
value of the qualifying investee's total physical assets 78371  
everywhere on the last day of the qualifying investee's fiscal or 78372  
calendar year ending immediately prior to the day on which the 78373  
trust recognizes the qualifying trust amount. If, for a taxable 78374  
year, the trust recognizes a qualifying trust amount with respect 78375  
to more than one qualifying investee, the amount described in 78376  
division (BB)(4)(b) of this section shall equal the sum of the 78377  
products so computed for each such qualifying investee. 78378

(c)(i) With respect to a trust or portion of a trust that is 78379  
a resident as ascertained in accordance with division (I)(3)(d) of 78380  
this section, its modified nonbusiness income. 78381

(ii) With respect to a trust or portion of a trust that is 78382  
not a resident as ascertained in accordance with division 78383  
(I)(3)(d) of this section, the amount of its modified nonbusiness 78384  
income satisfying the descriptions in divisions (B)(2) to (5) of 78385  
section 5747.20 of the Revised Code, except as otherwise provided 78386  
in division (BB)(4)(c)(ii) of this section. With respect to a 78387  
trust or portion of a trust that is not a resident as ascertained 78388  
in accordance with division (I)(3)(d) of this section, the trust's 78389  
portion of modified nonbusiness income recognized from the sale, 78390  
exchange, or other disposition of a debt interest in or equity 78391  
interest in a section 5747.212 entity, as defined in section 78392  
5747.212 of the Revised Code, without regard to division (A) of 78393  
that section, shall not be allocated to this state in accordance 78394  
with section 5747.20 of the Revised Code but shall be apportioned 78395  
to this state in accordance with division (B) of section 5747.212 78396  
of the Revised Code without regard to division (A) of that 78397  
section. 78398

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the

pass-through entity's calendar or fiscal year ending within or 78431  
with the last day of the qualifying investee's fiscal or calendar 78432  
year ending immediately prior to the date on which the trust 78433  
recognizes the qualifying trust amount. 78434

(iii) For the purposes of division (BB)(5)(a)(iii) of this 78435  
section, "upper level pass-through entity" means a pass-through 78436  
entity directly or indirectly owning any equity of another 78437  
pass-through entity, and "lower level pass-through entity" means 78438  
that other pass-through entity. 78439

An upper level pass-through entity, whether or not it is also 78440  
a qualifying investee, is deemed to own, on the last day of the 78441  
upper level pass-through entity's calendar or fiscal year, the 78442  
proportionate share of the lower level pass-through entity's 78443  
physical assets that the lower level pass-through entity directly 78444  
or indirectly owns on the last day of the lower level pass-through 78445  
entity's calendar or fiscal year ending within or with the last 78446  
day of the upper level pass-through entity's fiscal or calendar 78447  
year. If the upper level pass-through entity directly and 78448  
indirectly owns less than fifty per cent of the equity of the 78449  
lower level pass-through entity on each day of the upper level 78450  
pass-through entity's calendar or fiscal year in which or with 78451  
which ends the calendar or fiscal year of the lower level 78452  
pass-through entity and if, based upon clear and convincing 78453  
evidence, complete information about the location and cost of the 78454  
physical assets of the lower pass-through entity is not available 78455  
to the upper level pass-through entity, then solely for purposes 78456  
of ascertaining if a gain or loss constitutes a qualifying trust 78457  
amount, the upper level pass-through entity shall be deemed as 78458  
owning no equity of the lower level pass-through entity for each 78459  
day during the upper level pass-through entity's calendar or 78460  
fiscal year in which or with which ends the lower level 78461  
pass-through entity's calendar or fiscal year. Nothing in division 78462

(BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income. 78463  
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(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply: 78466  
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(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 78471  
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(ii) Such gain or loss constitutes nonbusiness income. 78475

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 78476  
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(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 78480  
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(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 78482  
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(EE)(1) For the purposes of division (EE) of this section: 78484

(a) "Qualifying person" means any person other than a qualifying corporation. 78485  
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(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 78487  
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(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's 78490  
78491  
78492

taxable year;	78493
(ii) A subsidiary that is wholly owned by any corporation	78494
that has made an election under subchapter S, chapter one,	78495
subtitle A of the Internal Revenue Code for its taxable year	78496
ending within, or on the last day of, the investor's taxable year.	78497
(2) For the purposes of this chapter, unless expressly stated	78498
otherwise, no qualifying person indirectly owns any asset directly	78499
or indirectly owned by any qualifying corporation.	78500
(FF) For purposes of this chapter and Chapter 5751. of the	78501
Revised Code:	78502
(1) "Trust" does not include a qualified pre-income tax	78503
trust.	78504
(2) A "qualified pre-income tax trust" is any pre-income tax	78505
trust that makes a qualifying pre-income tax trust election as	78506
described in division (FF)(3) of this section.	78507
(3) A "qualifying pre-income tax trust election" is an	78508
election by a pre-income tax trust to subject to the tax imposed	78509
by section 5751.02 of the Revised Code the pre-income tax trust	78510
and all pass-through entities of which the trust owns or controls,	78511
directly, indirectly, or constructively through related interests,	78512
five per cent or more of the ownership or equity interests. The	78513
trustee shall notify the tax commissioner in writing of the	78514
election on or before April 15, 2006. The election, if timely	78515
made, shall be effective on and after January 1, 2006, and shall	78516
apply for all tax periods and tax years until revoked by the	78517
trustee of the trust.	78518
(4) A "pre-income tax trust" is a trust that satisfies all of	78519
the following requirements:	78520
(a) The document or instrument creating the trust was	78521
executed by the grantor before January 1, 1972;	78522

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

~~(HH) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(31) of this section for the taxable year.~~

~~(II) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.~~

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under division (A)(31) of this section for the taxable year.

**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving

income in this state, on every individual, trust, and estate 78553  
earning or receiving lottery winnings, prizes, or awards pursuant 78554  
to Chapter 3770. of the Revised Code, on every individual, trust, 78555  
and estate earning or receiving winnings on casino gaming, and on 78556  
every individual, trust, and estate otherwise having nexus with or 78557  
in this state under the Constitution of the United States, an 78558  
annual tax measured as prescribed in divisions (A)(1) to ~~(4)~~(3) of 78559  
this section. 78560

(1) In the case of trusts, the tax imposed by this section 78561  
shall be measured by modified Ohio taxable income under division 78562  
(D) of this section and levied in the same amount as the tax is 78563  
imposed on estates as prescribed in division (A)(2) of this 78564  
section. 78565

(2) In the case of estates, the tax imposed by this section 78566  
shall be measured by Ohio taxable income ~~and~~. The tax shall be 78567  
levied at the ~~rate of seven thousand four hundred twenty five~~ 78568  
~~ten thousandths per cent for~~ following rates on the first ten 78569  
twenty-one thousand five seven hundred fifty dollars of such 78570  
income ~~and, for:~~ for taxable years beginning in 2019, one and 78571  
forty-two thousand seven hundred forty-four hundred-thousandths 78572  
per cent, and for taxable years beginning in or after 2020, one 78573  
and three hundred sixty-eight thousandths per cent. On such income 78574  
in excess of that amount, the tax shall be levied at the same 78575  
rates prescribed in division (A)(3) of this section for 78576  
individuals. 78577

(3) In the case of individuals, ~~for taxable years beginning~~ 78578  
~~in 2017 or thereafter,~~ the tax imposed by this section ~~on income~~ 78579  
~~other than taxable business income~~ shall be measured by Ohio 78580  
adjusted gross income, ~~less taxable business income and~~ less an 78581  
exemption for the taxpayer, the taxpayer's spouse, and each 78582  
dependent as provided in section 5747.025 of the Revised Code. If 78583

the balance thus obtained is equal to or less than ~~ten~~ twenty-one 78584  
thousand ~~five~~ seven hundred fifty dollars, no tax shall be imposed 78585  
on that balance. If the balance thus obtained is greater than ~~ten~~ 78586  
twenty-one thousand ~~five~~ seven hundred fifty dollars, the tax is 78587  
hereby levied as follows: 78588

(a) For taxable years beginning in 2019: 78589

OHIO ADJUSTED GROSS INCOME LESS 78590

TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS)

OR 78591

MODIFIED OHIO 78592

TAXABLE INCOME (TRUSTS) 78593

OR 78594

OHIO TAXABLE INCOME (ESTATES) TAX 78595

More than \$21,750 but not more \$310.47 plus 2.850% of the 78596  
than \$43,450 amount in excess of \$21,750

More than \$43,450 but not more \$928.92 plus 3.326% of the 78597  
than \$86,900 amount in excess of \$43,450

More than \$86,900 but not more \$2,374.07 plus 3.802% of the 78598  
than \$108,700 amount in excess of \$86,900

More than \$108,700 but not more \$3,202.91 plus 4.413% of the 78599  
than \$217,400 amount in excess of \$108,700

More than \$217,400 \$7,999.84 plus 4.797% of the 78600  
amount in excess of \$217,400

(b) For taxable years beginning in or after 2020: 78601

OHIO ADJUSTED GROSS INCOME LESS 78602

TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS)

OR 78603

MODIFIED OHIO 78604

TAXABLE INCOME (TRUSTS) 78605

OR 78606

OHIO TAXABLE INCOME (ESTATES)	TAX	78607
		78608
		78609
<del>More than \$10,500 but not more than \$15,800</del>	<del>\$77.96 plus 1.980% of the amount in excess of \$10,500</del>	78610
<del>More than \$15,800 but not more than \$21,100</del>	<del>\$182.90 plus 2.476% of the amount in excess of \$15,800</del>	78611
More than <del>\$21,100</del> <u>21,750</u> but not more than <del>\$42,100</del> <u>43,450</u>	<del>\$314.13</del> <u>297.54</u> plus <del>2.96</del> <u>2.731</u> % of the amount in excess of <del>\$21,100</del> <u>21,750</u>	78612
More than <del>\$42,100</del> <u>43,450</u> but not more than <del>\$84,200</del> <u>86,900</u>	<del>\$937.62</del> <u>890.17</u> plus <del>3.46</del> <u>3.188</u> % of the amount in excess of <del>\$42,100</del> <u>43,450</u>	78613
More than <del>\$84,200</del> <u>86,900</u> but not more than <del>\$105,300</del> <u>108,700</u>	<del>\$2,396.39</del> <u>2,275.36</u> plus <del>3.96</del> <u>3.643</u> % of the amount in excess of <del>\$84,200</del> <u>86,900</u>	78614
More than <del>\$105,300</del> <u>108,700</u> but not more than <del>\$210,600</del> <u>217,400</u>	<del>\$3,231.95</del> <u>3,069.53</u> plus <del>4.59</del> <u>4.229</u> % of the amount in excess of <del>\$105,300</del> <u>108,700</u>	78615
More than <del>\$210,600</del> <u>217,400</u>	<del>\$8,072.59</del> <u>7,666.45</u> plus <del>4.99</del> <u>4.597</u> % of the amount in excess of <del>\$210,600</del> <u>217,400</u>	78616
<del>(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.</del>		78617
		78618
		78619
		78620
		78621
		78622
<del>(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.</del>		78623
		78624
		78625
		78626
		78627

(5) Except as otherwise provided in this division, in August 78628  
of each year, the tax commissioner shall make a new adjustment to 78629  
the income amounts prescribed in divisions (A)(2) and (3) of this 78630  
section by multiplying the percentage increase in the gross 78631  
domestic product deflator computed that year under section 78632  
5747.025 of the Revised Code by each of the income amounts 78633  
resulting from the adjustment under this division in the preceding 78634  
year, adding the resulting product to the corresponding income 78635  
amount resulting from the adjustment in the preceding year, and 78636  
rounding the resulting sum to the nearest multiple of fifty 78637  
dollars. The tax commissioner also shall recompute each of the tax 78638  
dollar amounts to the extent necessary to reflect the new 78639  
adjustment of the income amounts. To recompute the tax dollar 78640  
amount corresponding to the lowest tax rate in division (A)(3) of 78641  
this section, the commissioner shall multiply the tax rate 78642  
prescribed in division (A)(2) of this section by the income amount 78643  
specified in that division and as adjusted according to this 78644  
paragraph. The rates of taxation shall not be adjusted. 78645

The adjusted amounts apply to taxable years beginning in the 78646  
calendar year in which the adjustments are made and to taxable 78647  
years beginning in each ensuing calendar year until a calendar 78648  
year in which a new adjustment is made pursuant to this division. 78649  
The tax commissioner shall not make a new adjustment in any year 78650  
in which the amount resulting from the adjustment would be less 78651  
than the amount resulting from the adjustment in the preceding 78652  
year. 78653

(B) If the director of budget and management makes a 78654  
certification to the tax commissioner under division (B) of 78655  
section 131.44 of the Revised Code, the amount of tax as 78656  
determined under divisions (A)(1) to (3) of this section shall be 78657  
reduced by the percentage prescribed in that certification for 78658  
taxable years beginning in the calendar year in which that 78659

certification is made. 78660

(C) The levy of this tax on income does not prevent a 78661  
municipal corporation, a joint economic development zone created 78662  
under section 715.691, or a joint economic development district 78663  
created under section 715.70, 715.71, or 715.72 of the Revised 78664  
Code from levying a tax on income. 78665

(D) This division applies only to taxable years of a trust 78666  
beginning in 2002 or thereafter. 78667

(1) The tax imposed by this section on a trust shall be 78668  
computed by multiplying the Ohio modified taxable income of the 78669  
trust by the rates prescribed by division (A) of this section. 78670

(2) A resident trust may claim a credit against the tax 78671  
computed under division (D) of this section equal to the lesser of 78672  
(a) the tax paid to another state or the District of Columbia on 78673  
the resident trust's modified nonbusiness income, other than the 78674  
portion of the resident trust's nonbusiness income that is 78675  
qualifying investment income as defined in section 5747.012 of the 78676  
Revised Code, or (b) the effective tax rate, based on modified 78677  
Ohio taxable income, multiplied by the resident trust's modified 78678  
nonbusiness income other than the portion of the resident trust's 78679  
nonbusiness income that is qualifying investment income. The 78680  
credit applies before any other applicable credits. 78681

(3) The credits ~~enumerated in divisions (A)(1) to (9) and~~ 78682  
~~(A)(18) to (20) of section 5747.98 authorized by the following~~ 78683  
sections of the Revised Code do not apply to a trust subject to 78684  
division (D) of this section: section 5747.022, 5747.05, 5747.054, 78685  
5747.055, 5747.27, 5747.37, 5747.66, or 5747.71 of the Revised 78686  
Code. Any ~~credits enumerated in other divisions of credit~~ 78687  
authorized against the tax imposed by this section 5747.98 of the 78688  
~~Revised Code apply~~ applies to a trust subject to division (D) of 78689  
this section that otherwise qualifies for such a credit. To the 78690

extent that the trust distributes income for the taxable year for 78691  
which a credit is available to the trust, the credit shall be 78692  
shared by the trust and its beneficiaries. The tax commissioner 78693  
and the trust shall be guided by applicable regulations of the 78694  
United States treasury regarding the sharing of credits. 78695

(E) For the purposes of this section, "trust" means any trust 78696  
described in Subchapter J of Chapter 1 of the Internal Revenue 78697  
Code, excluding trusts that are not irrevocable as defined in 78698  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 78699  
have no modified Ohio taxable income for the taxable year, 78700  
charitable remainder trusts, qualified funeral trusts and preneed 78701  
funeral contract trusts established pursuant to sections 4717.31 78702  
to 4717.38 of the Revised Code that are not qualified funeral 78703  
trusts, endowment and perpetual care trusts, qualified settlement 78704  
trusts and funds, designated settlement trusts and funds, and 78705  
trusts exempted from taxation under section 501(a) of the Internal 78706  
Revenue Code. 78707

(F) Nothing in division (A)(3) of this section shall prohibit 78708  
an individual with an Ohio adjusted gross income, less ~~taxable~~ 78709  
~~business income and~~ exemptions, of ~~ten~~ twenty-one thousand ~~five~~ 78710  
seven hundred fifty dollars or less from filing a return under 78711  
this chapter to receive a refund of taxes withheld or to claim any 78712  
refundable credit allowed under this chapter. 78713

**Sec. 5747.022.** An individual subject to the tax imposed by 78714  
section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted 78715  
gross income, less applicable exemptions under section 5747.025 of 78716  
the Revised Code, for the taxable year as shown on an individual 78717  
or joint annual return is less than thirty thousand dollars may 78718  
claim a credit equal to twenty dollars times the number of 78719  
exemptions allowed for the taxpayer, the taxpayer's spouse, and 78720  
each dependent under section 5747.02 of the Revised Code. The 78721

credit shall be claimed in the order required under section 78722  
5747.98 of the Revised Code. The credit shall not be considered in 78723  
determining the taxes required to be withheld under section 78724  
5747.06 of the Revised Code or the estimated taxes required to be 78725  
paid under section 5747.09 of the Revised Code. In the case of an 78726  
individual with respect to whom an exemption under section 5747.02 78727  
of the Revised Code is allowable to another taxpayer for a taxable 78728  
year beginning in the calendar year in which the individual's 78729  
taxable year begins, the "number of exemptions allowed" for 78730  
purposes of calculating the credit allowed under this section to 78731  
such individual for the individual's taxable year shall not 78732  
include an exemption for the individual. 78733

**Sec. 5747.025.** (A) ~~For taxable years beginning in 2014 or~~ 78734  
~~2015, the~~ The personal exemption for the taxpayer, the taxpayer's 78735  
spouse, and each dependent shall be one of the following amounts: 78736

(1) Two thousand ~~two~~ three hundred fifty dollars if the 78737  
taxpayer's ~~Ohio~~ modified adjusted gross income for the taxable 78738  
year as shown on an individual or joint annual return is less than 78739  
or equal to forty thousand dollars; 78740

(2) ~~One~~ Two thousand ~~nine~~ one hundred fifty dollars if the 78741  
taxpayer's ~~Ohio~~ modified adjusted gross income for the taxable 78742  
year as shown on an individual or joint annual return is greater 78743  
than forty thousand dollars but less than or equal to eighty 78744  
thousand dollars; 78745

(3) One thousand ~~seven~~ eight hundred fifty dollars if the 78746  
taxpayer's ~~Ohio~~ modified adjusted gross income for the taxable 78747  
year as shown on an individual or joint annual return is greater 78748  
than eighty thousand dollars. 78749

(B) For taxable years beginning in ~~2016~~ 2021 and thereafter, 78750  
the personal exemption amounts prescribed in division (A) of this 78751  
section shall be adjusted each year in the manner prescribed in 78752

division (C) of this section. In the case of an individual with 78753  
respect to whom an exemption under section 5747.02 of the Revised 78754  
Code is allowable to another taxpayer for a taxable year beginning 78755  
in the calendar year in which the individual's taxable year 78756  
begins, the exemption amount applicable to such individual for 78757  
such individual's taxable year shall be zero. 78758

(C) Except as otherwise provided in this division, in August 78759  
of each year, the tax commissioner shall determine the percentage 78760  
increase in the gross domestic product deflator determined by the 78761  
bureau of economic analysis of the United States department of 78762  
commerce from the first day of January of the preceding calendar 78763  
year to the last day of December of the preceding year, and make a 78764  
new adjustment to the personal exemption amount for taxable years 78765  
beginning in the current calendar year by multiplying that amount 78766  
by the percentage increase in the gross domestic product deflator 78767  
for that period; adding the resulting product to the personal 78768  
exemption amount for taxable years beginning in the preceding 78769  
calendar year; and rounding the resulting sum upward to the 78770  
nearest multiple of fifty dollars. The adjusted amount applies to 78771  
taxable years beginning in the calendar year in which the 78772  
adjustment is made and to taxable years beginning in each ensuing 78773  
calendar year until a calendar year in which a new adjustment is 78774  
made pursuant to this division. The commissioner shall not make a 78775  
new adjustment in any calendar year in which the amount resulting 78776  
from the adjustment would be less than the amount resulting from 78777  
the adjustment in the preceding calendar year. 78778

**Sec. 5747.03.** (A)~~(1)~~ All money collected under this chapter 78779  
arising from the taxes imposed by section 5747.02 or 5747.41 of 78780  
the Revised Code shall be credited to the general revenue fund, 78781  
~~except that the treasurer of state shall, at the beginning of each~~ 78782  
~~calendar quarter, credit to the Ohio political party fund,~~ 78783  
~~pursuant to section 3517.16 of the Revised Code, an amount equal~~ 78784

~~to the total dollar value realized from the taxpayer exercise of~~ 78785  
~~the income tax checkoff option on tax forms processed during the~~ 78786  
~~preceding calendar quarter.~~ 78787

~~(B)(1) Following the crediting of moneys pursuant to division~~ 78788  
~~(A) of this section, the remainder deposited in the general~~ 78789  
~~revenue fund shall be and distributed pursuant to division (F) of~~ 78790  
section 321.24 and section 323.156 of the Revised Code; to make 78791  
subsidy payments to institutions of higher education from 78792  
appropriations to the ~~Ohio board of regents~~ department of higher 78793  
education; to support expenditures for programs and services for 78794  
the mentally ill, persons with developmental disabilities, and the 78795  
elderly; for primary and secondary education; for medical 78796  
assistance; and for any other purposes authorized by law, subject 78797  
to the limitation that at least fifty per cent of the income tax 78798  
collected by the state from the tax imposed by section 5747.02 of 78799  
the Revised Code shall be returned pursuant to Section 9 of 78800  
Article XII, Ohio Constitution. 78801

(2) To ensure that such constitutional requirement is 78802  
satisfied the tax commissioner shall, on or before the thirtieth 78803  
day of June of each year, from the best information available to 78804  
the tax commissioner, determine and certify for each county to the 78805  
director of budget and management the amount of taxes collected 78806  
under this chapter from the tax imposed under section 5747.02 of 78807  
the Revised Code during the preceding calendar year that are 78808  
required to be returned to the county by Section 9 of Article XII, 78809  
Ohio Constitution. The director shall provide for payment from the 78810  
general revenue fund to the county in the amount, if any, that the 78811  
sum of the amount so certified for that county exceeds the sum of 78812  
the following: 78813

(a) The sum of the payments from the general revenue fund for 78814  
the preceding calendar year credited to the county's undivided 78815

income tax fund pursuant to division (F) of section 321.24 and 78816  
section 323.156 of the Revised Code or made directly from the 78817  
general revenue fund to political subdivisions located in the 78818  
county; 78819

(b) The sum of the amounts from the general revenue fund 78820  
distributed in the county during the preceding calendar year for 78821  
subsidy payments to institutions of higher education from 78822  
appropriations to the ~~Ohio board of regents~~ department of higher 78823  
education; for programs and services for mentally ill persons, 78824  
persons with developmental disabilities, and elderly persons; for 78825  
primary and secondary education; and for medical assistance. 78826

(c) In the case of payments made by the director under this 78827  
division in 2007, the total amount distributed to the county 78828  
during the preceding calendar year from the local government fund 78829  
and the local government revenue assistance fund, and, in the case 78830  
of payments made by the director under this division in subsequent 78831  
calendar years, the amount distributed to the county from the 78832  
local government fund; 78833

(d) In the case of payments made by the director under this 78834  
division, the total amount distributed to the county during the 78835  
preceding calendar year from the public library fund. 78836

Payments under this division shall be credited to the 78837  
county's undivided income tax fund, except that, notwithstanding 78838  
section 5705.14 of the Revised Code, such payments may be 78839  
transferred by the board of county commissioners to the county 78840  
general fund by resolution adopted with the affirmative vote of 78841  
two-thirds of the members thereof. 78842

~~(C)~~(B) All payments received in each month from taxes imposed 78843  
under Chapter 5748. of the Revised Code and any penalties or 78844  
interest thereon shall be paid into the school district income tax 78845  
fund, which is hereby created in the state treasury, except that 78846

an amount equal to the following portion of such payments shall be 78847  
paid into the general school district income tax administrative 78848  
fund, which is hereby created in the state treasury: 78849

(1) One and three-quarters of one per cent of those received 78850  
in fiscal year 1996; 78851

(2) One and one-half per cent of those received in fiscal 78852  
year 1997 and thereafter. 78853

Money in the school district income tax administrative fund 78854  
shall be used by the tax commissioner to defray costs incurred in 78855  
administering the school district's income tax, including the cost 78856  
of providing employers with information regarding the rate of tax 78857  
imposed by any school district. Any moneys remaining in the fund 78858  
after such use shall be deposited in the school district income 78859  
tax fund. 78860

All interest earned on moneys in the school district income 78861  
tax fund shall be credited to the fund. 78862

~~(D)~~(C)(1)(a) Within thirty days of the end of each calendar 78863  
quarter ending on the last day of March, June, September, and 78864  
December, the director of budget and management shall make a 78865  
payment from the school district income tax fund to each school 78866  
district for which school district income tax revenue was received 78867  
during that quarter. The amount of the payment shall equal the 78868  
balance in the school district's account at the end of that 78869  
quarter. 78870

(b) After a school district ceases to levy an income tax, the 78871  
director of budget and management shall adjust the payments under 78872  
division ~~(D)~~(C)(1)(a) of this section to retain sufficient money 78873  
in the school district's account to pay refunds. For the calendar 78874  
quarters ending on the last day of March and December of the 78875  
calendar year following the last calendar year the tax is levied, 78876  
the director shall make the payments in the amount required under 78877

division ~~(D)~~(C)(1)(a) of this section. For the calendar quarter 78878  
ending on the last day of June of the calendar year following the 78879  
last calendar year the tax is levied, the director shall make a 78880  
payment equal to nine-tenths of the balance in the account at the 78881  
end of that quarter. For the calendar quarter ending on the last 78882  
day of September of the calendar year following the last calendar 78883  
year the tax is levied, the director shall make no payment. For 78884  
the second and succeeding calendar years following the last 78885  
calendar year the tax is levied, the director shall make one 78886  
payment each year, within thirty days of the last day of June, in 78887  
an amount equal to the balance in the district's account on the 78888  
last day of June. 78889

(2) Moneys paid to a school district under this division 78890  
shall be deposited in its school district income tax fund. All 78891  
interest earned on moneys in the school district income tax fund 78892  
shall be apportioned by the tax commissioner pro rata among the 78893  
school districts in the proportions and at the times the districts 78894  
are entitled to receive payments under this division. 78895

**Sec. 5747.04.** All reports, returns, and payments required of 78896  
a taxpayer or employer by this chapter, except payments by 78897  
electronic funds transfer as required under section 5747.072 of 78898  
the Revised Code, shall be filed with the tax commissioner. 78899

Upon receipt by ~~him~~ the commissioner of any payments under 78900  
this chapter arising from a tax imposed under section 5747.02 of 78901  
the Revised Code, the commissioner shall estimate and annually 78902  
reconcile and determine for any amount paid by or on behalf of any 78903  
taxpayer and for any amount shown due or owed to any taxpayer, the 78904  
county to which such amount is attributable. The county of 78905  
attribution is the county in which the taxpayer was a resident for 78906  
one more than half of the number of days of the payroll period 78907  
during which any income subject to taxation under this chapter was 78908

earned or, in the case of a nonresident taxpayer, ~~his~~ the 78909  
nonresident taxpayer's principal county of employment. If there is 78910  
no payroll period to which such income can be attributed, the 78911  
county of attribution is the county in which the taxpayer resided 78912  
at the time ~~he~~ the taxpayer received such income. 78913

The commissioner shall adopt such rules, including a 78914  
requirement that each taxpayer indicate ~~his~~ the taxpayer's school 78915  
district of residence on ~~his~~ the taxpayer's tax return, as are 78916  
reasonably necessary to insure the efficient administration of 78917  
this section and the distribution required by division ~~(B)~~(A) of 78918  
section 5747.03 of the Revised Code. 78919

**Sec. 5747.05.** As used in this section, "income tax" includes 78920  
both a tax on net income and a tax measured by net income. 78921

The following credits shall be allowed against the aggregate 78922  
income tax liability imposed by section 5747.02 of the Revised 78923  
Code on individuals and estates: 78924

(A)(1) The amount of tax otherwise due under section 5747.02 78925  
of the Revised Code on such portion of the ~~combined~~ adjusted gross 78926  
income ~~and business income~~ of any nonresident taxpayer that is not 78927  
allocable or apportionable to this state pursuant to sections 78928  
5747.20 to 5747.23 of the Revised Code. The credit provided under 78929  
this division shall not exceed the total tax due under section 78930  
5747.02 of the Revised Code. 78931

(2) The tax commissioner may enter into an agreement with the 78932  
taxing authorities of any state or of the District of Columbia 78933  
that imposes an income tax to provide that compensation paid in 78934  
this state to a nonresident taxpayer shall not be subject to the 78935  
tax levied in section 5747.02 of the Revised Code so long as 78936  
compensation paid in such other state or in the District of 78937  
Columbia to a resident taxpayer shall likewise not be subject to 78938  
the income tax of such other state or of the District of Columbia. 78939

(B) The lesser of division (B)(1) or (2) of this section: 78940

(1) The aggregate amount of tax otherwise due under section 78941  
5747.02 of the Revised Code on such portion of the ~~combined~~ 78942  
adjusted gross income ~~and business income~~ of a resident taxpayer 78943  
that in another state or in the District of Columbia is subjected 78944  
to an income tax. The credit provided under division (B)(1) of 78945  
this section shall not exceed the total tax due under section 78946  
5747.02 of the Revised Code. 78947

(2) The amount of income tax liability to another state or 78948  
the District of Columbia on the portion of the ~~combined~~ adjusted 78949  
gross income ~~and business income~~ of a resident taxpayer that in 78950  
another state or in the District of Columbia is subjected to an 78951  
income tax. The credit provided under division (B)(2) of this 78952  
section shall not exceed the total amount of tax otherwise due 78953  
under section 5747.02 of the Revised Code. 78954

(3) If the credit provided under division (B) of this section 78955  
is affected by a change in either the portion of the ~~combined~~ 78956  
adjusted gross income ~~and business income~~ of a resident taxpayer 78957  
subjected to an income tax in another state or the District of 78958  
Columbia or the amount of income tax liability that has been paid 78959  
to another state or the District of Columbia, the taxpayer shall 78960  
report the change to the tax commissioner within sixty days of the 78961  
change in such form as the commissioner requires. 78962

(a) In the case of an underpayment, the report shall be 78963  
accompanied by payment of any additional tax due as a result of 78964  
the reduction in credit together with interest on the additional 78965  
tax and is a return subject to assessment under section 5747.13 of 78966  
the Revised Code solely for the purpose of assessing any 78967  
additional tax due under this division, together with any 78968  
applicable penalty and interest. It shall not reopen the 78969  
computation of the taxpayer's tax liability under this chapter 78970  
from a previously filed return no longer subject to assessment 78971

except to the extent that such liability is affected by an 78972  
adjustment to the credit allowed by division (B) of this section. 78973

(b) In the case of an overpayment, an application for refund 78974  
may be filed under this division within the sixty-day period 78975  
prescribed for filing the report even if it is beyond the period 78976  
prescribed in section 5747.11 of the Revised Code if it otherwise 78977  
conforms to the requirements of such section. An application filed 78978  
under this division shall only claim refund of overpayments 78979  
resulting from an adjustment to the credit allowed by division (B) 78980  
of this section unless it is also filed within the time prescribed 78981  
in section 5747.11 of the Revised Code. It shall not reopen the 78982  
computation of the taxpayer's tax liability except to the extent 78983  
that such liability is affected by an adjustment to the credit 78984  
allowed by division (B) of this section. 78985

(4) No credit shall be allowed under division (B) of this 78986  
section: 78987

(a) For income tax paid or accrued to another state or to the 78988  
District of Columbia if the taxpayer, when computing federal 78989  
adjusted gross income, has directly or indirectly deducted, or was 78990  
required to directly or indirectly deduct, the amount of that 78991  
income tax; 78992

(b) For compensation that is not subject to the income tax of 78993  
another state or the District of Columbia as the result of an 78994  
agreement entered into by the tax commissioner under division 78995  
(A)(3) of this section; or 78996

(c) For income tax paid or accrued to another state or the 78997  
District of Columbia if the taxpayer fails to furnish such proof 78998  
as the tax commissioner shall require that such income tax 78999  
liability has been paid. 79000

(C) An individual who is a resident for part of a taxable 79001  
year and a nonresident for the remainder of the taxable year is 79002

allowed the credits under divisions (A) and (B) of this section in 79003  
accordance with rules prescribed by the tax commissioner. In no 79004  
event shall the same income be subject to both credits. 79005

(D) The credit allowed under division (A) of this section 79006  
shall be calculated based upon the amount of tax due under section 79007  
5747.02 of the Revised Code after subtracting any other credits 79008  
that precede the credit under that division in the order required 79009  
under section 5747.98 of the Revised Code. The credit allowed 79010  
under division (B) of this section shall be calculated based upon 79011  
the amount of tax due under section 5747.02 of the Revised Code 79012  
after subtracting any other credits that precede the credit under 79013  
that division in the order required under section 5747.98 of the 79014  
Revised Code. 79015

(E)(1) On a joint return filed by a husband and wife, each of 79016  
whom had adjusted gross income of at least five hundred dollars, 79017  
exclusive of interest, dividends and distributions, royalties, 79018  
rent, and capital gains, a credit equal to the lesser of six 79019  
hundred fifty dollars or the percentage shown in column B that 79020  
corresponds with the taxpayer's modified adjusted gross income, 79021  
less exemptions for the taxable year, of the total amount of tax 79022  
due after allowing for any other credit that precedes this credit 79023  
as required under section 5747.98 of the Revised Code: 79024

A.	B.	
IF THE <u>MODIFIED</u> ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	79026
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	79027
More than \$25,000 but not more	15%	79028
than \$50,000		
More than \$50,000 but not more	10%	79029
than \$75,000		
More than \$75,000	5%	79030

(2) The credit shall be claimed in the order required under 79031  
section 5747.98 of the Revised Code. 79032

(F) No claim for credit under this section shall be allowed 79033  
unless the claimant furnishes such supporting information as the 79034  
tax commissioner prescribes by rules. 79035

**Sec. 5747.054.** In addition to all other credits allowed by 79036  
this chapter, a credit shall be allowed against a taxpayer's 79037  
aggregate tax liability under section 5747.02 of the Revised Code 79038  
for taxpayers with modified adjusted gross income of less than 79039  
forty thousand dollars. The amount of the credit shall equal 79040  
twenty-five per cent of the federal dependent care credit for 79041  
which the taxpayer is eligible for the taxable year under section 79042  
21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the 79043  
amount of the credit for a taxpayer with modified adjusted gross 79044  
income of less than twenty thousand dollars shall equal the 79045  
federal credit for which the taxpayer is eligible, in any case 79046  
without regard to any limitation imposed by section 26 of the 79047  
Internal Revenue Code, 26 U.S.C.A. 26. 79048

The credit allowed by this section shall be claimed in the 79049  
order required under section 5747.98 of the Revised Code. 79050

**Sec. 5747.055.** (A) As used in this section "retirement 79051  
income" means retirement benefits, annuities, or distributions 79052  
that are made from or pursuant to a pension, retirement, or 79053  
profit-sharing plan and that: 79054

(1) In the case of an individual, are received by the 79055  
individual on account of retirement and are included in the 79056  
individual's adjusted gross income; 79057

(2) In the case of an estate, are payable to the estate for 79058  
the benefit of the surviving spouse of the decedent and are 79059  
included in the estate's taxable income. 79060

(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, may elect to receive a credit under this division in lieu of the credit allowed under division (B) of this section. A taxpayer making such an election is not entitled to the credit authorized under this division or division (B) of this section in subsequent taxable years. A taxpayer electing the credit under this division shall receive a credit for the taxable year against the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code computed as follows:

(1) Divide the amount of retirement income received during the taxable year by the taxpayer's expected remaining life on the

last day of the taxable year, as shown by annuity tables issued 79093  
under the provisions of the Internal Revenue Code and in effect 79094  
for the calendar year that includes the last day of the taxable 79095  
year; 79096

(2) Using the quotient thus obtained as the amount of 79097  
retirement income received during the taxable year, compute the 79098  
credit for the taxable year in accordance with division (B) of 79099  
this section; 79100

(3) Multiply the credit thus obtained by the taxpayer's 79101  
expected remaining life. The product thus obtained shall be the 79102  
credit under this division for the taxable year. 79103

(D) If the credit under division (C) or (E) of this section 79104  
exceeds the taxpayer's aggregate tax liability under section 79105  
5747.02 of the Revised Code for the taxable year after allowing 79106  
for any other credit that precedes that credit in the order 79107  
required under section 5747.98 of the Revised Code, the taxpayer 79108  
may elect to receive a credit for each subsequent taxable year. 79109  
The amount of the credit for each such year shall be computed as 79110  
follows: 79111

(1) Determine the amount by which the unused credit elected 79112  
under division (C) or (E) of this section exceeded the total tax 79113  
due for the taxable year after allowing for any preceding credit 79114  
in the required order; 79115

(2) Divide the amount of such excess by one year less than 79116  
the taxpayer's expected remaining life on the last day of the 79117  
taxable year of the distribution for which the credit was allowed 79118  
under division (C) or (E) of this section. The quotient thus 79119  
obtained shall be the credit for each subsequent year. 79120

(E) If subsequent to the receipt of a lump-sum distribution 79121  
and an election under division (C) of this section an individual 79122  
receives another lump-sum distribution within one taxable year, 79123

and the taxpayer's modified adjusted gross income for the taxable 79124  
year, less applicable exemptions under section 5747.025 of the 79125  
Revised Code, as shown on an individual or joint annual return is 79126  
less than one hundred thousand dollars, the taxpayer may elect to 79127  
receive a credit for that taxable year. The credit shall equal the 79128  
lesser of: 79129

(1) A credit computed in the manner prescribed in division 79130  
(C) of this section; 79131

(2) The amount of credit, if any, to which the taxpayer would 79132  
otherwise be entitled for the taxable year under division (D) of 79133  
this section times the taxpayer's expected remaining life on the 79134  
last day of the taxable year. A taxpayer who elects to receive a 79135  
credit under this division is not entitled to a credit under this 79136  
division or division (B) or (C) of this section for any subsequent 79137  
year except as provided in division (D) of this section. 79138

(F) A credit equal to fifty dollars for each return required 79139  
to be filed under section 5747.08 of the Revised Code shall be 79140  
allowed against a taxpayer's aggregate tax liability under section 79141  
5747.02 of the Revised Code for taxpayers sixty-five years of age 79142  
or older during the taxable year whose modified adjusted gross 79143  
income, less applicable exemptions under section 5747.025 of the 79144  
Revised Code, as shown on an individual or joint annual return is 79145  
less than one hundred thousand dollars for that taxable year. 79146

(G) A taxpayer sixty-five years of age or older during the 79147  
taxable year who has received a lump-sum distribution from a 79148  
pension, retirement, or profit-sharing plan in the taxable year, 79149  
and whose modified adjusted gross income, less applicable 79150  
exemptions under section 5747.025 of the Revised Code, as shown on 79151  
an individual or joint annual return is less than one hundred 79152  
thousand dollars for that taxable year may elect to receive a 79153  
credit under this division in lieu of the credit to which the 79154  
taxpayer is entitled under division (F) of this section. A 79155

taxpayer making such an election shall receive a credit for the 79156  
taxable year against the taxpayer's aggregate tax liability under 79157  
section 5747.02 of the Revised Code equal to fifty dollars times 79158  
the taxpayer's expected remaining life as shown by annuity tables 79159  
issued under the Internal Revenue Code and in effect for the 79160  
calendar year that includes the last day of the taxable year. A 79161  
taxpayer making an election under this division is not entitled to 79162  
the credit authorized under this division or division (F) of this 79163  
section in subsequent taxable years. 79164

(H) The credits allowed by this section shall be claimed in 79165  
the order required under section 5747.98 of the Revised Code. The 79166  
tax commissioner may require a taxpayer to furnish any information 79167  
necessary to support a claim for credit under this section, and no 79168  
credit shall be allowed unless such information is provided. 79169

**Sec. 5747.06.** (A) Except as provided in division (E)(3) of 79170  
this section, every employer, including the state and its 79171  
political subdivisions, maintaining an office or transacting 79172  
business within this state and making payment of any compensation 79173  
to an employee who is a taxpayer shall deduct and withhold from 79174  
such compensation for each payroll period a tax computed in such 79175  
manner as to result, as far as practicable, in withholding from 79176  
the employee's compensation during each calendar year an amount 79177  
substantially equivalent to the tax reasonably estimated to be due 79178  
from the employee under this chapter and Chapter 5748. of the 79179  
Revised Code with respect to the amount of such compensation 79180  
included in the employee's adjusted gross income during the 79181  
calendar year. The employer shall deduct and withhold the tax on 79182  
the date that the employer directly, indirectly, or constructively 79183  
pays the compensation to, or credits the compensation to the 79184  
benefit of, the employee. 79185

The method of determining the amount to be withheld shall be 79186

prescribed by rule of the tax commissioner in consultation with 79187  
the director of budget and management. ~~Notwithstanding section~~ 79188  
~~5747.02 of the Revised Code, the rule prescribed by the~~ 79189  
~~commissioner~~ The rule shall require that taxes are withheld on the 79190  
first ten thousand dollars of a taxpayer's compensation at rates 79191  
sufficient to ensure payment of the appropriate amount of tax 79192  
reasonably estimated to be due. If the tax commissioner intends to 79193  
adjust the method of determining the amount to be withheld because 79194  
of the amount of surplus revenue described in division (B)(1) of 79195  
section 131.44 of the Revised Code, the commissioner shall consult 79196  
with the director and certify, on or before the date identified in 79197  
that division, the amount estimated to be necessary to offset 79198  
reductions, if any, resulting from that adjustment to the general 79199  
revenue fund in that fiscal year. This section does not prohibit 79200  
the commissioner from making adjustments to the method of 79201  
determining the amount to be withheld after the date identified in 79202  
division (B)(1) of section 131.44 of the Revised Code. 79203

In addition to any other exclusions from withholding 79204  
permitted under this section, no tax shall be withheld by an 79205  
employer from the compensation of an employee when such 79206  
compensation is paid for: 79207

(1) Agricultural labor as defined in division G of section 79208  
3121 of Title 26 of the United States Code; 79209

(2) Domestic service in a private home, local college club, 79210  
or local chapter of a college fraternity or sorority; 79211

(3) Service performed in any calendar quarter by an employee 79212  
unless the cash remuneration paid for such service is three 79213  
hundred dollars or more and such service is performed by an 79214  
individual who is regularly employed by such employer to perform 79215  
such service; 79216

(4) Services performed for a foreign government or an 79217

international organization; 79218

(5) Services performed by an individual under the age of 79219  
eighteen in the delivery or distribution of newspapers or shopping 79220  
news, not including delivery or distribution to any point for 79221  
subsequent delivery or distribution, or when performed by such 79222  
individual under the age of eighteen under an arrangement where 79223  
newspapers or magazines are to be sold by the individual at a 79224  
fixed price, the individual's compensation being based on the 79225  
retention of the excess of such price over the amount at which the 79226  
newspapers or magazines are charged to the individual; 79227

(6) Services not in the course of the employer's trade or 79228  
business to the extent paid in any medium other than cash. 79229

(B) Every employer required to deduct and withhold tax from 79230  
the compensation of an employee under this chapter shall furnish 79231  
to each employee, with respect to the compensation paid by such 79232  
employer to such employee during the calendar year, on or before 79233  
the thirty-first day of January of the succeeding year, or, if the 79234  
employee's employment is terminated before the close of such 79235  
calendar year, within thirty days from the date on which the last 79236  
payment of compensation was made, a written statement as 79237  
prescribed by the tax commissioner showing the amount of 79238  
compensation paid by the employer to the employee, the amount 79239  
deducted and withheld as state income tax, any amount deducted and 79240  
withheld as school district income tax for each applicable school 79241  
district, and any other information as the commissioner 79242  
prescribes. 79243

(C) The failure of an employer to withhold tax as required by 79244  
this section does not relieve an employee from the liability for 79245  
the tax. The failure of an employer to remit the tax as required 79246  
by law does not relieve an employee from liability for the tax if 79247  
the tax commissioner ascertains that the employee colluded with 79248  
the employer with respect to the failure to remit the tax. 79249

(D) If an employer fails to deduct and withhold any tax as required, and thereafter the tax is paid, the tax so required to be deducted and withheld shall not be collected from the employer, but the employer is not relieved from liability for penalties and interest otherwise applicable in respect to the failure to deduct and withhold the tax.

(E) To ensure that taxes imposed pursuant to Chapter 5748. of the Revised Code are deducted and withheld as provided in this section:

(1) An employer shall request that each employee furnish the name of the employee's school district of residence;

(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect.

(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct and withhold such taxes.

**Sec. 5747.08.** An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the

Revised Code for the year are equal to or exceed the tax imposed 79281  
by section 5747.02 of the Revised Code, in which case no return 79282  
shall be required unless the taxpayer is liable for a tax imposed 79283  
pursuant to Chapter 5748. of the Revised Code. 79284

(A) If an individual is deceased, any return or notice 79285  
required of that individual under this chapter shall be made and 79286  
filed by that decedent's executor, administrator, or other person 79287  
charged with the property of that decedent. 79288

(B) If an individual is unable to make a return or notice 79289  
required by this chapter, the return or notice required of that 79290  
individual shall be made and filed by the individual's duly 79291  
authorized agent, guardian, conservator, fiduciary, or other 79292  
person charged with the care of the person or property of that 79293  
individual. 79294

(C) Returns or notices required of an estate or a trust shall 79295  
be made and filed by the fiduciary of the estate or trust. 79296

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 79297  
of this section, any pass-through entity may file a single return 79298  
on behalf of one or more of the entity's investors other than an 79299  
investor that is a person subject to the tax imposed under section 79300  
5733.06 of the Revised Code. The single return shall set forth the 79301  
name, address, and social security number or other identifying 79302  
number of each of those pass-through entity investors and shall 79303  
indicate the distributive share of each of those pass-through 79304  
entity investor's income taxable in this state in accordance with 79305  
sections 5747.20 to 5747.231 of the Revised Code. Such 79306  
pass-through entity investors for whom the pass-through entity 79307  
elects to file a single return are not entitled to the exemption 79308  
or credit provided for by sections 5747.02 and 5747.022 of the 79309  
Revised Code; shall calculate the tax before business credits at 79310  
the highest rate of tax set forth in section 5747.02 of the 79311  
Revised Code for the taxable year for which the return is filed; 79312

and are entitled to only their distributive share of the business 79313  
credits as defined in division (D)(2) of this section. A single 79314  
check drawn by the pass-through entity shall accompany the return 79315  
in full payment of the tax due, as shown on the single return, for 79316  
such investors, other than investors who are persons subject to 79317  
the tax imposed under section 5733.06 of the Revised Code. 79318

(b)(i) A pass-through entity shall not include in such a 79319  
single return any investor that is a trust to the extent that any 79320  
direct or indirect current, future, or contingent beneficiary of 79321  
the trust is a person subject to the tax imposed under section 79322  
5733.06 of the Revised Code. 79323

(ii) A pass-through entity shall not include in such a single 79324  
return any investor that is itself a pass-through entity to the 79325  
extent that any direct or indirect investor in the second 79326  
pass-through entity is a person subject to the tax imposed under 79327  
section 5733.06 of the Revised Code. 79328

(c) Nothing in division (D) of this section precludes the tax 79329  
commissioner from requiring such investors to file the return and 79330  
make the payment of taxes and related interest, penalty, and 79331  
interest penalty required by this section or section 5747.02, 79332  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 79333  
of this section precludes such an investor from filing the annual 79334  
return under this section, utilizing the refundable credit equal 79335  
to the investor's proportionate share of the tax paid by the 79336  
pass-through entity on behalf of the investor under division (I) 79337  
of this section, and making the payment of taxes imposed under 79338  
section 5747.02 of the Revised Code. Nothing in division (D) of 79339  
this section shall be construed to provide to such an investor or 79340  
pass-through entity any additional deduction or credit, other than 79341  
the credit provided by division (I) of this section, solely on 79342  
account of the entity's filing a return in accordance with this 79343  
section. Such a pass-through entity also shall make the filing and 79344

payment of estimated taxes on behalf of the pass-through entity 79345  
investors other than an investor that is a person subject to the 79346  
tax imposed under section 5733.06 of the Revised Code. 79347

(2) For the purposes of this section, "business credits" 79348  
means the credits listed in section 5747.98 of the Revised Code 79349  
excluding the following credits: 79350

(a) The retirement income credit under division (B) of 79351  
section 5747.055 of the Revised Code; 79352

(b) The senior citizen credit under division (F) of section 79353  
5747.055 of the Revised Code; 79354

(c) The lump sum distribution credit under division (G) of 79355  
section 5747.055 of the Revised Code; 79356

(d) The dependent care credit under section 5747.054 of the 79357  
Revised Code; 79358

(e) The lump sum retirement income credit under division (C) 79359  
of section 5747.055 of the Revised Code; 79360

(f) The lump sum retirement income credit under division (D) 79361  
of section 5747.055 of the Revised Code; 79362

(g) The lump sum retirement income credit under division (E) 79363  
of section 5747.055 of the Revised Code; 79364

(h) The credit for displaced workers who pay for job training 79365  
under section 5747.27 of the Revised Code; 79366

(i) The twenty-dollar personal exemption credit under section 79367  
5747.022 of the Revised Code; 79368

(j) The joint filing credit under division (E) of section 79369  
5747.05 of the Revised Code; 79370

(k) The nonresident credit under division (A) of section 79371  
5747.05 of the Revised Code; 79372

(l) The credit for a resident's out-of-state income under 79373

division (B) of section 5747.05 of the Revised Code; 79374

(m) The earned income tax credit under section 5747.71 of the Revised Code; 79375  
Revised Code; 79376

(n) The lead abatement credit under section 5747.26 of the Revised Code. 79377  
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(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 79379  
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return. 79387  
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(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the

extension results in an extension of time for the payment of any 79438  
state or school district income tax liability with respect to 79439  
which the return is filed, the taxpayer shall pay at the time the 79440  
tax liability is paid an amount of interest computed at the rate 79441  
per annum prescribed by section 5703.47 of the Revised Code on 79442  
that liability from the time that payment is due without extension 79443  
to the time of actual payment. Except as provided in section 79444  
5747.132 of the Revised Code, in addition to all other interest 79445  
charges and penalties, all taxes imposed under this chapter or 79446  
Chapter 5748. of the Revised Code and remaining unpaid after they 79447  
become due, except combined amounts due of one dollar or less, 79448  
bear interest at the rate per annum prescribed by section 5703.47 79449  
of the Revised Code until paid or until the day an assessment is 79450  
issued under section 5747.13 of the Revised Code, whichever occurs 79451  
first. 79452

If the commissioner considers it necessary in order to ensure 79453  
the payment of the tax imposed by section 5747.02 of the Revised 79454  
Code or any tax imposed under Chapter 5748. of the Revised Code, 79455  
the commissioner may require returns and payments to be made 79456  
otherwise than as provided in this section. 79457

To the extent that any provision in this division conflicts 79458  
with any provision in section 5747.026 of the Revised Code, the 79459  
provision in that section prevails. 79460

(H) The amounts withheld by an employer pursuant to section 79461  
5747.06 of the Revised Code, a casino operator pursuant to section 79462  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 79463  
section 5747.064 of the Revised Code shall be allowed to the 79464  
recipient of the compensation casino winnings, or lottery prize 79465  
award as credits against payment of the appropriate taxes imposed 79466  
on the recipient by section 5747.02 and under Chapter 5748. of the 79467  
Revised Code. 79468

(I) If a pass-through entity elects to file a single return 79469

under division (D) of this section and if any investor is required 79470  
to file the annual return and make the payment of taxes required 79471  
by this chapter on account of the investor's other income that is 79472  
not included in a single return filed by a pass-through entity or 79473  
any other investor elects to file the annual return, the investor 79474  
is entitled to a refundable credit equal to the investor's 79475  
proportionate share of the tax paid by the pass-through entity on 79476  
behalf of the investor. The investor shall claim the credit for 79477  
the investor's taxable year in which or with which ends the 79478  
taxable year of the pass-through entity. Nothing in this chapter 79479  
shall be construed to allow any credit provided in this chapter to 79480  
be claimed more than once. For the purpose of computing any 79481  
interest, penalty, or interest penalty, the investor shall be 79482  
deemed to have paid the refundable credit provided by this 79483  
division on the day that the pass-through entity paid the 79484  
estimated tax or the tax giving rise to the credit. 79485

(J) The tax commissioner shall ensure that each return 79486  
required to be filed under this section includes a box that the 79487  
taxpayer may check to authorize a paid tax preparer who prepared 79488  
the return to communicate with the department of taxation about 79489  
matters pertaining to the return. The return or instructions 79490  
accompanying the return shall indicate that by checking the box 79491  
the taxpayer authorizes the department of taxation to contact the 79492  
preparer concerning questions that arise during the processing of 79493  
the return and authorizes the preparer only to provide the 79494  
department with information that is missing from the return, to 79495  
contact the department for information about the processing of the 79496  
return or the status of the taxpayer's refund or payments, and to 79497  
respond to notices about mathematical errors, offsets, or return 79498  
preparation that the taxpayer has received from the department and 79499  
has shown to the preparer. 79500

(K) The tax commissioner shall permit individual taxpayers to 79501

instruct the department of taxation to cause any refund of 79502  
overpaid taxes to be deposited directly into a checking account, 79503  
savings account, or an individual retirement account or individual 79504  
retirement annuity, or preexisting college savings plan or program 79505  
account offered by the Ohio tuition trust authority under Chapter 79506  
3334. of the Revised Code, as designated by the taxpayer, when the 79507  
taxpayer files the annual return required by this section 79508  
electronically. 79509

(L) The tax commissioner may adopt rules to administer this 79510  
section. 79511

**Sec. 5747.10. (A) As used in this section:** 79512

(1) "Audited partnership" means a partnership subject to an 79513  
examination by the internal revenue service pursuant to subchapter 79514  
C, chapter 63, subtitle F of the Internal Revenue Code resulting 79515  
in a federal adjustment. 79516

(2)(a) "Direct investor" means a partner or other investor 79517  
that holds a direct interest in a pass-through entity. 79518

(b) "Indirect investor" means a partner or other investor 79519  
that holds an interest in a pass-through entity that itself holds 79520  
an interest, directly or through another indirect partner or other 79521  
investor, in a pass-through entity. 79522

(3) "Exempt partner" means a partner that is neither a 79523  
pass-through entity nor a person subject to the tax imposed by 79524  
section 5747.02 of the Revised Code. 79525

(4) "Federal adjustment" means a change to an item or amount 79526  
required to be determined under the Internal Revenue Code that 79527  
directly or indirectly affects a taxpayer's aggregate tax 79528  
liability under section 5747.02 or Chapter 5748. of the Revised 79529  
Code and that results from an action or examination by the 79530  
internal revenue service, or from the filing of an amended federal 79531

tax return, a claim for a federal tax refund, or an administrative 79532  
adjustment request filed by a partnership under section 6227 of 79533  
the Internal Revenue Code. 79534

(5) "Federal adjustments return" means the form or other 79535  
document prescribed by the tax commissioner for use by a taxpayer 79536  
in reporting final federal adjustments. 79537

(6) "State partnership representative" means either of the 79538  
following: 79539

(a) The person who served as the partnership's representative 79540  
for federal income tax purposes, pursuant to section 6223(a) of 79541  
the Internal Revenue Code, during the corresponding federal 79542  
partnership audit; 79543

(b) The person designated, on a form prescribed by the tax 79544  
commissioner, to serve as the partnership's representative during 79545  
the state partnership audit. The commissioner may establish 79546  
reasonable qualifications and procedures for a person to be 79547  
designated as a state partnership representative under this 79548  
division. 79549

(7) A federal adjustment is "final" or "agreed to or finally 79550  
determined for federal income tax purposes" on any of the 79551  
following: 79552

(a) The day after which the period for appeal of a federal 79553  
assessment has expired; 79554

(b) The date on a refund check issued by the internal revenue 79555  
service; or 79556

(c) For agreements required to be signed by the internal 79557  
revenue service and the taxpayer or audited partnership, the date 79558  
on which the last party signed the agreement. 79559

(B) If any of the facts, figures, computations, or 79560  
attachments required in a taxpayer's annual return to determine 79561

the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of ~~an a final federal~~ adjustment ~~to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under this chapter or Chapter 5748. of the Revised Code, and the federal adjustment is not required to be reported under division (C) of this section,~~ the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than ~~sixty~~ ninety days after the federal adjustment has been agreed to or finally determined for federal income tax purposes ~~or any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first.~~

~~(A)(C)~~ Except for adjustments required to be reported for federal purposes pursuant to section 6225(a)(2) of the Internal Revenue Code and adjustments that are taken into account on a federal amended return or similar report filed pursuant to section 6225(c)(2) of the Internal Revenue Code, partnerships and partners shall report final federal adjustments and make payments as required under division (C) of this section.

(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days

after the federal adjustment is final: 79594

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section; 79595  
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(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments; 79598  
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(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing. 79601  
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(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner. 79607  
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(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section. 79614  
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(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury 79621  
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regulations. 79625

(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final: 79626  
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(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section; 79630  
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(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following: 79633  
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(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity; 79637  
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(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer. 79640  
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(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C)(3)(b) of this section. 79642  
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(4)(a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C)(3) of this section. 79646  
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(b)(i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the 79651  
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income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C)(3)(b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C)(4)(b)(i) of this section, an exempt partner, whether a direct or indirect investor, may file an application for refund of its proportionate share of the amounts erroneously paid by the audited partnership pursuant to division (C)(3)(b) of this section on the exempt partner's behalf.

(5) Upon request by an audited partnership, the tax commissioner may agree, in writing, to allow an alternative method of reporting and payment than required by divisions (C)(2) or (3) of this section. The request must be submitted to the commissioner in writing before the applicable deadline for filing a return under division (C)(2)(a) or (3) of this section. The commissioner's decision on whether to enter into an agreement under this division is not subject to further administrative review or appeal.

(6) Nothing in division (C) of this section precludes either of the following:

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division (D)(2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under this chapter against any direct or indirect investor for taxes due from the investor if an audited partnership, or direct and indirect investor of an audited partnership that is a pass-through entity, fails to timely file any return or remit any payment

required by this section or underreports income or underpays tax 79686  
on behalf of an indirect investor who is a resident taxpayer. 79687

(D) In the case of an underpayment, ~~the~~ and unless otherwise 79688  
agreed to in writing by the tax commissioner: 79689

(1) The taxpayer's amended return shall be accompanied by 79690  
payment of any combined additional tax due together with interest 79691  
thereon. An amended return required by this section is a return 79692  
subject to assessment under section 5747.13 of the Revised Code 79693  
for the purpose of assessing any additional tax due under this 79694  
section, together with any applicable penalty and interest. It 79695  
shall not reopen those facts, figures, computations, or 79696  
attachments from a previously filed return no longer subject to 79697  
assessment that are not affected, either directly or indirectly, 79698  
by the final federal adjustment to the taxpayer's federal income 79699  
tax return. 79700

~~(B)~~(2) The audited partnership's federal adjustments return 79701  
shall be accompanied by payment of any combined additional tax due 79702  
together with interest thereon. The federal adjustments return 79703  
required by this section is a return subject to assessment under 79704  
section 5747.13 of the Revised Code for the purpose of assessing 79705  
any additional tax due under this section, together with any 79706  
applicable penalty and interest. It shall not reopen those facts, 79707  
figures, computations, or attachments from a previously filed 79708  
return no longer subject to assessment that are not affected, 79709  
either directly or indirectly, by the final federal adjustment. 79710

(3) The tax commissioner may accept estimated payments of the 79711  
tax arising from pending federal adjustments before the date for 79712  
filing a federal adjustments return. The commissioner may adopt 79713  
rules for the payment of such estimated taxes. 79714

(E) In the case of an overpayment, and unless otherwise 79715  
agreed to in writing by the tax commissioner: 79716

(1) A taxpayer may file an application for refund ~~may be~~ 79717  
filed under this division within the ~~sixty-day~~ ninety-day period 79718  
prescribed for filing the amended return even if it is filed 79719  
beyond the period prescribed in section 5747.11 of the Revised 79720  
Code if it otherwise conforms to the requirements of such section. 79721  
An application filed under this division shall claim refund of 79722  
overpayments resulting from alterations to only those facts, 79723  
figures, computations, or attachments required in the taxpayer's 79724  
annual return that are affected, either directly or indirectly, by 79725  
the final federal adjustment to the taxpayer's federal income tax 79726  
return unless it is also filed within the time prescribed in 79727  
section 5747.11 of the Revised Code. It shall not reopen those 79728  
facts, figures, computations, or attachments that are not 79729  
affected, either directly or indirectly, by the adjustment to the 79730  
taxpayer's federal income tax return. 79731

(2)(a) Except as otherwise provided in division (E)(2)(b) of 79732  
this section, an audited partnership may file an application for a 79733  
refund under this division within the ninety-day period prescribed 79734  
for filing the federal adjustments return, even if it is filed 79735  
beyond the period prescribed by section 5747.11 of the Revised 79736  
Code, if it otherwise conforms to the requirements of that 79737  
section. An application filed under this division may claim a 79738  
refund of overpayments resulting only from final federal 79739  
adjustments unless it is also filed within the time prescribed by 79740  
section 5747.11 of the Revised Code. It shall not reopen those 79741  
facts, figures, computations, or attachments that are not 79742  
affected, either directly or indirectly, by the federal 79743  
adjustment. 79744

(b) An audited partnership may not file an application for 79745  
refund under division (E) of this section based on final federal 79746  
adjustments described in section 6225(a)(2) of the Internal 79747  
Revenue Code. 79748

(3) Any refund granted to a pass-through entity filing an application for refund under division (E) of this section shall be reduced by amounts previously claimed as a credit under section 5747.059 or division (I) of section 5747.08 of the Revised Code by the pass-through entity's direct or indirect investors. 79749  
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(F) Excluding the deadline in division (C)(2)(c)(ii) of this section, an audited partnership, or a direct or indirect investor of an audited partnership that is a pass-through entity, may automatically extend the deadline for reporting, payments, and refunds under this section by sixty days if the entity has ten thousand or more direct investors and notifies the commissioner of such extension, in writing, before the unextended deadline. 79754  
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**Sec. 5747.11.** (A) The tax commissioner shall refund to employers, qualifying entities, or taxpayers subject to a tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 5748. of the Revised Code the amount of any overpayment of such tax. 79761  
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(B) Except as otherwise provided under divisions (D) and (E) of this section, applications for refund shall be filed with the tax commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (B)(3)(b) of section 5747.05, division ~~(B)~~(E) of section 5747.10, division (A) of section 5747.13, or division (C) of section 5747.45 of the Revised Code. 79766  
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On filing of the refund application, the commissioner shall determine the amount of refund due and, if that amount exceeds one dollar, certify such amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. Payment shall be made as provided in division (C) of section 126.35 of the 79774  
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Revised Code. 79780

(C)(1) Interest shall be allowed and paid at the rate per 79781  
annum prescribed by section 5703.47 of the Revised Code on amounts 79782  
refunded with respect to the tax imposed under section 5747.02 or 79783  
Chapter 5748. of the Revised Code from the date of the overpayment 79784  
until the date of the refund of the overpayment, except that if 79785  
any overpayment is refunded within ninety days after the final 79786  
filing date of the annual return or ninety days after the return 79787  
is filed, whichever is later, no interest shall be allowed on such 79788  
overpayment. If the overpayment results from the carryback of a 79789  
net operating loss or net capital loss to a previous taxable year, 79790  
the overpayment is deemed not to have been made prior to the 79791  
filing date, including any extension thereof, for the taxable year 79792  
in which the net operating loss or net capital loss arises. For 79793  
purposes of the payment of interest on overpayments, no amount of 79794  
tax, for any taxable year, shall be treated as having been paid 79795  
before the date on which the tax return for that year was due 79796  
without regard to any extension of time for filing such return. 79797

(2) Interest shall be allowed at the rate per annum 79798  
prescribed by section 5703.47 of the Revised Code on amounts 79799  
refunded with respect to the taxes imposed under sections 5733.41 79800  
and 5747.41 of the Revised Code. The interest shall run from 79801  
whichever of the following days is the latest until the day the 79802  
refund is paid: the day the illegal, erroneous, or excessive 79803  
payment was made; the ninetieth day after the final day the annual 79804  
report was required to be filed under section 5747.42 of the 79805  
Revised Code; or the ninetieth day after the day that report was 79806  
filed. 79807

(D) "Ninety days" shall be substituted for "four years" in 79808  
division (B) of this section if the taxpayer satisfies both of the 79809  
following conditions: 79810

(1) The taxpayer has applied for a refund based in whole or 79811

in part upon section 5747.059 of the Revised Code; 79812

(2) The taxpayer asserts that either the imposition or 79813  
collection of the tax imposed or charged by this chapter or any 79814  
portion of such tax violates the Constitution of the United States 79815  
or the Constitution of Ohio. 79816

(E)(1) Division (E)(2) of this section applies only if all of 79817  
the following conditions are satisfied: 79818

(a) A qualifying entity pays an amount of the tax imposed by 79819  
section 5733.41 or 5747.41 of the Revised Code; 79820

(b) The taxpayer is a qualifying investor as to that 79821  
qualifying entity; 79822

(c) The taxpayer did not claim the credit provided for in 79823  
section 5747.059 of the Revised Code as to the tax described in 79824  
division (E)(1)(a) of this section; 79825

(d) The four-year period described in division (B) of this 79826  
section has ended as to the taxable year for which the taxpayer 79827  
otherwise would have claimed that credit. 79828

(2) A taxpayer shall file an application for refund pursuant 79829  
to division (E) of this section within one year after the date the 79830  
payment described in division (E)(1)(a) of this section is made. 79831  
An application filed under division (E)(2) of this section shall 79832  
claim refund only of overpayments resulting from the taxpayer's 79833  
failure to claim the credit described in division (E)(1)(c) of 79834  
this section. Nothing in division (E) of this section shall be 79835  
construed to relieve a taxpayer from complying with division 79836  
(A)(16) of section 5747.01 of the Revised Code. 79837

Sec. 5747.26. (A) Terms used in this section have the same 79838  
meanings as in section 3742.50 of the Revised Code. 79839

(B) There is hereby allowed a nonrefundable credit against a 79840  
taxpayer's aggregate tax liability under section 5747.02 of the 79841

Revised Code for a taxpayer to whom a lead abatement tax credit certificate was issued under section 3742.50 of the Revised Code. The credit equals the amount listed on the certificate and shall be claimed for the taxable year in which the certificate was issued. 79842  
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The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit exceeds the taxpayer's aggregate tax due under section 5747.02 of the Revised Code for that taxable year after allowing for credits that precede the credit under this section in that order, such excess shall be allowed as a credit in each of the ensuing seven taxable years, but the amount of any excess credit allowed in any such taxable year shall be deducted from the balance carried forward to the ensuing taxable year. 79847  
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(C) The taxpayer shall provide, upon request of the tax commissioner, any documentation necessary to verify the taxpayer is entitled to the credit under this section. 79856  
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**Sec. 5747.50.** (A) As used in this section: 79859

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the county under division (B)(1)(a) of section 5747.501 of the Revised Code. 79860  
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(2) "County's proportionate share of the total amount of the local government fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section 5747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has issued a revision to the population figures reflected in the estimate produced pursuant to division (B)(2)(a) of section 79864  
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5747.501 of the Revised Code, such revised population figures 79873  
shall be used for making the distributions during the current 79874  
calendar year. 79875

(3) "2007 LGF and LGRAF county distribution base available in 79876  
that month" means the lesser of the amounts described in division 79877  
(A)(3)(a) and (b) of this section, provided that the amount shall 79878  
not be less than zero: 79879

(a) The total amount available for distribution to counties 79880  
from the local government fund during the current month. 79881

(b) The total amount distributed to counties from the local 79882  
government fund and the local government revenue assistance fund 79883  
to counties in calendar year 2007 less the total amount 79884  
distributed to counties under division (B)(1) of this section 79885  
during previous months of the current calendar year. 79886

(4) "Local government fund additional revenue distribution 79887  
base available during that month" means the total amount available 79888  
for distribution to counties during the month from the local 79889  
government fund, less any amounts to be distributed in that month 79890  
from the local government fund under division (B)(1) of this 79891  
section, provided that the local government fund additional 79892  
revenue distribution base available during that month shall not be 79893  
less than zero. 79894

(5) "Total amount available for distribution to counties" 79895  
means the total amount available for distribution from the local 79896  
government fund during the current month less the total amount 79897  
available for distribution to municipal corporations during the 79898  
current month under division (C) of this section. 79899

(B) On or before the tenth day of each month, the tax 79900  
commissioner shall provide for payment to each county an amount 79901  
equal to the sum of: 79902

(1) The county's proportionate share of the calendar year 79903

2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 79904  
LGRAF county distribution base available in that month, provided 79905  
that if the 2007 LGF and LGRAF county distribution base available 79906  
in that month is zero, no payment shall be made under division 79907  
(B)(1) of this section for the month or the remainder of the 79908  
calendar year; and 79909

(2) The county's proportionate share of the total amount of 79910  
the local government fund additional revenue formula multiplied by 79911  
the local government fund additional revenue distribution base 79912  
available during that month. 79913

Money received into the treasury of a county under this 79914  
division shall be credited to the undivided local government fund 79915  
in the treasury of the county on or before the fifteenth day of 79916  
each month. On or before the twentieth day of each month, the 79917  
county auditor shall issue warrants against all of the undivided 79918  
local government fund in the county treasury in the respective 79919  
amounts allowed as provided in section 5747.51 of the Revised 79920  
Code, and the treasurer shall distribute and pay such sums to the 79921  
subdivision therein. 79922

(C)(1) As used in division (C) of this section: 79923

(a) "Total amount available for distribution to 79924  
municipalities during the current month" means the difference 79925  
obtained by subtracting one million dollars from the product 79926  
obtained by multiplying the total amount available for 79927  
distribution from the local government fund during the current 79928  
month by the aggregate municipal share. 79929

(b) "Aggregate municipal share" means the quotient obtained 79930  
by dividing the total amount distributed directly from the local 79931  
government fund to municipal corporations during calendar year 79932  
2007 by the total distributions from the local government fund and 79933  
local government revenue assistance fund during calendar year 79934

2007. 79935

(c) A municipal corporation's "distribution share" equals one 79936  
of the following: 79937

(i) For municipal corporations with a population of more than 79938  
fifty thousand, fifty thousand; 79939

(ii) For municipal corporations with a population of less 79940  
than one thousand, zero; 79941

(iii) For all other municipal corporations, the municipal 79942  
corporation's population. 79943

(d) A municipal corporation's "distribution percentage" 79944  
equals the percentage that a municipal corporation's distribution 79945  
share is of the total of all municipal corporations' distribution 79946  
shares. 79947

(2) On or before the tenth day of each month, the tax 79948  
commissioner shall provide for payment from the local government 79949  
fund to each municipal corporation an amount equal to the product 79950  
derived by multiplying the municipal corporation's distribution 79951  
~~percentage of the total amount distributed to all such municipal~~ 79952  
~~corporations under this division during calendar year 2007~~ by the 79953  
total amount available for distribution to municipal corporations 79954  
during the current month. 79955

(3) Payments received by a municipal corporation under this 79956  
division shall be paid into its general fund and may be used for 79957  
any lawful purpose. 79958

(4) The amount distributed to municipal corporations under 79959  
this division during any calendar year shall not exceed the amount 79960  
distributed directly from the local government fund to municipal 79961  
corporations during calendar year 2007. If that maximum amount is 79962  
reached during any month, distributions to municipal corporations 79963  
in that month shall be as provided in divisions (C)(1) and (2) of 79964

this section, but no further distributions shall be made to 79965  
municipal corporations under division (C) of this section during 79966  
the remainder of the calendar year. 79967

(5) Upon being informed of a municipal corporation's 79968  
dissolution, the tax commissioner shall cease providing for 79969  
payments to that municipal corporation under division (C) of this 79970  
section. The proportionate shares of the total amount available 79971  
for distribution to each of the remaining municipal corporations 79972  
under this division shall be increased on a pro rata basis. 79973

The tax commissioner shall reduce payments under division (C) 79974  
of this section to municipal corporations for which reduced 79975  
payments are required under section 5747.502 of the Revised Code. 79976

(D) Each municipal corporation which has in effect a tax 79977  
imposed under Chapter 718. of the Revised Code shall, no later 79978  
than the thirty-first day of August of each year, certify to the 79979  
tax commissioner, on a form prescribed by the commissioner, the 79980  
amount of income tax revenue collected and refunded by such 79981  
municipal corporation pursuant to such chapter during the 79982  
preceding calendar year, arranged, when possible, by the type of 79983  
income from which the revenue was collected or the refund was 79984  
issued. The municipal corporation shall also report the amount of 79985  
income tax revenue collected and refunded on behalf of a joint 79986  
economic development district or a joint economic development zone 79987  
that levies an income tax administered by the municipal 79988  
corporation and the amount of such revenue distributed to 79989  
contracting parties during the preceding calendar year. The tax 79990  
commissioner may withhold payment of local government fund moneys 79991  
pursuant to division (C) of this section from any municipal 79992  
corporation for failure to comply with this reporting requirement. 79993

(E)(1) For the purposes of division (E) of this section: 79994

(a) "Eligible taxing district" means a township, township 79995

fire district, or joint fire district for which the total taxable value of eligible power plants for tax year 2017 is at least thirty per cent less than the total taxable value of eligible power plants for tax year 2016.

(b) "Eligible power plant" means a power plant that is subject to the requirements of 10 C.F.R. part 73.

(c) "Total taxable value of eligible power plants" of an eligible taxing district means the total taxable value of the taxable property of eligible power plants apportioned to the district as shown in a preliminary assessment or amended preliminary assessment and listed on the tax list of real and public utility property.

(d) "Taxable property" has the same meaning as in section 5727.01 of the Revised Code.

(e) "Tax rate" of an eligible taxing district means one of the following:

(i) For townships, the sum of the rates of levies imposed under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code and extended on the tax list of real and public utility property for tax year 2017, excluding any levy imposed at whatever rate is required to raise a fixed sum of money;

(ii) For township fire districts and joint fire districts, the sum of the rates of levies extended on the tax list of real and public utility property for tax year 2017, excluding any levy imposed at whatever rate is required to raise a fixed sum of money.

(2) Each fiscal year from fiscal year 2018 through fiscal year 2028, the tax commissioner shall compute the following amount for each eligible taxing district:

(a) For fiscal years 2018 and 2019, the amount obtained by multiplying the eligible taxing district's tax rate by the difference obtained by subtracting (i) the total taxable value of eligible power plants of the district for tax year 2017 from (ii) the total taxable value of eligible power plants of the district for tax year 2016;

(b) For fiscal years 2020 through 2028, ninety per cent of the amount calculated for the district under division (E)(2)(a) or (b) of this section for the preceding fiscal year.

The commissioner shall certify the sum of the amounts calculated for all eligible taxing districts under this division for a fiscal year to the director of budget and management who, on or before the seventh day of each month of that fiscal year, shall transfer from the general revenue fund to the local government fund one-twelfth of the amount certified.

(3) On or before the tenth day of each month, the tax commissioner shall provide for payment to each county treasury in which an eligible taxing district is located an amount equal to one-twelfth of the amount computed for the district for that fiscal year under division (E)(2) of this section.

Money received into the treasury of a county under division (E) of this section shall be credited to the undivided local government fund in the treasury of the county on or before the fifteenth day of each month. On or before the twentieth day of each month, the county auditor shall issue warrants against the undivided local government fund for the amounts attributable to each eligible taxing district, and the treasurer shall distribute and pay such amounts to each eligible taxing district. Money received by a township fire district or joint fire district under this division shall be credited to the district's general fund and may be used for any lawful purpose of the district. Money received by a township under this division shall be credited to the

township's general fund and shall be used for the purpose of 80058  
funding fire, police, emergency medical, or ambulance services. 80059

**Sec. 5747.98.** (A) To provide a uniform procedure for 80060  
calculating a taxpayer's aggregate tax liability under section 80061  
5747.02 of the Revised Code, a taxpayer shall claim any credits to 80062  
which the taxpayer is entitled in the following order: 80063

(1) Either the retirement income credit under division (B) of 80064  
section 5747.055 of the Revised Code or the lump sum retirement 80065  
income credits under divisions (C), (D), and (E) of that section; 80066

(2) Either the senior citizen credit under division (F) of 80067  
section 5747.055 of the Revised Code or the lump sum distribution 80068  
credit under division (G) of that section; 80069

(3) The dependent care credit under section 5747.054 of the 80070  
Revised Code; 80071

(4) The credit for displaced workers who pay for job training 80072  
under section 5747.27 of the Revised Code; 80073

~~(5) The campaign contribution credit under section 5747.29 of~~ 80074  
~~the Revised Code;~~ 80075

~~(6)~~ The twenty-dollar personal exemption credit under section 80076  
5747.022 of the Revised Code; 80077

~~(7)~~(6) The joint filing credit under division (G) of section 80078  
5747.05 of the Revised Code; 80079

~~(8)~~(7) The earned income credit under section 5747.71 of the 80080  
Revised Code; 80081

~~(9)~~(8) The credit for adoption of a minor child under section 80082  
5747.37 of the Revised Code; 80083

~~(10)~~(9) The nonrefundable job retention credit under division 80084  
(B) of section 5747.058 of the Revised Code; 80085

~~(11)~~(10) The enterprise zone credit under section 5709.66 of 80086

the Revised Code;	80087
<del>(12)</del> (11) The ethanol plant investment credit under section 5747.75 of the Revised Code;	80088 80089
<del>(13)</del> (12) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	80090 80091
<del>(14)</del> (13) The small business investment credit under section 5747.81 of the Revised Code;	80092 80093
<del>(15)</del> (14) <u>The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;</u>	80094 80095
<u>(15) The opportunity zone investment credit under section 122.84 of the Revised Code;</u>	80096 80097
<u>(16) The enterprise zone credits under section 5709.65 of the Revised Code;</u>	80098 80099
<del>(16)</del> (17) The research and development credit under section 5747.331 of the Revised Code;	80100 80101
<del>(17)</del> (18) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	80102 80103
<del>(18)</del> (19) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	80104 80105
<del>(19)</del> (20) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	80106 80107
<del>(20)</del> (21) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5747.66 of the Revised Code;	80108 80109 80110
<del>(21)</del> (22) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	80111 80112
<del>(22)</del> (23) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	80113 80114
<del>(23)</del> (24) The refundable credits for taxes paid by a	80115

qualifying pass-through entity granted under division (I) of	80116
section 5747.08 of the Revised Code;	80117
<del>(24)</del> <u>(25)</u> The refundable credit under section 5747.80 of the	80118
Revised Code for losses on loans made to the Ohio venture capital	80119
program under sections 150.01 to 150.10 of the Revised Code;	80120
<del>(25)</del> <u>(26)</u> The refundable credit for rehabilitating a historic	80121
building under section 5747.76 of the Revised Code;	80122
<del>(26) The refundable credit for financial institution taxes</del>	80123
<del>paid by a pass-through entity granted under section 5747.65 of the</del>	80124
<del>Revised Code.</del>	80125
(B) For any credit, except the refundable credits enumerated	80126
in this section and the credit granted under division (H) of	80127
section 5747.08 of the Revised Code, the amount of the credit for	80128
a taxable year shall not exceed the taxpayer's aggregate amount of	80129
tax due under section 5747.02 of the Revised Code, after allowing	80130
for any other credit that precedes it in the order required under	80131
this section. Any excess amount of a particular credit may be	80132
carried forward if authorized under the section creating that	80133
credit. Nothing in this chapter shall be construed to allow a	80134
taxpayer to claim, directly or indirectly, a credit more than once	80135
for a taxable year.	80136
<b>Sec. 5748.01.</b> As used in this chapter:	80137
(A) "School district income tax" means an income tax adopted	80138
under one of the following:	80139
(1) Former section 5748.03 of the Revised Code as it existed	80140
prior to its repeal by Amended Substitute House Bill No. 291 of	80141
the 115th general assembly;	80142
(2) Section 5748.03 of the Revised Code as enacted in	80143
Substitute Senate Bill No. 28 of the 118th general assembly;	80144
(3) Section 5748.08 of the Revised Code as enacted in Amended	80145

Substitute Senate Bill No. 17 of the 122nd general assembly;	80146
(4) Section 5748.021 of the Revised Code;	80147
(5) Section 5748.081 of the Revised Code;	80148
(6) Section 5748.09 of the Revised Code.	80149
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	80150 80151
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	80152 80153
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	80154 80155
(E) "Taxable income" means:	80156
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	80157 80158
(a) <del>Ohio</del> <u>Modified</u> adjusted gross income for the taxable year, as defined in <del>division (A) of</del> section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, <del>plus any amount deducted under division (A)(31) of section</del> <del>5747.01 of the Revised Code for the taxable year;</del>	80159 80160 80161 80162 80163
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	80164 80165 80166 80167 80168 80169
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	80170 80171 80172
(F) "Resident" of the school district means:	80173
(1) An individual who is a resident of this state as defined	80174

in division (I) of section 5747.01 of the Revised Code during all 80175  
or a portion of the taxable year and who, during all or a portion 80176  
of such period of state residency, is domiciled in the school 80177  
district or lives in and maintains a permanent place of abode in 80178  
the school district; 80179

(2) An estate of a decedent who, at the time of death, was 80180  
domiciled in the school district. 80181

(G) "School district income" means: 80182

(1) With respect to an individual, the portion of the taxable 80183  
income of an individual that is received by the individual during 80184  
the portion of the taxable year that the individual is a resident 80185  
of the school district and the school district income tax is in 80186  
effect in that school district. An individual may have school 80187  
district income with respect to more than one school district. 80188

(2) With respect to an estate, the taxable income of the 80189  
estate for the portion of the taxable year that the school 80190  
district income tax is in effect in that school district. 80191

(H) "Taxpayer" means an individual or estate having school 80192  
district income upon which a school district income tax is 80193  
imposed. 80194

(I) "School district purposes" means any of the purposes for 80195  
which a tax may be levied pursuant to division (A) of section 80196  
5705.21 of the Revised Code, including the combined purposes 80197  
authorized by section 5705.217 of the Revised Code. 80198

**Sec. 5751.01.** As used in this chapter: 80199

(A) "Person" means, but is not limited to, individuals, 80200  
combinations of individuals of any form, receivers, assignees, 80201  
trustees in bankruptcy, firms, companies, joint-stock companies, 80202  
business trusts, estates, partnerships, limited liability 80203  
partnerships, limited liability companies, associations, joint 80204

ventures, clubs, societies, for-profit corporations, S 80205  
corporations, qualified subchapter S subsidiaries, qualified 80206  
subchapter S trusts, trusts, entities that are disregarded for 80207  
federal income tax purposes, and any other entities. 80208

(B) "Consolidated elected taxpayer" means a group of two or 80209  
more persons treated as a single taxpayer for purposes of this 80210  
chapter as the result of an election made under section 5751.011 80211  
of the Revised Code. 80212

(C) "Combined taxpayer" means a group of two or more persons 80213  
treated as a single taxpayer for purposes of this chapter under 80214  
section 5751.012 of the Revised Code. 80215

(D) "Taxpayer" means any person, or any group of persons in 80216  
the case of a consolidated elected taxpayer or combined taxpayer 80217  
treated as one taxpayer, required to register or pay tax under 80218  
this chapter. "Taxpayer" does not include excluded persons. 80219

(E) "Excluded person" means any of the following: 80220

(1) Any person with not more than one hundred fifty thousand 80221  
dollars of taxable gross receipts during the calendar year. 80222  
Division (E)(1) of this section does not apply to a person that is 80223  
a member of a consolidated elected taxpayer; 80224

(2) A public utility that paid the excise tax imposed by 80225  
section 5727.24 or 5727.30 of the Revised Code based on one or 80226  
more measurement periods that include the entire tax period under 80227  
this chapter, except that a public utility that is a combined 80228  
company is a taxpayer with regard to the following gross receipts: 80229

(a) Taxable gross receipts directly attributed to a public 80230  
utility activity, but not directly attributed to an activity that 80231  
is subject to the excise tax imposed by section 5727.24 or 5727.30 80232  
of the Revised Code; 80233

(b) Taxable gross receipts that cannot be directly attributed 80234

to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person

owns the company if that person's membership interest, as defined 80266  
in section 1705.01 of the Revised Code, is fifty per cent or more 80267  
of the combined membership interests of all persons owning such 80268  
interests in the company; 80269

(c) In the case of a partnership, trust, or other 80270  
unincorporated business organization other than a limited 80271  
liability company, one person owns the organization if, under the 80272  
articles of organization or other instrument governing the affairs 80273  
of the organization, that person has a beneficial interest in the 80274  
organization's profits, surpluses, losses, or distributions of 80275  
fifty per cent or more of the combined beneficial interests of all 80276  
persons having such an interest in the organization. 80277

(5) A domestic insurance company or foreign insurance 80278  
company, as defined in section 5725.01 of the Revised Code, that 80279  
paid the insurance company premiums tax imposed by section 5725.18 80280  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 80281  
company whose gross premiums are subject to tax under section 80282  
3905.36 of the Revised Code based on one or more measurement 80283  
periods that include the entire tax period under this chapter; 80284

(6) A person that solely facilitates or services one or more 80285  
securitizations of phase-in-recovery property pursuant to a final 80286  
financing order as those terms are defined in section 4928.23 of 80287  
the Revised Code. For purposes of this division, "securitization" 80288  
means transferring one or more assets to one or more persons and 80289  
then issuing securities backed by the right to receive payment 80290  
from the asset or assets so transferred. 80291

(7) Except as otherwise provided in this division, a 80292  
pre-income tax trust as defined in division (FF)(4) of section 80293  
5747.01 of the Revised Code and any pass-through entity of which 80294  
such pre-income tax trust owns or controls, directly, indirectly, 80295  
or constructively through related interests, more than five per 80296  
cent of the ownership or equity interests. If the pre-income tax 80297

trust has made a qualifying pre-income tax trust election under 80298  
division (FF)(3) of section 5747.01 of the Revised Code, then the 80299  
trust and the pass-through entities of which it owns or controls, 80300  
directly, indirectly, or constructively through related interests, 80301  
more than five per cent of the ownership or equity interests, 80302  
shall not be excluded persons for purposes of the tax imposed 80303  
under section 5751.02 of the Revised Code. 80304

(8) Nonprofit organizations or the state and its agencies, 80305  
instrumentalities, or political subdivisions. 80306

(F) Except as otherwise provided in divisions (F)(2), (3), 80307  
and (4) of this section, "gross receipts" means the total amount 80308  
realized by a person, without deduction for the cost of goods sold 80309  
or other expenses incurred, that contributes to the production of 80310  
gross income of the person, including the fair market value of any 80311  
property and any services received, and any debt transferred or 80312  
forgiven as consideration. 80313

(1) The following are examples of gross receipts: 80314

(a) Amounts realized from the sale, exchange, or other 80315  
disposition of the taxpayer's property to or with another; 80316

(b) Amounts realized from the taxpayer's performance of 80317  
services for another; 80318

(c) Amounts realized from another's use or possession of the 80319  
taxpayer's property or capital; 80320

(d) Any combination of the foregoing amounts. 80321

(2) "Gross receipts" excludes the following amounts: 80322

(a) Interest income except interest on credit sales; 80323

(b) Dividends and distributions from corporations, and 80324  
distributive or proportionate shares of receipts and income from a 80325  
pass-through entity as defined under section 5733.04 of the 80326  
Revised Code; 80327

(c) Receipts from the sale, exchange, or other disposition of 80328  
an asset described in section 1221 or 1231 of the Internal Revenue 80329  
Code, without regard to the length of time the person held the 80330  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 80331  
receipts from hedging transactions also are excluded to the extent 80332  
the transactions are entered into primarily to protect a financial 80333  
position, such as managing the risk of exposure to (i) foreign 80334  
currency fluctuations that affect assets, liabilities, profits, 80335  
losses, equity, or investments in foreign operations; (ii) 80336  
interest rate fluctuations; or (iii) commodity price fluctuations. 80337  
As used in division (F)(2)(c) of this section, "hedging 80338  
transaction" has the same meaning as used in section 1221 of the 80339  
Internal Revenue Code and also includes transactions accorded 80340  
hedge accounting treatment under statement of financial accounting 80341  
standards number 133 of the financial accounting standards board. 80342  
For the purposes of division (F)(2)(c) of this section, the actual 80343  
transfer of title of real or tangible personal property to another 80344  
entity is not a hedging transaction. 80345

(d) Proceeds received attributable to the repayment, 80346  
maturity, or redemption of the principal of a loan, bond, mutual 80347  
fund, certificate of deposit, or marketable instrument; 80348

(e) The principal amount received under a repurchase 80349  
agreement or on account of any transaction properly characterized 80350  
as a loan to the person; 80351

(f) Contributions received by a trust, plan, or other 80352  
arrangement, any of which is described in section 501(a) of the 80353  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 80354  
1, Subchapter (D) of the Internal Revenue Code applies; 80355

(g) Compensation, whether current or deferred, and whether in 80356  
cash or in kind, received or to be received by an employee, former 80357  
employee, or the employee's legal successor for services rendered 80358  
to or for an employer, including reimbursements received by or for 80359

an individual for medical or education expenses, health insurance 80360  
premiums, or employee expenses, or on account of a dependent care 80361  
spending account, legal services plan, any cafeteria plan 80362  
described in section 125 of the Internal Revenue Code, or any 80363  
similar employee reimbursement; 80364

(h) Proceeds received from the issuance of the taxpayer's own 80365  
stock, options, warrants, puts, or calls, or from the sale of the 80366  
taxpayer's treasury stock; 80367

(i) Proceeds received on the account of payments from 80368  
insurance policies, except those proceeds received for the loss of 80369  
business revenue; 80370

(j) Gifts or charitable contributions received; membership 80371  
dues received by trade, professional, homeowners', or condominium 80372  
associations; and payments received for educational courses, 80373  
meetings, meals, or similar payments to a trade, professional, or 80374  
other similar association; and fundraising receipts received by 80375  
any person when any excess receipts are donated or used 80376  
exclusively for charitable purposes; 80377

(k) Damages received as the result of litigation in excess of 80378  
amounts that, if received without litigation, would be gross 80379  
receipts; 80380

(l) Property, money, and other amounts received or acquired 80381  
by an agent on behalf of another in excess of the agent's 80382  
commission, fee, or other remuneration; 80383

(m) Tax refunds, other tax benefit recoveries, and 80384  
reimbursements for the tax imposed under this chapter made by 80385  
entities that are part of the same combined taxpayer or 80386  
consolidated elected taxpayer group, and reimbursements made by 80387  
entities that are not members of a combined taxpayer or 80388  
consolidated elected taxpayer group that are required to be made 80389  
for economic parity among multiple owners of an entity whose tax 80390

obligation under this chapter is required to be reported and paid 80391  
entirely by one owner, pursuant to the requirements of sections 80392  
5751.011 and 5751.012 of the Revised Code; 80393

(n) Pension reversions; 80394

(o) Contributions to capital; 80395

(p) Sales or use taxes collected as a vendor or an 80396  
out-of-state seller on behalf of the taxing jurisdiction from a 80397  
consumer or other taxes the taxpayer is required by law to collect 80398  
directly from a purchaser and remit to a local, state, or federal 80399  
tax authority; 80400

(q) In the case of receipts from the sale of cigarettes ~~or~~, 80401  
tobacco products, or vapor products by a wholesale dealer, retail 80402  
dealer, distributor, manufacturer, vapor distributor or seller, 80403  
all as defined in section 5743.01 of the Revised Code, an amount 80404  
equal to the federal and state excise taxes paid by any person on 80405  
or for such cigarettes ~~or~~, tobacco products, or vapor products 80406  
under subtitle E of the Internal Revenue Code or Chapter 5743. of 80407  
the Revised Code; 80408

(r) In the case of receipts from the sale, transfer, 80409  
exchange, or other disposition of motor fuel as "motor fuel" is 80410  
defined in section 5736.01 of the Revised Code, an amount equal to 80411  
the value of the motor fuel, including federal and state motor 80412  
fuel excise taxes and receipts from billing or invoicing the tax 80413  
imposed under section 5736.02 of the Revised Code to another 80414  
person; 80415

(s) In the case of receipts from the sale of beer or 80416  
intoxicating liquor, as defined in section 4301.01 of the Revised 80417  
Code, by a person holding a permit issued under Chapter 4301. or 80418  
4303. of the Revised Code, an amount equal to federal and state 80419  
excise taxes paid by any person on or for such beer or 80420  
intoxicating liquor under subtitle E of the Internal Revenue Code 80421

or Chapter 4301. or 4305. of the Revised Code; 80422

(t) Receipts realized by a new motor vehicle dealer or used 80423  
motor vehicle dealer, as defined in section 4517.01 of the Revised 80424  
Code, from the sale or other transfer of a motor vehicle, as 80425  
defined in that section, to another motor vehicle dealer for the 80426  
purpose of resale by the transferee motor vehicle dealer, but only 80427  
if the sale or other transfer was based upon the transferee's need 80428  
to meet a specific customer's preference for a motor vehicle; 80429

(u) Receipts from a financial institution described in 80430  
division (E)(3) of this section for services provided to the 80431  
financial institution in connection with the issuance, processing, 80432  
servicing, and management of loans or credit accounts, if such 80433  
financial institution and the recipient of such receipts have at 80434  
least fifty per cent of their ownership interests owned or 80435  
controlled, directly or constructively through related interests, 80436  
by common owners; 80437

(v) Receipts realized from administering anti-neoplastic 80438  
drugs and other cancer chemotherapy, biologicals, therapeutic 80439  
agents, and supportive drugs in a physician's office to patients 80440  
with cancer; 80441

(w) Funds received or used by a mortgage broker that is not a 80442  
dealer in intangibles, other than fees or other consideration, 80443  
pursuant to a table-funding mortgage loan or warehouse-lending 80444  
mortgage loan. Terms used in division (F)(2)(w) of this section 80445  
have the same meanings as in section 1322.01 of the Revised Code, 80446  
except "mortgage broker" means a person assisting a buyer in 80447  
obtaining a mortgage loan for a fee or other consideration paid by 80448  
the buyer or a lender, or a person engaged in table-funding or 80449  
warehouse-lending mortgage loans that are first lien mortgage 80450  
loans. 80451

(x) Property, money, and other amounts received by a 80452

professional employer organization, as defined in section 4125.01 80453  
of the Revised Code, from a client employer, as defined in that 80454  
section, in excess of the administrative fee charged by the 80455  
professional employer organization to the client employer; 80456

(y) In the case of amounts retained as commissions by a 80457  
permit holder under Chapter 3769. of the Revised Code, an amount 80458  
equal to the amounts specified under that chapter that must be 80459  
paid to or collected by the tax commissioner as a tax and the 80460  
amounts specified under that chapter to be used as purse money; 80461

(z) Qualifying distribution center receipts. 80462

(i) For purposes of division (F)(2)(z) of this section: 80463

(I) "Qualifying distribution center receipts" means receipts 80464  
of a supplier from qualified property that is delivered to a 80465  
qualified distribution center, multiplied by a quantity that 80466  
equals one minus the Ohio delivery percentage. If the qualified 80467  
distribution center is a refining facility, "supplier" includes 80468  
all dealers, brokers, processors, sellers, vendors, cosigners, and 80469  
distributors of qualified property. 80470

(II) "Qualified property" means tangible personal property 80471  
delivered to a qualified distribution center that is shipped to 80472  
that qualified distribution center solely for further shipping by 80473  
the qualified distribution center to another location in this 80474  
state or elsewhere or, in the case of gold, silver, platinum, or 80475  
palladium delivered to a refining facility solely for refining to 80476  
a grade and fineness acceptable for delivery to a registered 80477  
commodities exchange. "Further shipping" includes storing and 80478  
repackaging property into smaller or larger bundles, so long as 80479  
the property is not subject to further manufacturing or 80480  
processing. "Refining" is limited to extracting impurities from 80481  
gold, silver, platinum, or palladium through smelting or some 80482  
other process at a refining facility. 80483

(III) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For

purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 80516  
excludes any person that is part of the consolidated elected 80517  
taxpayer group, if applicable, of the operator of the qualified 80518  
distribution center.) The commissioner may require the applicant 80519  
to have an independent certified public accountant certify that 80520  
the calculation of the minimum thresholds required for a qualified 80521  
distribution center by the operator of a distribution center has 80522  
been made in accordance with generally accepted accounting 80523  
principles. The commissioner shall issue or deny the issuance of a 80524  
certificate within sixty days after the receipt of the 80525  
application. A denial is subject to appeal under section 5717.02 80526  
of the Revised Code. If the operator files a timely appeal under 80527  
section 5717.02 of the Revised Code, the operator shall be granted 80528  
a qualifying certificate effective for the remainder of the 80529  
qualifying year or until the appeal is finalized, whichever is 80530  
earlier. If the operator does not prevail in the appeal, the 80531  
operator shall pay the ineligible operator's supplier tax 80532  
liability. 80533

(VII) "Ohio delivery percentage" means the proportion of the 80534  
total property delivered to a destination inside Ohio from the 80535  
qualified distribution center during the qualifying period 80536  
compared with total deliveries from such distribution center 80537  
everywhere during the qualifying period. 80538

(VIII) "Refining facility" means one or more buildings 80539  
located in a county in the Appalachian region of this state as 80540  
defined by section 107.21 of the Revised Code and utilized for 80541  
refining or smelting gold, silver, platinum, or palladium to a 80542  
grade and fineness acceptable for delivery to a registered 80543  
commodities exchange. 80544

(IX) "Registered commodities exchange" means a board of 80545  
trade, such as New York mercantile exchange, inc. or commodity 80546  
exchange, inc., designated as a contract market by the commodity 80547

futures trading commission under the "Commodity Exchange Act," 7 80548  
U.S.C. 1 et seq., as amended. 80549

(X) "Ineligible operator's supplier tax liability" means an 80550  
amount equal to the tax liability of all suppliers of a 80551  
distribution center had the distribution center not been issued a 80552  
qualifying certificate for the qualifying year. Ineligible 80553  
operator's supplier tax liability shall not include interest or 80554  
penalties. The tax commissioner shall determine an ineligible 80555  
operator's supplier tax liability based on information that the 80556  
commissioner may request from the operator of the distribution 80557  
center. An operator shall provide a list of all suppliers of the 80558  
distribution center and the corresponding costs of qualified 80559  
property for the qualifying year at issue within sixty days of a 80560  
request by the commissioner under this division. 80561

(ii)(I) If the distribution center is new and was not open 80562  
for the entire qualifying period, the operator of the distribution 80563  
center may request that the commissioner grant a qualifying 80564  
certificate. If the certificate is granted and it is later 80565  
determined that more than fifty per cent of the qualified property 80566  
during that year was not shipped to a location such that it would 80567  
be situated outside of this state under the provisions of division 80568  
(E) of section 5751.033 of the Revised Code or if it is later 80569  
determined that the person that operates the distribution center 80570  
had average monthly costs from its suppliers of less than forty 80571  
million dollars during that year, then the operator of the 80572  
distribution center shall pay the ineligible operator's supplier 80573  
tax liability. (For purposes of division (F)(2)(z)(ii) of this 80574  
section, "supplier" excludes any person that is part of the 80575  
consolidated elected taxpayer group, if applicable, of the 80576  
operator of the qualified distribution center.) 80577

(II) The commissioner may grant a qualifying certificate to a 80578  
distribution center that does not qualify as a qualified 80579

distribution center for an entire qualifying period if the 80580  
operator of the distribution center demonstrates that the business 80581  
operations of the distribution center have changed or will change 80582  
such that the distribution center will qualify as a qualified 80583  
distribution center within thirty-six months after the date the 80584  
operator first applies for a certificate. If, at the end of that 80585  
thirty-six-month period, the business operations of the 80586  
distribution center have not changed such that the distribution 80587  
center qualifies as a qualified distribution center, the operator 80588  
of the distribution center shall pay the ineligible operator's 80589  
supplier tax liability for each year that the distribution center 80590  
received a certificate but did not qualify as a qualified 80591  
distribution center. For each year the distribution center 80592  
receives a certificate under division (F)(2)(z)(ii)(II) of this 80593  
section, the distribution center shall pay all applicable fees 80594  
required under division (F)(2)(z) of this section and shall submit 80595  
an updated business plan showing the progress the distribution 80596  
center made toward qualifying as a qualified distribution center 80597  
during the preceding year. 80598

(III) An operator may appeal a determination under division 80599  
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 80600  
operator is liable for the operator's supplier tax liability as a 80601  
result of not qualifying as a qualified distribution center, as 80602  
provided in section 5717.02 of the Revised Code. 80603

(iii) When filing an application for a qualifying certificate 80604  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 80605  
qualified distribution center also shall provide documentation, as 80606  
the commissioner requires, for the commissioner to ascertain the 80607  
Ohio delivery percentage. The commissioner, upon issuing the 80608  
qualifying certificate, also shall certify the Ohio delivery 80609  
percentage. The operator of the qualified distribution center may 80610  
appeal the commissioner's certification of the Ohio delivery 80611

percentage in the same manner as an appeal is taken from the 80612  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 80613  
of this section. 80614

(iv)(I) In the case where the distribution center is new and 80615  
not open for the entire qualifying period, the operator shall make 80616  
a good faith estimate of an Ohio delivery percentage for use by 80617  
suppliers in their reports of taxable gross receipts for the 80618  
remainder of the qualifying period. The operator of the facility 80619  
shall disclose to the suppliers that such Ohio delivery percentage 80620  
is an estimate and is subject to recalculation. By the due date of 80621  
the next application for a qualifying certificate, the operator 80622  
shall determine the actual Ohio delivery percentage for the 80623  
estimated qualifying period and proceed as provided in division 80624  
(F)(2)(z)(iii) of this section with respect to the calculation and 80625  
recalculation of the Ohio delivery percentage. The supplier is 80626  
required to file, within sixty days after receiving notice from 80627  
the operator of the qualified distribution center, amended reports 80628  
for the impacted calendar quarter or quarters or calendar year, 80629  
whichever the case may be. Any additional tax liability or tax 80630  
overpayment shall be subject to interest but shall not be subject 80631  
to the imposition of any penalty so long as the amended returns 80632  
are timely filed. 80633

(II) The operator of a distribution center that receives a 80634  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 80635  
section shall make a good faith estimate of the Ohio delivery 80636  
percentage that the operator estimates will apply to the 80637  
distribution center at the end of the thirty-six-month period 80638  
after the operator first applied for a qualifying certificate 80639  
under that division. The result of the estimate shall be 80640  
multiplied by a factor of one and seventy-five one-hundredths. The 80641  
product of that calculation shall be the Ohio delivery percentage 80642  
used by suppliers in their reports of taxable gross receipts for 80643

each qualifying year that the distribution center receives a 80644  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 80645  
section, except that, if the product is less than five per cent, 80646  
the Ohio delivery percentage used shall be five per cent and that, 80647  
if the product exceeds forty-nine per cent, the Ohio delivery 80648  
percentage used shall be forty-nine per cent. 80649

(v) Qualifying certificates and Ohio delivery percentages 80650  
issued by the commissioner shall be open to public inspection and 80651  
shall be timely published by the commissioner. A supplier relying 80652  
in good faith on a certificate issued under this division shall 80653  
not be subject to tax on the qualifying distribution center 80654  
receipts under division (F)(2)(z) of this section. An operator 80655  
receiving a qualifying certificate is liable for the ineligible 80656  
operator's supplier tax liability for each year the operator 80657  
received a certificate but did not qualify as a qualified 80658  
distribution center. 80659

(vi) The annual fee for a qualifying certificate shall be one 80660  
hundred thousand dollars for each qualified distribution center. 80661  
If a qualifying certificate is not issued, the annual fee is 80662  
subject to refund after the exhaustion of all appeals provided for 80663  
in division (F)(2)(z)(i)(VI) of this section. The first one 80664  
hundred thousand dollars of the annual application fees collected 80665  
each calendar year shall be credited to the revenue enhancement 80666  
fund. The remainder of the annual application fees collected shall 80667  
be distributed in the same manner required under section 5751.20 80668  
of the Revised Code. 80669

(vii) The tax commissioner may require that adequate security 80670  
be posted by the operator of the distribution center on appeal 80671  
when the commissioner disagrees that the applicant has met the 80672  
minimum thresholds for a qualified distribution center as set 80673  
forth in division (F)(2)(z) of this section. 80674

(aa) Receipts of an employer from payroll deductions relating 80675

to the reimbursement of the employer for advancing moneys to an 80676  
unrelated third party on an employee's behalf; 80677

(bb) Cash discounts allowed and taken; 80678

(cc) Returns and allowances; 80679

(dd) Bad debts from receipts on the basis of which the tax 80680  
imposed by this chapter was paid in a prior quarterly tax payment 80681  
period. For the purpose of this division, "bad debts" means any 80682  
debts that have become worthless or uncollectible between the 80683  
preceding and current quarterly tax payment periods, have been 80684  
uncollected for at least six months, and that may be claimed as a 80685  
deduction under section 166 of the Internal Revenue Code and the 80686  
regulations adopted under that section, or that could be claimed 80687  
as such if the taxpayer kept its accounts on the accrual basis. 80688  
"Bad debts" does not include repossessed property, uncollectible 80689  
amounts on property that remains in the possession of the taxpayer 80690  
until the full purchase price is paid, or expenses in attempting 80691  
to collect any account receivable or for any portion of the debt 80692  
recovered; 80693

(ee) Any amount realized from the sale of an account 80694  
receivable to the extent the receipts from the underlying 80695  
transaction giving rise to the account receivable were included in 80696  
the gross receipts of the taxpayer; 80697

(ff) Any receipts directly attributed to a transfer agreement 80698  
or to the enterprise transferred under that agreement under 80699  
section 4313.02 of the Revised Code. 80700

(gg)(i) As used in this division: 80701

(I) "Qualified uranium receipts" means receipts from the 80702  
sale, exchange, lease, loan, production, processing, or other 80703  
disposition of uranium within a uranium enrichment zone certified 80704  
by the tax commissioner under division (F)(2)(gg)(ii) of this 80705  
section. "Qualified uranium receipts" does not include any 80706

receipts with a situs in this state outside a uranium enrichment 80707  
zone certified by the tax commissioner under division 80708  
(F)(2)(gg)(ii) of this section. 80709

(II) "Uranium enrichment zone" means all real property that 80710  
is part of a uranium enrichment facility licensed by the United 80711  
States nuclear regulatory commission and that was or is owned or 80712  
controlled by the United States department of energy or its 80713  
successor. 80714

(ii) Any person that owns, leases, or operates real or 80715  
tangible personal property constituting or located within a 80716  
uranium enrichment zone may apply to the tax commissioner to have 80717  
the uranium enrichment zone certified for the purpose of excluding 80718  
qualified uranium receipts under division (F)(2)(gg) of this 80719  
section. The application shall include such information that the 80720  
tax commissioner prescribes. Within sixty days after receiving the 80721  
application, the tax commissioner shall certify the zone for that 80722  
purpose if the commissioner determines that the property qualifies 80723  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 80724  
this section, or, if the tax commissioner determines that the 80725  
property does not qualify, the commissioner shall deny the 80726  
application or request additional information from the applicant. 80727  
If the tax commissioner denies an application, the commissioner 80728  
shall state the reasons for the denial. The applicant may appeal 80729  
the denial of an application to the board of tax appeals pursuant 80730  
to section 5717.02 of the Revised Code. If the applicant files a 80731  
timely appeal, the tax commissioner shall conditionally certify 80732  
the applicant's property. The conditional certification shall 80733  
expire when all of the applicant's appeals are exhausted. Until 80734  
final resolution of the appeal, the applicant shall retain the 80735  
applicant's records in accordance with section 5751.12 of the 80736  
Revised Code, notwithstanding any time limit on the preservation 80737  
of records under that section. 80738

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts.

As used in division (F)(2)(jj) of this section:

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to, or integrated supply chain services provided to, another qualified integrated supply chain vendor or to a retailer that is a member of the integrated supply chain. "Qualifying integrated supply chain receipts" does not include receipts of a person that is not a qualified integrated supply chain vendor from the sale of raw materials to a member of an integrated supply chain, or receipts of a member of an integrated supply chain from the sale of qualified property or integrated supply chain services to a person that is not a member of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment, machinery, furniture, and

fixtures; 80770

(III) Finished goods inventory that is a qualified product 80771  
capable of being sold at retail in the inventory's present form. 80772

(iii) "Qualified integrated supply chain vendor" means a 80773  
person that is a member of an integrated supply chain and that 80774  
provides integrated supply chain services within a qualified 80775  
integrated supply chain district to a retailer that is a member of 80776  
the integrated supply chain or to another qualified integrated 80777  
supply chain vendor that is located within the same such district 80778  
as the person but does not share a common owner with that person. 80779

(iv) "Qualified product" means a personal care, health, or 80780  
beauty product or an aromatic product, including a candle. 80781  
"Qualified product" does not include a drug that may be dispensed 80782  
only pursuant to a prescription, durable medical equipment, 80783  
mobility enhancing equipment, or a prosthetic device, as those 80784  
terms are defined in section 5739.01 of the Revised Code. 80785

(v) "Integrated supply chain" means two or more qualified 80786  
integrated supply chain vendors certified on the most recent list 80787  
certified to the tax commissioner under this division that 80788  
systematically collaborate and coordinate business operations with 80789  
a retailer on the flow of tangible personal property from material 80790  
sourcing through manufacturing, assembly, packaging, and delivery 80791  
to the retailer to improve long-term financial performance of each 80792  
vendor and the supply chain that includes the retailer. 80793

For the purpose of the certification required under this 80794  
division, the reporting person for each retailer, on or before the 80795  
first day of October of each year, shall certify to the tax 80796  
commissioner a list of the qualified integrated supply chain 80797  
vendors providing or receiving integrated supply chain services 80798  
within a qualified integrated supply chain district for the 80799  
ensuing calendar year. On or before the following first day of 80800

November, the commissioner shall issue a certificate to the 80801  
retailer and to each vendor certified to the commissioner on that 80802  
list. The certificate shall include the names of the retailer and 80803  
of the qualified integrated supply chain vendors. 80804

The retailer shall notify the commissioner of any changes to 80805  
the list, including additions to or subtractions from the list or 80806  
changes in the name or legal entity of vendors certified on the 80807  
list, within sixty days after the date the retailer becomes aware 80808  
of the change. Within thirty days after receiving that 80809  
notification, the commissioner shall issue a revised certificate 80810  
to the retailer and to each vendor certified on the list. The 80811  
revised certificate shall include the effective date of the 80812  
change. 80813

Each recipient of a certificate issued pursuant to this 80814  
division shall maintain a copy of the certificate for four years 80815  
from the date the certificate was received. 80816

(vi) "Integrated supply chain services" means procuring raw 80817  
materials or manufacturing, processing, refining, assembling, 80818  
packaging, or repackaging tangible personal property that will 80819  
become finished goods inventory capable of being sold at retail by 80820  
a retailer that is a member of an integrated supply chain. 80821

(vii) "Retailer" means a person primarily engaged in making 80822  
retail sales and any member of that person's consolidated elected 80823  
taxpayer group or combined taxpayer group, whether or not that 80824  
member is primarily engaged in making retail sales. 80825

(viii) "Qualified integrated supply chain district" means the 80826  
parcel or parcels of land from which a retailer's integrated 80827  
supply chain that existed on September 29, 2015, provides or 80828  
receives integrated supply chain services, and to which all of the 80829  
following apply: 80830

(I) The parcel or parcels are located wholly in a county 80831

having a population of greater than one hundred sixty-five 80832  
thousand but less than one hundred seventy thousand based on the 80833  
2010 federal decennial census. 80834

(II) The parcel or parcels are located wholly in the 80835  
corporate limits of a municipal corporation with a population 80836  
greater than seven thousand five hundred and less than eight 80837  
thousand based on the 2010 federal decennial census that is partly 80838  
located in the county described in division (F)(2)(jj)(viii)(I) of 80839  
this section, as those corporate limits existed on September 29, 80840  
2015. 80841

(III) The aggregate acreage of the parcel or parcels equals 80842  
or exceeds one hundred acres. 80843

(kk) In the case of a railroad company described in division 80844  
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 80845  
diesel fuel directly from a supplier as defined by section 5736.01 80846  
of the Revised Code, an amount equal to the product of the number 80847  
of gallons of dyed diesel fuel purchased directly from such a 80848  
supplier multiplied by the average wholesale price for a gallon of 80849  
diesel fuel as determined under section 5736.02 of the Revised 80850  
Code for the period during which the fuel was purchased multiplied 80851  
by a fraction, the numerator of which equals the rate of tax 80852  
levied by section 5736.02 of the Revised Code less the rate of tax 80853  
computed in section 5751.03 of the Revised Code, and the 80854  
denominator of which equals the rate of tax computed in section 80855  
5751.03 of the Revised Code. 80856

(ll) Receipts realized by an out-of-state disaster business 80857  
from disaster work conducted in this state during a disaster 80858  
response period pursuant to a qualifying solicitation received by 80859  
the business. Terms used in ~~this~~ division (F)(2)(ll) of this 80860  
section have the same meanings as in section 5703.94 of the 80861  
Revised Code. 80862

(mm) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a

reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States

relating to federal income taxes unless a different meaning is 80923  
clearly required. Any reference in this chapter to the Internal 80924  
Revenue Code includes other laws of the United States relating to 80925  
federal income taxes. 80926

(L) "Calendar quarter" means a three-month period ending on 80927  
the thirty-first day of March, the thirtieth day of June, the 80928  
thirtieth day of September, or the thirty-first day of December. 80929

(M) "Tax period" means the calendar quarter or calendar year 80930  
on the basis of which a taxpayer is required to pay the tax 80931  
imposed under this chapter. 80932

(N) "Calendar year taxpayer" means a taxpayer for which the 80933  
tax period is a calendar year. 80934

(O) "Calendar quarter taxpayer" means a taxpayer for which 80935  
the tax period is a calendar quarter. 80936

(P) "Agent" means a person authorized by another person to 80937  
act on its behalf to undertake a transaction for the other, 80938  
including any of the following: 80939

(1) A person receiving a fee to sell financial instruments; 80940

(2) A person retaining only a commission from a transaction 80941  
with the other proceeds from the transaction being remitted to 80942  
another person; 80943

(3) A person issuing licenses and permits under section 80944  
1533.13 of the Revised Code; 80945

(4) A lottery sales agent holding a valid license issued 80946  
under section 3770.05 of the Revised Code; 80947

(5) A person acting as an agent of the division of liquor 80948  
control under section 4301.17 of the Revised Code. 80949

(Q) "Received" includes amounts accrued under the accrual 80950  
method of accounting. 80951

(R) "Reporting person" means a person in a consolidated 80952  
elected taxpayer or combined taxpayer group that is designated by 80953  
that group to legally bind the group for all filings and tax 80954  
liabilities and to receive all legal notices with respect to 80955  
matters under this chapter, or, for the purposes of section 80956  
5751.04 of the Revised Code, a separate taxpayer that is not a 80957  
member of such a group. 80958

**Sec. 5751.02.** (A) For the purpose of funding the needs of 80959  
this state and its local governments, there is hereby levied a 80960  
commercial activity tax on each person with taxable gross receipts 80961  
for the privilege of doing business in this state. For the 80962  
purposes of this chapter, "doing business" means engaging in any 80963  
activity, whether legal or illegal, that is conducted for, or 80964  
results in, gain, profit, or income, at any time during a calendar 80965  
year. Persons on which the commercial activity tax is levied 80966  
include, but are not limited to, persons with substantial nexus 80967  
with this state. The tax imposed under this section is not a 80968  
transactional tax and is not subject to Public Law No. 86-272, 73 80969  
Stat. 555. The tax imposed under this section is in addition to 80970  
any other taxes or fees imposed under the Revised Code. The tax 80971  
levied under this section is imposed on the person receiving the 80972  
gross receipts and is not a tax imposed directly on a purchaser. 80973  
The tax imposed by this section is an annual privilege tax for the 80974  
calendar year that, in the case of calendar year taxpayers, is the 80975  
annual tax period and, in the case of calendar quarter taxpayers, 80976  
contains all quarterly tax periods in the calendar year. A 80977  
taxpayer is subject to the annual privilege tax for doing business 80978  
during any portion of such calendar year. 80979

(B) The tax imposed by this section is a tax on the taxpayer 80980  
and shall not be billed or invoiced to another person. Even if the 80981  
tax or any portion thereof is billed or invoiced and separately 80982  
stated, such amounts remain part of the price for purposes of the 80983

sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	81017
2016 and 2017	75.0%	20.0%	5.0%	81018
2018 and thereafter	85.0%	13.0%	2.0%	81019

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management

shall transfer from the general revenue fund to the local 81044  
government tangible property tax replacement fund the difference 81045  
between the total amount to be paid and the amount in the local 81046  
government tangible property tax replacement fund. 81047

(E)(1) On or after the first day of June of each year, the 81048  
director of budget and management may transfer any balance in the 81049  
school district tangible property tax replacement fund to the 81050  
general revenue fund. 81051

(2) On or after the first day of June of each year, the 81052  
director of budget and management may transfer any balance in the 81053  
local government tangible property tax replacement fund to the 81054  
general revenue fund. 81055

(F)(1) There is hereby created in the state treasury the 81056  
commercial activity tax motor fuel receipts fund. 81057

(2) On or before the fifteenth day of June of each fiscal 81058  
year beginning with fiscal year 2015, the director of the Ohio 81059  
public works commission shall certify to the director of budget 81060  
and management the amount of debt service paid from the general 81061  
revenue fund in the current fiscal year on bonds issued to finance 81062  
or assist in the financing of the cost of local subdivision public 81063  
infrastructure capital improvement projects, as provided for in 81064  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 81065  
that are attributable to costs for construction, reconstruction, 81066  
maintenance, or repair of public highways and bridges and other 81067  
statutory highway purposes. That certification shall allocate the 81068  
total amount of debt service paid from the general revenue fund 81069  
and attributable to those costs in the current fiscal year 81070  
according to the applicable section of the Ohio Constitution under 81071  
which the bonds were originally issued. 81072

(3) On or before the thirtieth day of June of each fiscal 81073  
year beginning with fiscal year 2015, the director of budget and 81074

management shall determine an amount up to but not exceeding the 81075  
amount certified under division (F)(2) of this section and shall 81076  
reserve that amount from the cash balance in the petroleum 81077  
activity tax public highways fund or the commercial activity tax 81078  
motor fuel receipts fund for transfer to the general revenue fund 81079  
at times and in amounts to be determined by the director. The 81080  
director shall transfer the cash balance in the petroleum activity 81081  
tax public highways fund or the commercial activity tax motor fuel 81082  
receipts fund in excess of the amount so reserved to the highway 81083  
operating fund on or before the thirtieth day of June of the 81084  
current fiscal year. 81085

**Sec. 5751.98.** (A) To provide a uniform procedure for 81086  
calculating the amount of tax due under this chapter, a taxpayer 81087  
shall claim any credits to which it is entitled in the following 81088  
order: 81089

(1) The nonrefundable jobs retention credit under division 81090  
(B) of section 5751.50 of the Revised Code; 81091

(2) The nonrefundable credit for qualified research expenses 81092  
under division (B) of section 5751.51 of the Revised Code; 81093

(3) The nonrefundable credit for a borrower's qualified 81094  
research and development loan payments under division (B) of 81095  
section 5751.52 of the Revised Code; 81096

(4) The nonrefundable credit for calendar years 2010 to 2029 81097  
for unused net operating losses under division (B) of section 81098  
5751.53 of the Revised Code; 81099

(5) The refundable motion picture and Broadway theatrical 81100  
production credit under section 5751.54 of the Revised Code; 81101

(6) The refundable jobs creation credit or job retention 81102  
credit under division (A) of section 5751.50 of the Revised Code; 81103

(7) The refundable credit for calendar year 2030 for unused 81104

net operating losses under division (C) of section 5751.53 of the Revised Code. 81105  
81106

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit. 81107  
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Sec. 5902.09. (A) As used in this section, "AMVETS" means the American Veterans of World War II (AMVETS), Department of Ohio. 81113  
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(B) The directors of veterans services and mental health and addiction services shall establish a pilot program to make transcranial magnetic stimulation available for veterans with substance use disorders or mental illness, and shall operate the program for three years. The program shall be operated in conjunction with AMVETS pursuant to division (C) of this section. 81116  
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(C) The directors by mutual agreement shall contract with AMVETS for services related to the pilot program. The contract shall include provisions requiring AMVETS to create, implement, operate, and evaluate outcomes of the pilot program, to choose a location for the pilot program, to expend payments received from the state as needed for purposes of the program, and to report quarterly regarding the pilot program to the president of the senate and to the standing committee of the senate that generally considers legislation regarding veterans affairs. 81122  
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(D) There is the transcranial magnetic stimulation fund in the state treasury. It shall consist of moneys appropriated to it by the general assembly. The directors may authorize disbursements from the fund to AMVETS for services rendered under the contract. 81131  
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(E) One or both of the directors shall adopt rules under Chapter 119. of the Revised Code as necessary to administer this section, including a rule requiring that clinical protocols and outcomes are collected and reported quarterly in a report provided by AMVETS. The report shall also include a thorough accounting of the use and expenditure of all funds received from the state under this section. 81135  
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(F) Contracts entered into under this section are not subject to competitive bidding requirements. 81142  
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**Sec. 5903.04.** Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following: 81144  
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(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran; 81147  
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(B) A process to record, track, and monitor applications that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and 81151  
81152  
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(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran, or the spouse or a surviving spouse of a service member or veteran. 81154  
81155  
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In establishing these processes, the licensing agency shall include any special accommodations that may be appropriate for applicants facing imminent deployment, and for applicants for a temporary license or certificate under division (D) of section 4743.04 of the Revised Code. 81157  
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**Sec. 5910.01.** As used in this chapter and section 5919.34 of the Revised Code: 81162  
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(A) "Child" includes natural and adopted children and 81164  
stepchildren who have not been legally adopted by the veteran 81165  
parent provided that the relationship between the stepchild and 81166  
the veteran parent meets the following criteria: 81167

(1) The veteran parent is married to the child's natural or 81168  
adoptive parent at the time application for a scholarship granted 81169  
under this chapter is made; or if the veteran parent is deceased, 81170  
the child's natural or adoptive parent was married to the veteran 81171  
parent at the time of the veteran parent's death; 81172

(2) The child resided with the veteran parent for a period of 81173  
not less than ten consecutive years immediately prior to making 81174  
application for the scholarship; or if the veteran parent is 81175  
deceased, the child resided with the veteran parent for a period 81176  
of not less than ten consecutive years immediately prior to the 81177  
veteran parent's death; 81178

(3) The child received financial support from the veteran 81179  
parent for a period of not less than ten consecutive years 81180  
immediately prior to making application for the scholarship; or if 81181  
the veteran parent is deceased, the child received financial 81182  
support from the veteran parent for a period of not less than ten 81183  
consecutive years immediately prior to the veteran parent's death. 81184

(B) "Veteran" includes any of the following: 81185

(1) Any person who was a member of the armed services of the 81186  
United States for a period of ninety days or more, or who was 81187  
discharged from the armed services due to a disability incurred 81188  
while a member with less than ninety days' service, or who died 81189  
while a member of the armed services; provided that such service, 81190  
disability, or death occurred during one of the following periods: 81191  
April 6, 1917, to November 11, 1918; December 7, 1941, to December 81192  
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 81193  
May 7, 1975; August 2, 1990, to the end of operations conducted as 81194

a result of the invasion of Kuwait by Iraq, including support for 81195  
operation desert shield and operation desert storm, as declared by 81196  
the president of the United States or the congress; October 7, 81197  
2001, to the end of operation enduring freedom as declared by the 81198  
president of the United States or the congress; March 20, 2003, to 81199  
the end of operation Iraqi freedom as declared by the president of 81200  
the United States or the congress; or any other period of conflict 81201  
established by the United States department of veterans affairs 81202  
for pension purposes; 81203

(2) Any person who was a member of the armed services of the 81204  
United States and participated in an operation for which the armed 81205  
forces expeditionary medal was awarded; 81206

(3) Any person who served as a member of the United States 81207  
merchant marine and to whom either of the following applies: 81208

(a) The person has an honorable report of separation from the 81209  
active duty military service, form DD214 or DD215. 81210

(b) The person served in the United States merchant marine 81211  
between December 7, 1941, and December 31, 1946, and died on 81212  
active duty while serving in a war zone during that period of 81213  
service. 81214

(C) "Armed services of the United States" or "United States 81215  
armed forces" includes the army, air force, navy, marine corps, 81216  
coast guard, and such other military service branch as may be 81217  
designated by congress as a part of the armed forces of the United 81218  
States. 81219

(D) "Board" means the Ohio war orphans and severely disabled 81220  
veterans' children scholarship board created by section 5910.02 of 81221  
the Revised Code. 81222

(E) "Disabled" means having a sixty per cent or greater 81223  
service-connected disability or receiving benefits for permanent 81224  
and total nonservice-connected disability, as determined by the 81225

United States department of veterans affairs. 81226

(F) "United States merchant marine" includes the United 81227  
States army transport service and the United States naval 81228  
transport service. 81229

**Sec. 5910.02.** There is hereby created an Ohio war orphans and 81230  
severely disabled veterans' children scholarship board as part of 81231  
the department of veterans services. The board consists of eight 81232  
members as follows: the chancellor of ~~the Ohio board of regents~~ 81233  
higher education or the chancellor's designee; the director of 81234  
veterans services or the director's designee; one member of the 81235  
house of representatives, appointed by the speaker; one member of 81236  
the senate, appointed by the president of the senate; and four 81237  
members appointed by the governor, one of whom shall be a 81238  
representative of the American Legion, one of whom shall be a 81239  
representative of the Veterans of Foreign Wars, one of whom shall 81240  
be a representative of the Disabled American Veterans, and one of 81241  
whom shall be a representative of the AMVETS. At least ninety days 81242  
prior to the expiration of the term of office of the 81243  
representative of a veterans organization appointed by the 81244  
governor, the governor shall notify the state headquarters of the 81245  
affected organization of the need for an appointment and request 81246  
the organization to make at least three nominations. Within sixty 81247  
days after making the request for nominations, the governor may 81248  
make the appointment from the nominations received, or may reject 81249  
all the nominations and request at least three new nominations, 81250  
from which the governor shall make an appointment within thirty 81251  
days after making the request for the new nominations. If the 81252  
governor receives no nominations during this thirty-day period, 81253  
the governor may appoint any veteran. 81254

Terms of office for the four members appointed by the 81255  
governor shall be for four years, commencing on the first day of 81256

January and ending on the thirty-first day of December, except 81257  
that the term of the AMVETS representative shall expire December 81258  
31, 1998, and the new term that succeeds it shall commence on 81259  
January 1, 1999, and end on December 31, 2002. Each member shall 81260  
hold office from the date of the member's appointment until the 81261  
end of the term for which the member was appointed. The other 81262  
members shall serve during their terms of office. Any vacancy 81263  
shall be filled by appointment in the same manner as by original 81264  
appointment. Any member appointed to fill a vacancy occurring 81265  
prior to the expiration of the term for which the member's 81266  
predecessor was appointed shall hold office for the remainder of 81267  
such term. Any appointed member shall continue in office 81268  
subsequent to the expiration date of the member's term until the 81269  
member's successor takes office, or until a period of sixty days 81270  
has elapsed, whichever occurs first. The members of the board 81271  
shall serve without pay but shall be reimbursed for travel 81272  
expenses and for other actual and necessary expenses incurred in 81273  
the performance of their duties, not to exceed ten dollars per day 81274  
for ten days in any one year to be appropriated out of any moneys 81275  
in the state treasury to the credit of the general revenue fund. 81276

The chancellor ~~of the board of regents~~ shall act as secretary 81277  
to the board and shall furnish such clerical and other assistance 81278  
as may be necessary to the performance of the duties of the board. 81279

The board shall determine the number of scholarships to be 81280  
made available, receive applications for scholarships, pass upon 81281  
the eligibility of applicants, decide which applicants are to 81282  
receive scholarships, and do all other things necessary for the 81283  
proper administration of this chapter. 81284

The board may apply for, and may receive and accept, grants, 81285  
and may receive and accept gifts, bequests, and contributions, 81286  
from public and private sources, including agencies and 81287  
instrumentalities of the United States and this state, and shall 81288

deposit the grants, gifts, bequests, or contributions into the 81289  
Ohio war orphans and severely disabled veterans' children 81290  
scholarship donation fund. 81291

**Sec. 5910.031.** War orphans<sup>1</sup> and severely disabled veterans' 81292  
children scholarships provided in sections 5910.01 to 5910.06 of 81293  
the Revised Code, shall be granted to children of members of the 81294  
Ohio national guard and the reserve components of any of the armed 81295  
services of the United States who are killed or permanently and 81296  
totally disabled while on active duty pursuant to bona fide orders 81297  
of the governor or the president of the United States, or who are 81298  
killed or permanently and totally disabled while at a scheduled 81299  
training assembly, a field training period of any duration or 81300  
length, or active duty for training, pursuant to bona fide orders 81301  
issued by a competent authority. Such scholarships shall be 81302  
granted within the total number of scholarships provided under 81303  
section 5910.05 of the Revised Code and are available only to 81304  
children who further qualify pursuant to divisions (A), (B), and 81305  
(C), ~~and (D)~~ of section 5910.03 of the Revised Code. 81306

As used in this section, "permanently and totally disabled" 81307  
means having a disability which renders the person incapable of 81308  
engaging in substantially gainful employment and which is presumed 81309  
to be permanent, as determined by a special board of three 81310  
officers of the Ohio national guard named by the governor, one of 81311  
whom shall be a medical officer licensed to practice in this 81312  
state. 81313

**Sec. 5910.032.** (A) A war orphans and severely disabled 81314  
veterans' children scholarship, as provided under sections 5910.01 81315  
to 5910.06 of the Revised Code, shall be granted to the child of 81316  
any person who, in the course of honorable service in the armed 81317  
services of the United States, was declared by the United States 81318  
department of defense to be a prisoner of war or missing in action 81319

as a result of the United States' participation in armed conflict 81320  
on or after January 1, 1960, if either of the following apply: 81321

(1) The parent, at the time of entry into the armed services 81322  
of the United States, or at the time the parent was declared to be 81323  
a prisoner of war or missing in action, was a resident of Ohio; 81324

(2) If the parent did not enter the armed services as a 81325  
resident of Ohio and was not a resident of Ohio when declared a 81326  
prisoner of war or missing in action, the child has resided in 81327  
Ohio for the year immediately preceding the year in which the 81328  
application for the scholarship is made and any four of the last 81329  
ten years. 81330

The scholarships shall be in addition to the total number of 81331  
scholarships provided under section 5910.05 of the Revised Code. 81332  
Notwithstanding section 5910.03 of the Revised Code, scholarships 81333  
provided under this section shall be made to any such child who, 81334  
at the time of application, has attained the sixteenth, but not 81335  
the twenty-first, birthday. The termination of a child's parent or 81336  
guardian's status as a prisoner of war or being missing in action 81337  
does not affect such child's eligibility for the benefit provided 81338  
by this section. 81339

(B) Scholarships provided under this section shall consist of 81340  
either of the following: 81341

(1) A scholarship of the type described in division (A) of 81342  
section 5910.04 of the Revised Code together with reasonable and 81343  
necessary expenses for room, board, books, and laboratory fees. 81344  
The additional amount for such expenses shall be paid from moneys 81345  
appropriated by the general assembly for such purpose. 81346

(2) A scholarship of the type described in division (B) of 81347  
section 5910.04 of the Revised Code together with an additional 81348  
grant equal to the average value of the reasonable and necessary 81349  
expenses granted under division (B)(1) of this section during the 81350

preceding year for room, board, books, and laboratory fees. The 81351  
additional grant shall be paid from moneys appropriated by the 81352  
general assembly for such purpose, and shall be paid to the child 81353  
through the institution in which the child is enrolled. In no case 81354  
shall the additional grant exceed the amount actually expended by 81355  
the child for room, board, books, and laboratory fees. 81356

**Sec. 5910.04.** Scholarships granted under sections 5910.01 to 81357  
5910.06 of the Revised Code shall consist of either of the 81358  
following: 81359

(A) An exemption from the payment of one hundred per cent of 81360  
the general and instructional fees at colleges and universities 81361  
which receive support from the state of Ohio and are approved by 81362  
the chancellor of ~~the board of regents~~ higher education, except 81363  
that the percentage may be reduced by the war orphans and severely 81364  
disabled veterans' children scholarship board in any year that 81365  
insufficient funds are appropriated to fully fund scholarships for 81366  
all eligible students; 81367

(B) A grant to an eligible child who is enrolled in an 81368  
institution that has received a certificate of authorization ~~from~~ 81369  
~~the board of regents~~ under Chapter 1713. of the Revised Code, or a 81370  
private institution exempt from regulation under Chapter 3332. of 81371  
the Revised Code as prescribed in section 3333.046 of the Revised 81372  
Code, or an institution that has received a certificate of 81373  
registration from the state board of ~~proprietary school~~ 81374  
~~registration~~ career colleges and schools. Students who attend an 81375  
institution that holds a certificate of registration shall be 81376  
enrolled in either a program leading to an associate degree or a 81377  
program leading to a bachelor's degree for which associate or 81378  
bachelor's degree program the institution has received program 81379  
authorization issued under section 3332.05 of the Revised Code to 81380  
offer such degree program. The grant shall be paid to the child 81381

through the institution in which the child is enrolled, and shall 81382  
equal one hundred per cent of the average value of all 81383  
scholarships granted under division (A) of this section during the 81384  
preceding year, except that the percentage may be reduced by the 81385  
war orphans and severely disabled veterans' children scholarship 81386  
board in any year that insufficient funds are appropriated to 81387  
fully fund scholarships for all eligible students. In no case 81388  
shall the grant exceed the total general and instructional charges 81389  
of the institution. 81390

The board shall not reduce the percentage to be paid for 81391  
scholarships awarded pursuant to section 5910.032 of the Revised 81392  
Code below one hundred per cent. 81393

**Sec. 5910.05.** The Ohio war orphans and severely disabled 81394  
veterans' children scholarship board shall determine how many 81395  
scholarships are to be granted based upon available funds provided 81396  
by the Ohio general assembly. If funds are available all eligible 81397  
applicants shall be granted a scholarship. There shall be no 81398  
limitation on the number of scholarships granted under section 81399  
5910.032 of the Revised Code, nor any limitation on the number of 81400  
scholarships granted to any college or university under such 81401  
section. No person shall be granted a scholarship for more than 81402  
five academic years of education, which shall be at the 81403  
undergraduate level. The board shall provide minimum scholastic 81404  
requirements for recipients and shall withdraw the aid from any 81405  
person who fails to maintain such requirements. 81406

**Sec. 5910.06.** The Ohio war orphans and severely disabled 81407  
veterans' children scholarship board shall make a complete report 81408  
of its administration of this chapter, to each first regular 81409  
session of the general assembly. 81410

**Sec. 5910.07.** The Ohio war orphans and severely disabled 81411

veterans' children scholarship donation fund is created in the 81412  
state treasury. The fund shall consist of gifts, bequests, grants, 81413  
and contributions made to the fund under section 5910.02 of the 81414  
Revised Code. Investment earnings of the fund shall be deposited 81415  
into the fund. The fund shall be used to operate the war orphans 81416  
and severely disabled veterans' children scholarship program and 81417  
to provide grants under sections 5910.01 to 5910.06 of the Revised 81418  
Code. 81419

**Sec. 5910.08.** There is hereby created in the state treasury 81420  
the war orphans and severely disabled veterans' children 81421  
scholarship reserve fund. As soon as possible following the end of 81422  
each fiscal year, the chancellor of higher education shall certify 81423  
to the director of budget and management the unencumbered balance 81424  
of the general revenue fund appropriations made in the immediately 81425  
preceding fiscal year for purposes of the war orphans and severely 81426  
disabled veterans' children scholarship program created in Chapter 81427  
5910. of the Revised Code. Upon receipt of the certification, the 81428  
director of budget and management may transfer an amount not 81429  
exceeding the certified amount from the general revenue fund to 81430  
the war orphans and severely disabled veterans' children 81431  
scholarship reserve fund. Moneys in the war orphans and severely 81432  
disabled veterans' children scholarship reserve fund shall be used 81433  
to pay scholarship obligations in excess of the general revenue 81434  
fund appropriations made for that purpose. 81435

The director of budget and management may transfer any 81436  
unencumbered balance from the war orphans and severely disabled 81437  
veterans' children scholarship reserve fund to the general revenue 81438  
fund. 81439

If it is determined that general revenue fund appropriations 81440  
are insufficient to meet the obligations of the war orphans and 81441  
severely disabled veterans' children scholarship in a fiscal year, 81442

the director of budget and management may transfer funds from the 81443  
war orphans and severely disabled veterans' children scholarship 81444  
reserve fund to the general revenue fund in order to meet those 81445  
obligations. The amount transferred is hereby appropriated. If the 81446  
funds transferred from the war orphans and severely disabled 81447  
veterans' children scholarship reserve fund are not needed, the 81448  
director of budget and management may transfer the unexpended 81449  
balance from the general revenue fund back to the war orphans and 81450  
severely disabled veterans' children scholarship reserve fund. 81451

**Sec. 5919.34.** (A) As used in this section: 81452

(1) "Academic term" means any one of the following: 81453

(a) Fall term, which consists of fall semester or fall 81454  
quarter, as appropriate; 81455

(b) Winter term, which consists of winter semester, winter 81456  
quarter, or spring semester, as appropriate; 81457

(c) Spring term, which consists of spring quarter; 81458

(d) Summer term, which consists of summer semester or summer 81459  
quarter, as appropriate. 81460

(2) "Eligible applicant" means any individual to whom all of 81461  
the following apply: 81462

(a) The individual does not possess a baccalaureate degree. 81463

(b) The individual has enlisted, re-enlisted, or extended 81464  
current enlistment in the Ohio national guard or is an individual 81465  
to which division (F) of this section applies. 81466

(c) The individual is actively enrolled as a full-time or 81467  
part-time student for at least three credit hours of course work 81468  
in a semester or quarter in a two-year or four-year 81469  
degree-granting program at a state institution of higher education 81470  
or a private institution of higher education, or in a 81471

diploma-granting program at a state or private institution of 81472  
higher education that is a school of nursing. 81473

(d) The individual has not accumulated ninety-six eligibility 81474  
units under division (E) of this section. 81475

(3) "State institution of higher education" means any state 81476  
university or college as defined in division (A)(1) of section 81477  
3345.12 of the Revised Code, community college established under 81478  
Chapter 3354. of the Revised Code, state community college 81479  
established under Chapter 3358. of the Revised Code, university 81480  
branch established under Chapter 3355. of the Revised Code, or 81481  
technical college established under Chapter 3357. of the Revised 81482  
Code. 81483

(4) "Private institution of higher education" means an Ohio 81484  
institution of higher education that is nonprofit and has received 81485  
a certificate of authorization pursuant to Chapter 1713. of the 81486  
Revised Code, that is a private institution exempt from regulation 81487  
under Chapter 3332. of the Revised Code as prescribed in section 81488  
3333.046 of the Revised Code, or that holds a certificate of 81489  
registration and program authorization issued by the state board 81490  
of career colleges and schools pursuant to section 3332.05 of the 81491  
Revised Code. 81492

(5) "Tuition" means the charges imposed to attend an 81493  
institution of higher education and includes general and 81494  
instructional fees. "Tuition" does not include laboratory fees, 81495  
room and board, or other similar fees and charges. 81496

(B) There is hereby created a scholarship program to be known 81497  
as the Ohio national guard scholarship program. 81498

(C)(1) The adjutant general shall approve scholarships for 81499  
all eligible applicants. The adjutant general shall process all 81500  
applications for scholarships for each academic term in the order 81501  
in which they are received. The scholarships shall be made without 81502

regard to financial need. At no time shall one person be placed in 81503  
priority over another because of sex, race, or religion. 81504

(2) The adjutant general shall develop and provide a written 81505  
explanation that informs all eligible scholarship recipients that 81506  
the recipient may become ineligible and liable for repayment for 81507  
an amount of scholarship payments received in accordance with 81508  
division (G) of this section. The written explanation shall be 81509  
reviewed by the scholarship recipient before acceptance of the 81510  
scholarship and before acceptance of an enlistment, warrant, 81511  
commission, or appointment for a term not less than the 81512  
recipient's remaining term in the national guard or in the active 81513  
duty component of the United States armed forces. 81514

(D)(1) Except as provided in divisions (I) and (J) of this 81515  
section, for each academic term that an eligible applicant is 81516  
approved for a scholarship under this section and either remains a 81517  
current member in good standing of the Ohio national guard or is 81518  
eligible for a scholarship under division (F)(1) of this section, 81519  
the institution of higher education in which the applicant is 81520  
enrolled shall, if the applicant's enlistment obligation extends 81521  
beyond the end of that academic term or if division (F)(1) of this 81522  
section applies, be paid on the applicant's behalf the applicable 81523  
one of the following amounts: 81524

(a) If the institution is a state institution of higher 81525  
education, an amount equal to one hundred per cent of the 81526  
institution's tuition charges; 81527

(b) If the institution is a nonprofit private institution or 81528  
a private institution exempt from regulation under Chapter 3332. 81529  
of the Revised Code as prescribed in section 3333.046 of the 81530  
Revised Code, an amount equal to one hundred per cent of the 81531  
average tuition charges of all state universities; 81532

(c) If the institution is an institution that holds a 81533

certificate of registration from the state board of career 81534  
colleges and schools, the lesser of the following: 81535

(i) An amount equal to one hundred per cent of the 81536  
institution's tuition; 81537

(ii) An amount equal to one hundred per cent of the average 81538  
tuition charges of all state universities, as that term is defined 81539  
in section 3345.011 of the Revised Code. 81540

(2) The adjutant general and the chancellor of higher 81541  
education may jointly adopt rules to require the use of other 81542  
federal educational financial assistance programs, including such 81543  
programs offered by the United States department of defense, for 81544  
which an applicant is eligible based on the applicant's military 81545  
service. If such rules are adopted, the rules shall require that 81546  
financial assistance received by a scholarship recipient under 81547  
those programs be applied to all eligible expenses prior to the 81548  
use of scholarship funds awarded under this section. Scholarship 81549  
funds awarded under this section shall then be applied to the 81550  
recipient's remaining eligible expenses. 81551

(3) An eligible applicant's scholarship shall not be reduced 81552  
by the amount of that applicant's benefits under "the Montgomery 81553  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 81554

(E) A scholarship recipient under this section shall be 81555  
entitled to receive scholarships under this section for the number 81556  
of quarters or semesters it takes the recipient to accumulate 81557  
ninety-six eligibility units as determined under divisions (E)(1) 81558  
to (3) of this section. 81559

(1) To determine the maximum number of semesters or quarters 81560  
for which a recipient is entitled to a scholarship under this 81561  
section, the adjutant general shall convert a recipient's credit 81562  
hours of enrollment for each academic term into eligibility units 81563  
in accordance with the following table: 81564

	The			81565
Number of	following	The following		81566
credit hours	number of	number of		81567
of enrollment	eligibility	eligibility		81568
in an academic	units if a	units if a		81569
term	semester	quarter		81570
	equals	or		81571
12 or more hours	12 units	8 units		81572
9 but less than 12	9 units	6 units		81573
6 but less than 9	6 units	4 units		81574
3 but less than 6	3 units	2 units		81575
(2) A scholarship recipient under this section may continue				81576
to apply for scholarships under this section until the recipient				81577
has accumulated ninety-six eligibility units.				81578
(3) If a scholarship recipient withdraws from courses prior				81579
to the end of an academic term so that the recipient's enrollment				81580
for that academic term is less than three credit hours, no				81581
scholarship shall be paid on behalf of that person for that				81582
academic term. Except as provided in division (F)(3) of this				81583
section, if a scholarship has already been paid on behalf of the				81584
person for that academic term, the adjutant general shall add to				81585
that person's accumulated eligibility units the number of				81586
eligibility units for which the scholarship was paid.				81587
(F) This division applies to any eligible applicant called				81588
into active duty on or after September 11, 2001. As used in this				81589
division, "active duty" means active duty pursuant to an executive				81590
order of the president of the United States, an act of the				81591
congress of the United States, or section 5919.29 or 5923.21 of				81592
the Revised Code.				81593
(1) For a period of up to five years from when an				81594
individual's enlistment obligation in the Ohio national guard				81595
ends, an individual to whom this division applies is eligible for				81596

scholarships under this section for those academic terms that were 81597  
missed or could have been missed as a result of the individual's 81598  
call into active duty. Scholarships shall not be paid for the 81599  
academic term in which an eligible applicant's enlistment 81600  
obligation ends unless an applicant is eligible under this 81601  
division for a scholarship for such academic term due to previous 81602  
active duty. 81603

(2) When an individual to whom this division applies 81604  
withdraws or otherwise fails to complete courses, for which 81605  
scholarships have been awarded under this section, because the 81606  
individual was called into active duty, the institution of higher 81607  
education shall grant the individual a leave of absence from the 81608  
individual's education program and shall not impose any academic 81609  
penalty for such withdrawal or failure to complete courses. 81610  
Division (F)(2) of this section applies regardless of whether or 81611  
not the scholarship amount was paid to the institution of higher 81612  
education. 81613

(3) If an individual to whom this division applies withdraws 81614  
or otherwise fails to complete courses because the individual was 81615  
called into active duty, and if scholarships for those courses 81616  
have already been paid, either: 81617

(a) The adjutant general shall not add to that person's 81618  
accumulated eligibility units calculated under division (E) of 81619  
this section the number of eligibility units for the academic 81620  
courses or term for which the scholarship was paid and the 81621  
institution of higher education shall repay the scholarship amount 81622  
to the state. 81623

(b) The adjutant general shall add to that individual's 81624  
accumulated eligibility units calculated under division (E) of 81625  
this section the number of eligibility units for the academic 81626  
courses or term for which the scholarship was paid if the 81627  
institution of higher education agrees to permit the individual to 81628

complete the remainder of the academic courses in which the 81629  
individual was enrolled at the time the individual was called into 81630  
active duty. 81631

(4) No individual who is discharged from the Ohio national 81632  
guard under other than honorable conditions shall be eligible for 81633  
scholarships under this division. 81634

(G) A scholarship recipient under this section who fails to 81635  
complete the term of enlistment, re-enlistment, or extension of 81636  
current enlistment the recipient was serving at the time a 81637  
scholarship was paid on behalf of the recipient under this section 81638  
is liable to the state for repayment of a percentage of all Ohio 81639  
national guard scholarships paid on behalf of the recipient under 81640  
this section, plus interest at the rate of ten per cent per annum 81641  
calculated from the dates the scholarships were paid. This 81642  
percentage shall equal the percentage of the current term of 81643  
enlistment, re-enlistment, or extension of enlistment a recipient 81644  
has not completed as of the date the recipient is discharged from 81645  
the Ohio national guard. 81646

The attorney general may commence a civil action on behalf of 81647  
the chancellor to recover the amount of the scholarships and the 81648  
interest provided for in this division and the expenses incurred 81649  
in prosecuting the action, including court costs and reasonable 81650  
attorney's fees. A scholarship recipient is not liable under this 81651  
division if the recipient's failure to complete the term of 81652  
enlistment being served at the time a scholarship was paid on 81653  
behalf of the recipient under this section is due to the 81654  
recipient's death or discharge from the national guard due to 81655  
~~disability or the recipient's enlistment, warrant, commission, or~~ 81656  
~~appointment for a term not less than the recipient's remaining~~ 81657  
~~term in the national guard or in the active duty component of the~~ 81658  
~~United States armed forces.~~ 81659

(H) On or before the first day of each academic term, the 81660

adjutant general shall provide an eligibility roster to the 81661  
chancellor and to each institution of higher education at which 81662  
one or more scholarship recipients have applied for enrollment. 81663  
The institution shall use the roster to certify the actual 81664  
full-time or part-time enrollment of each scholarship recipient 81665  
listed as enrolled at the institution and return the roster to the 81666  
adjutant general and the chancellor. Except as provided in 81667  
division (J) of this section, the chancellor shall provide for 81668  
payment of the appropriate number and amount of scholarships to 81669  
each institution of higher education pursuant to division (D) of 81670  
this section. If an institution of higher education fails to 81671  
certify the actual enrollment of a scholarship recipient listed as 81672  
enrolled at the institution within thirty days of the end of an 81673  
academic term, the institution shall not be eligible to receive 81674  
payment from the Ohio national guard scholarship program or from 81675  
the individual enrollee. The adjutant general shall report on a 81676  
semiannual basis to the director of budget and management, the 81677  
speaker of the house of representatives, the president of the 81678  
senate, and the chancellor the number of Ohio national guard 81679  
scholarship recipients, the size of the scholarship-eligible 81680  
population, and a projection of the cost of the program for the 81681  
remainder of the biennium. 81682

(I) The chancellor and the adjutant general may adopt rules 81683  
pursuant to Chapter 119. of the Revised Code governing the 81684  
administration and fiscal management of the Ohio national guard 81685  
scholarship program and the procedure by which the chancellor and 81686  
the department of the adjutant general may modify the amount of 81687  
scholarships a member receives based on the amount of other state 81688  
financial aid a member receives. 81689

(J) The adjutant general, the chancellor, and the director, 81690  
or their designees, shall jointly estimate the costs of the Ohio 81691  
national guard scholarship program for each upcoming fiscal 81692

biennium, and shall report that estimate prior to the beginning of 81693  
the fiscal biennium to the chairpersons of the finance committees 81694  
in the general assembly. During each fiscal year of the biennium, 81695  
the adjutant general, the chancellor, and the director, or their 81696  
designees, shall meet regularly to monitor the actual costs of the 81697  
Ohio national guard scholarship program and update cost 81698  
projections for the remainder of the biennium as necessary. If the 81699  
amounts appropriated for the Ohio national guard scholarship 81700  
program and any funds in the Ohio national guard scholarship 81701  
reserve fund and the Ohio national guard scholarship donation fund 81702  
are not adequate to provide scholarships in the amounts specified 81703  
in division (D)(1) of this section for all eligible applicants, 81704  
the chancellor shall do all of the following: 81705

(1) Notify each private institution of higher education, 81706  
where a scholarship recipient is enrolled, that, by accepting the 81707  
Ohio national guard scholarship program as payment for all or part 81708  
of the institution's tuition, the institution agrees that if the 81709  
chancellor reduces the amount of each scholarship, the institution 81710  
shall provide each scholarship recipient a grant or tuition waiver 81711  
in an amount equal to the amount the recipient's scholarship was 81712  
reduced by the chancellor. 81713

(2) Reduce the amount of each scholarship under division 81714  
(D)(1)(a) of this section proportionally based on the amount of 81715  
remaining available funds. Each state institution of higher 81716  
education shall provide each scholarship recipient under division 81717  
(D)(1)(a) of this section a grant or tuition waiver in an amount 81718  
equal to the amount the recipient's scholarship was reduced by the 81719  
chancellor. 81720

(K) Notwithstanding division (A) of section 127.14 of the 81721  
Revised Code, the controlling board shall not transfer all or part 81722  
of any appropriation for the Ohio national guard scholarship 81723  
program. 81724

(L) The chancellor and the adjutant general may apply for, 81725  
and may receive and accept grants, and may receive and accept 81726  
gifts, bequests, and contributions, from public and private 81727  
sources, including agencies and instrumentalities of the United 81728  
States and this state, and shall deposit the grants, gifts, 81729  
bequests, or contributions into the national guard scholarship 81730  
donation fund. 81731

Sec. 5922.01. The governor shall organize and maintain within 81732  
this state, on a reserve basis, civilian cyber security reserve 81733  
forces capable of being expanded and trained to educate and 81734  
protect state, county, and local government entities, critical 81735  
infrastructure, including election systems, businesses, and 81736  
citizens of this state from cyber attacks. In the case of an 81737  
emergency proclaimed by the governor, or caused by illicit actors 81738  
or imminent danger, the governor, as commander-in-chief, shall 81739  
expand the reserve as the exigency of the occasion requires. 81740

The reserve shall be a part of the Ohio organized militia 81741  
under the adjutant general's department. The reserve shall be 81742  
known as the Ohio cyber reserve. The adjutant general shall 81743  
establish and may revise, in accordance with section 5923.12 of 81744  
the Revised Code, the rates of pay for reserve members when called 81745  
to state active duty. While performing any drill or training, 81746  
reserve members shall serve in an unpaid volunteer status. When 81747  
called to state active duty by the governor, reserve members shall 81748  
function as civilian members of the Ohio organized militia. 81749

Sec. 5922.02. The governor may adopt rules consistent with 81750  
the provisions of law governing the membership, organization, 81751  
administration, equipment, and maintenance of the Ohio cyber 81752  
reserve. A copy of the rules shall be available to the public in 81753  
the adjutant general's office. 81754

Sec. 5922.03. The governor may requisition from the United States department of defense, for the use of the Ohio cyber reserve, equipment that may be in the possession and can be furnished by the department, and make available to the reserve the facilities of state armories and equipment and other state premises and property that may be available.

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Sec. 5922.04. Sections 5922.02 to 5922.08 of the Revised Code do not authorize the Ohio cyber reserve, or any part thereof, to be called or ordered into the military service of the United States. The reserve may become a civilian component of the Ohio national guard.

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Sec. 5922.05. No person shall be accepted into the Ohio cyber reserve who is not a United States national or a lawful permanent resident, or who has been expelled or dishonorably discharged from the armed forces as defined in section 5903.01 of the Revised Code. Applicants shall be subject to an appropriate background check, in accordance with rules adopted by the governor and adjutant general, before admittance into the reserve.

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Notwithstanding any other provision of the Revised Code, no person shall be disqualified from acceptance into the Ohio cyber reserve on the basis that the person is an employee of the state or a political subdivision of the state, or an employee or proprietor of a private entity that conducts business with the state or a political subdivision of the state.

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Sec. 5922.06. Whenever the Ohio cyber reserve, or any part thereof, is ordered out for active service by the governor, the Ohio code of military justice shall be in full force with respect to those forces.

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Sec. 5922.07. The governor may accept the resignation of any 81783  
Ohio cyber reserve member at any time. Reserve members serve at 81784  
the pleasure of the governor and may be removed from the reserve 81785  
in accordance with rules adopted under section 5922.02 of the 81786  
Revised Code. 81787

The governor may require reimbursement for training, 81788  
equipment, and uniforms if an Ohio cyber reserve member does not 81789  
serve the full term of the member's membership agreement and the 81790  
inability to serve out the term of the membership agreement was 81791  
not due to disability or a similar disabling medical condition. 81792

Sec. 5922.08. The governor, as commander-in-chief of the Ohio 81793  
organized militia, may order individuals or units of the Ohio 81794  
cyber reserve to state active duty to protect state, county, and 81795  
local government entities and critical infrastructure, including 81796  
election systems, or for training as the governor determines 81797  
necessary. The governor, upon the request of a business or 81798  
citizen, also may order individuals or units of the Ohio cyber 81799  
reserve to state active duty to protect that business or citizen. 81800

When ordered by the governor to perform duty or training 81801  
under this section or section 5923.21 of the Revised Code, members 81802  
of the Ohio cyber reserve shall have the same protections afforded 81803  
by the "Servicemembers Civil Relief Act," Pub. L. No. 108-189, 50 81804  
U.S.C. 3901-4043, and by the "Uniformed Services Employment and 81805  
Reemployment Rights Act," 108 Stat. 3149, 38 U.S.C. 4301-4333. 81806

Sec. 5923.01. (A) The Ohio organized militia consists of all 81807  
citizens of the state who are not permanently handicapped, as 81808  
handicapped is defined in section 4112.01 of the Revised Code, who 81809  
are more than seventeen years, and not more than sixty-seven 81810  
years, of age unless exempted as provided in section 5923.02 of 81811  
the Revised Code, and persons who are members of one of the 81812

following:	81813
(1) The Ohio national guard;	81814
(2) The Ohio naval militia;	81815
(3) The Ohio military reserve;	81816
<u>(4) The Ohio cyber reserve.</u>	81817
(B) The Ohio national guard, including both the Ohio air	81818
national guard and the Ohio army national guard, the Ohio naval	81819
militia, <del>and</del> the Ohio military reserve, <u>and the Ohio cyber reserve</u>	81820
are known collectively as the Ohio organized militia.	81821
(C) The Ohio naval militia and the Ohio military reserve are	81822
known collectively as the state defense forces.	81823
(D) The unorganized militia consists of <del>those</del> <u>all</u> citizens of	81824
the state <del>as described in division (A) of this section who</del> <u>to whom</u>	81825
<u>all of the following apply:</u>	81826
<u>(1) They are not members of the Ohio organized militia;</u>	81827
<u>(2) They are more than seventeen years of age and not more</u>	81828
<u>than sixty-seven years of age;</u>	81829
<u>(3) They are not exempt from service under section 5923.02 of</u>	81830
<u>the Revised Code.</u>	81831
(E) No troops shall be maintained in time of peace other than	81832
as authorized and prescribed under the "Act of August 10, 1956,"	81833
70A Stat. 596, 32 U.S.C.A. 101 to 716. This limitation does not	81834
affect the right of the state to the use of its organized militia	81835
within its borders in time of peace as prescribed by the laws of	81836
this state. This section does not prevent the organization and	81837
maintenance of police.	81838
<b>Sec. 5923.02.</b> <del>(A)</del> The following persons, if subject to duty	81839
in the Ohio organized <u>or unorganized</u> militia, may be exempted by	81840
the adjutant general from duty on request:	81841

<del>(1)</del> (A) The vice-president of the United States;	81842
<del>(2)</del> (B) The officers, judicial and executive, of the departments of the state and of the United States, and the members of the general assembly, without regard to age;	81843 81844 81845
<del>(3)</del> (C) Members of the armed forces of the United States or their reserve components;	81846 81847
<del>(4)</del> (D) Customhouse clerks;	81848
<del>(5)</del> (E) Employees of the United States postal service;	81849
<del>(6)</del> (F) Workers employed in armories, arsenals, or naval shipyards of the United States;	81850 81851
<del>(7)</del> (G) Pilots on the navigable waters of the United States;	81852
<del>(8)</del> (H) Mariners licensed by the United States;	81853
<del>(B)</del> (I) Any person <u>who claims exemption from service</u> because of religious belief or other moral conviction held as a matter of conscience <del>may claim exemption from Ohio organized militia service;</del>	81854 81855 81856 81857
<u>(J) Any person who is unable to serve because of a disability, as that term is defined in section 4112.01 of the Revised Code.</u>	81858 81859 81860
<b>Sec. 5923.03.</b> (A) The Ohio national guard consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio national guard, all as prescribed by publications of the department of the army or air force and the national guard bureau for the national guard as prescribed by Chapter 5919. of the Revised Code.	81861 81862 81863 81864 81865 81866
(B) The Ohio military reserve consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio military reserve as prescribed by Chapter 5920. of Revised Code.	81867 81868 81869 81870

(C) The Ohio naval militia consists of the members of the 81871  
Ohio organized militia who are enlisted, commissioned, or 81872  
warranted in the Ohio naval militia as prescribed by Chapter 5921. 81873  
of the Revised Code. 81874

(D) The Ohio cyber reserve consists of the members of the 81875  
Ohio organized militia who are civilian volunteers under Chapter 81876  
5922. of the Revised Code. 81877

**Sec. 5923.12.** When ordered to state active duty by the 81878  
governor, for which duty federal basic pay and allowances are not 81879  
authorized, members of the organized militia of Ohio shall receive 81880  
the same pay and allowances for each day's service as is provided 81881  
for commissioned officers, warrant officers, noncommissioned 81882  
officers, and enlisted personnel of like grade and longevity in 81883  
the armed forces of the United States, together with the necessary 81884  
transportation, housing, and subsistence allowances as prescribed 81885  
by the United States department of defense pay manual, or an 81886  
amount not less than seventy-five dollars per day as base pay for 81887  
each day's duty performed, whichever is greater. 81888

Notwithstanding any other provision of law, Ohio cyber 81889  
reserve members shall receive a rate of pay determined and 81890  
provided by rule by the adjutant general, in the name of the 81891  
governor. The rule shall establish a rate of pay commensurate with 81892  
those specified in pay schedules established by the director of 81893  
administrative services for information technology employees of 81894  
the state who have comparable training, experience, and 81895  
professional qualifications. 81896

When ordered by the governor to perform training or duty 81897  
under this section or section 5919.29 of the Revised Code, members 81898  
of the Ohio national guard shall have the protections afforded to 81899  
persons on federal active duty by "The Servicemembers Civil Relief 81900  
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 81901

Sec. 5923.37. (A) No member of the organized militia ordered 81902  
to state active duty shall be liable in negligence for any act 81903  
performed within the scope of ~~his military~~ the member's duties. 81904  
Any action alleging that such a militia member's conduct was 81905  
outside the scope of ~~his~~ the member's employment, was malicious, 81906  
was in bad faith, or was wanton or reckless shall first be filed 81907  
against the state in the court of claims under section 2743.02 of 81908  
the Revised Code. 81909

(B) Any member of the organized militia rendering medical, 81910  
nursing, or dental care, or assisting in rendering such care, 81911  
after being ordered to state active duty shall be deemed an 81912  
officer or employee of the state under section 109.36 of the 81913  
Revised Code. 81914

(C) Any member of the organized militia ordered to state 81915  
active duty under section 5923.22 of the ~~revised~~ Revised Code or 81916  
ordered to duty under section 5919.29 of the Revised Code who is 81917  
qualified to perform on federal active duty under Title 10, United 81918  
States Code, in a particular profession, discipline, or skill as a 81919  
health care provider shall be exempt from the statutes, 81920  
regulations, and licensing requirements otherwise in force under 81921  
the laws of this state, with respect to ~~his~~ the member's 81922  
profession, specialty, or skill at such times as ~~he~~ the member is 81923  
serving in any military status, duly authorized under the laws of 81924  
this state or of the United States, or both, and is performing ~~his~~ 81925  
the member's profession, specialty, or skill under regulations 81926  
prescribed by the executive authority of the United States or of 81927  
this state, and is functioning within the scope of ~~his~~ the 81928  
member's employment. 81929

Sec. 5924.01. As used in Chapter 5924. of the Revised Code 81930  
unless the context otherwise requires: 81931

(A) "Organized militia" means the Ohio national guard, the Ohio naval militia, <del>and</del> the Ohio military reserve, <u>and the Ohio cyber reserve.</u>	81932 81933 81934
(B) "Officer" means commissioned or warrant officer.	81935
(C) "Commissioned officer" includes a commissioned warrant officer.	81936 81937
(D) "Commanding officer" includes only commissioned or warrant officers in command of a unit.	81938 81939
(E) "Superior commissioned officer" means a commissioned officer superior in rank or command.	81940 81941
(F) "Enlisted member" means a person in an enlisted grade.	81942
(G) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.	81943 81944 81945
(H) "Rank" means the order of precedence among members of the armed forces.	81946 81947
(I) "State active duty" means full-time duty in the active military service of the state under a proclamation of the governor issued pursuant to authority vested in the governor by law, and while going to and returning from such duty.	81948 81949 81950 81951
(J) "Duty status other than state active duty" means any other types of duty and while going to and returning from such duty.	81952 81953 81954
(K) "Military court" means a court-martial, a court of inquiry, or a provost court.	81955 81956
(L) "Military judge" means an official of a general or special court-martial who is a commissioned officer, who has been duly certified to be qualified for duty as a military judge by the state judge advocate, and who has been properly detailed in accordance with section 5924.26 of the Revised Code.	81957 81958 81959 81960 81961

(M) "Law specialist" means a commissioned officer of the organized naval militia of the state designated for special duty.	81962 81963
(N) "Legal officer" means any commissioned officer of the organized naval militia of the state designated to perform legal duties for a command.	81964 81965 81966
(O) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the organized militia.	81967 81968 81969
(P) "Accuser" means a person who reports an offense subject to trial by court-martial and who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, or any other person who has an interest other than an official interest in the prosecution of the accused.	81970 81971 81972 81973 81974
(Q) "Military" refers to any or all of the armed forces.	81975
(R) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.	81976 81977 81978
(S) "May" is used in a permissive sense. The words "no person may ....." mean that no person is required, authorized, or permitted to do the act prescribed.	81979 81980 81981
(T) "Shall" is used in an imperative sense.	81982
(U) "Code" means the Ohio code of military justice, as set forth in Chapter 5924. of the Revised Code.	81983 81984
(V) "Trial counsel" means the prosecuting attorney in a general or special court-martial.	81985 81986
(W) "Detention facility" means any place that is owned or operated by a municipal corporation, by a county, or by one or more municipal corporations, counties, or both and that is used for the confinement of persons charged with or convicted of any crime in this state or another state or under the laws of the	81987 81988 81989 81990 81991

United States.	81992
(X) "Examiner" has the same meaning as in division (A)(2)(a) of section 2945.37 of the Revised Code.	81993 81994
(Y) "Nonsecured status," "unsupervised, off-grounds movement," "trial visit," "conditional release," and "licensed clinical psychologist" have the same meanings as in section 2945.37 of the Revised Code.	81995 81996 81997 81998
<b>Sec. 6111.03.</b> The director of environmental protection may do any of the following:	81999 82000
(A) Develop plans and programs for the prevention, control, and abatement of new or existing pollution of the waters of the state;	82001 82002 82003
(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:	82004 82005 82006 82007 82008 82009 82010
(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;	82011 82012 82013 82014 82015
(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;	82016 82017 82018
(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial	82019 82020 82021

representatives, and other interested persons. 82022

Although the director is expected to discharge these duties 82023  
diligently, failure to mail any such notice or copy or to so 82024  
consult with any person shall not invalidate any proceeding or 82025  
action of the director. 82026

(C) Administer grants from the federal government and from 82027  
other sources, public or private, for carrying out any of its 82028  
functions, all such moneys to be deposited in the state treasury 82029  
and kept by the treasurer of state in a separate fund subject to 82030  
the lawful orders of the director; 82031

(D) Administer state grants for the construction of sewage 82032  
and waste collection and treatment works; 82033

(E) Encourage, participate in, or conduct studies, 82034  
investigations, research, and demonstrations relating to water 82035  
pollution, and the causes, prevention, control, and abatement 82036  
thereof, that are advisable and necessary for the discharge of the 82037  
director's duties under this chapter; 82038

(F) Collect and disseminate information relating to water 82039  
pollution and prevention, control, and abatement thereof; 82040

(G) Adopt, amend, and rescind rules in accordance with 82041  
Chapter 119. of the Revised Code governing the procedure for 82042  
hearings, the filing of reports, the issuance of permits, the 82043  
issuance of industrial water pollution control certificates, and 82044  
all other matters relating to procedure; 82045

(H) Issue, modify, or revoke orders to prevent, control, or 82046  
abate water pollution by such means as the following: 82047

(1) Prohibiting or abating discharges of sewage, industrial 82048  
waste, or other wastes into the waters of the state; 82049

(2) Requiring the construction of new disposal systems or any 82050  
parts thereof, or the modification, extension, or alteration of 82051

existing disposal systems or any parts thereof; 82052

(3) Prohibiting additional connections to or extensions of a 82053  
sewerage system when the connections or extensions would result in 82054  
an increase in the polluting properties of the effluent from the 82055  
system when discharged into any waters of the state; 82056

(4) Requiring compliance with any standard or rule adopted 82057  
under sections 6111.01 to 6111.05 of the Revised Code or term or 82058  
condition of a permit. 82059

In the making of those orders, wherever compliance with a 82060  
rule adopted under section 6111.042 of the Revised Code is not 82061  
involved, consistent with the Federal Water Pollution Control Act, 82062  
the director shall give consideration to, and base the 82063  
determination on, evidence relating to the technical feasibility 82064  
and economic reasonableness of complying with those orders and to 82065  
evidence relating to conditions calculated to result from 82066  
compliance with those orders, and their relation to benefits to 82067  
the people of the state to be derived from such compliance in 82068  
accomplishing the purposes of this chapter. 82069

(I) Review plans, specifications, or other data relative to 82070  
disposal systems or any part thereof in connection with the 82071  
issuance of orders, permits, and industrial water pollution 82072  
control certificates under this chapter; 82073

(J)(1) Issue, revoke, modify, or deny sludge management 82074  
permits and permits for the discharge of sewage, industrial waste, 82075  
or other wastes into the waters of the state, and for the 82076  
installation or modification of disposal systems or any parts 82077  
thereof in compliance with all requirements of the Federal Water 82078  
Pollution Control Act and mandatory regulations adopted 82079  
thereunder, including regulations adopted under section 405 of the 82080  
Federal Water Pollution Control Act, and set terms and conditions 82081  
of permits, including schedules of compliance, where necessary. In 82082

issuing permits for sludge management, the director shall not 82083  
allow the placement of sewage sludge on frozen ground in conflict 82084  
with rules adopted under this chapter. Any person who discharges, 82085  
transports, or handles storm water from an animal feeding 82086  
facility, as defined in section 903.01 of the Revised Code, or 82087  
pollutants from a concentrated animal feeding operation, as both 82088  
terms are defined in that section, is not required to obtain a 82089  
permit under division (J)(1) of this section for the installation 82090  
or modification of a disposal system involving pollutants or storm 82091  
water or any parts of such a system on and after the date on which 82092  
the director of agriculture has finalized the program required 82093  
under division (A)(1) of section 903.02 of the Revised Code. In 82094  
addition, any person who discharges, transports, or handles storm 82095  
water from an animal feeding facility, as defined in section 82096  
903.01 of the Revised Code, or pollutants from a concentrated 82097  
animal feeding operation, as both terms are defined in that 82098  
section, is not required to obtain a permit under division (J)(1) 82099  
of this section for the discharge of storm water from an animal 82100  
feeding facility or pollutants from a concentrated animal feeding 82101  
operation on and after the date on which the United States 82102  
environmental protection agency approves the NPDES program 82103  
submitted by the director of agriculture under section 903.08 of 82104  
the Revised Code. 82105

Any permit terms and conditions set by the director shall be 82106  
designed to achieve and maintain full compliance with the national 82107  
effluent limitations, national standards of performance for new 82108  
sources, and national toxic and pretreatment effluent standards 82109  
set under that act, and any other mandatory requirements of that 82110  
act that are imposed by regulation of the administrator of the 82111  
United States environmental protection agency. If an applicant for 82112  
a sludge management permit also applies for a related permit for 82113  
the discharge of sewage, industrial waste, or other wastes into 82114  
the waters of the state, the director may combine the two permits 82115

and issue one permit to the applicant. 82116

A sludge management permit is not required for an entity that 82117  
treats or transports sewage sludge or for a sanitary landfill when 82118  
all of the following apply: 82119

(a) The entity or sanitary landfill does not generate the 82120  
sewage sludge. 82121

(b) Prior to receipt at the sanitary landfill, the entity has 82122  
ensured that the sewage sludge meets the requirements established 82123  
in rules adopted by the director under section 3734.02 of the 82124  
Revised Code concerning disposal of municipal solid waste in a 82125  
sanitary landfill. 82126

(c) Disposal of the sewage sludge occurs at a sanitary 82127  
landfill that complies with rules adopted by the director under 82128  
section 3734.02 of the Revised Code. 82129

As used in division (J)(1) of this section, "sanitary 82130  
landfill" means a sanitary landfill facility, as defined in rules 82131  
adopted under section 3734.02 of the Revised Code, that is 82132  
licensed as a solid waste facility under section 3734.05 of the 82133  
Revised Code. 82134

(2) An application for a permit or renewal thereof shall be 82135  
denied if any of the following applies: 82136

(a) The secretary of the army determines in writing that 82137  
anchorage or navigation would be substantially impaired thereby; 82138

(b) The director determines that the proposed discharge or 82139  
source would conflict with an areawide waste treatment management 82140  
plan adopted in accordance with section 208 of the Federal Water 82141  
Pollution Control Act; 82142

(c) The administrator of the United States environmental 82143  
protection agency objects in writing to the issuance or renewal of 82144  
the permit in accordance with section 402 (d) of the Federal Water 82145

Pollution Control Act; 82146

(d) The application is for the discharge of any radiological, 82147  
chemical, or biological warfare agent or high-level radioactive 82148  
waste into the waters of the United States. 82149

(3) To achieve and maintain applicable standards of quality 82150  
for the waters of the state adopted pursuant to section 6111.041 82151  
of the Revised Code, the director shall impose, where necessary 82152  
and appropriate, as conditions of each permit, water quality 82153  
related effluent limitations in accordance with sections 301, 302, 82154  
306, 307, and 405 of the Federal Water Pollution Control Act and, 82155  
to the extent consistent with that act, shall give consideration 82156  
to, and base the determination on, evidence relating to the 82157  
technical feasibility and economic reasonableness of removing the 82158  
polluting properties from those wastes and to evidence relating to 82159  
conditions calculated to result from that action and their 82160  
relation to benefits to the people of the state and to 82161  
accomplishment of the purposes of this chapter. 82162

(4) Where a discharge having a thermal component from a 82163  
source that is constructed or modified on or after October 18, 82164  
1972, meets national or state effluent limitations or more 82165  
stringent permit conditions designed to achieve and maintain 82166  
compliance with applicable standards of quality for the waters of 82167  
the state, which limitations or conditions will ensure protection 82168  
and propagation of a balanced, indigenous population of shellfish, 82169  
fish, and wildlife in or on the body of water into which the 82170  
discharge is made, taking into account the interaction of the 82171  
thermal component with sewage, industrial waste, or other wastes, 82172  
the director shall not impose any more stringent limitation on the 82173  
thermal component of the discharge, as a condition of a permit or 82174  
renewal thereof for the discharge, during a ten-year period 82175  
beginning on the date of completion of the construction or 82176  
modification of the source, or during the period of depreciation 82177

or amortization of the source for the purpose of section 167 or 82178  
169 of the Internal Revenue Code of 1954, whichever period ends 82179  
first. 82180

(5) The director shall specify in permits for the discharge 82181  
of sewage, industrial waste, and other wastes, the net volume, net 82182  
weight, duration, frequency, and, where necessary, concentration 82183  
of the sewage, industrial waste, and other wastes that may be 82184  
discharged into the waters of the state. The director shall 82185  
specify in those permits and in sludge management permits that the 82186  
permit is conditioned upon payment of applicable fees as required 82187  
by section 3745.11 of the Revised Code and upon the right of the 82188  
director's authorized representatives to enter upon the premises 82189  
of the person to whom the permit has been issued for the purpose 82190  
of determining compliance with this chapter, rules adopted 82191  
thereunder, or the terms and conditions of a permit, order, or 82192  
other determination. The director shall issue or deny an 82193  
application for a sludge management permit or a permit for a new 82194  
discharge, for the installation or modification of a disposal 82195  
system, or for the renewal of a permit, within one hundred eighty 82196  
days of the date on which a complete application with all plans, 82197  
specifications, construction schedules, and other pertinent 82198  
information required by the director is received. 82199

(6) The director may condition permits upon the installation 82200  
of discharge or water quality monitoring equipment or devices and 82201  
the filing of periodic reports on the amounts and contents of 82202  
discharges and the quality of receiving waters that the director 82203  
prescribes. The director shall condition each permit for a 82204  
government-owned disposal system or any other "treatment works" as 82205  
defined in the Federal Water Pollution Control Act upon the 82206  
reporting of new introductions of industrial waste or other wastes 82207  
and substantial changes in volume or character thereof being 82208  
introduced into those systems or works from "industrial users" as 82209

defined in section 502 of that act, as necessary to comply with 82210  
section 402(b)(8) of that act; upon the identification of the 82211  
character and volume of pollutants subject to pretreatment 82212  
standards being introduced into the system or works; and upon the 82213  
existence of a program to ensure compliance with pretreatment 82214  
standards by "industrial users" of the system or works. In 82215  
requiring monitoring devices and reports, the director, to the 82216  
extent consistent with the Federal Water Pollution Control Act, 82217  
shall give consideration to technical feasibility and economic 82218  
reasonableness and shall allow reasonable time for compliance. 82219

(7) A permit may be issued for a period not to exceed five 82220  
years and may be renewed upon application for renewal. In renewing 82221  
a permit, the director shall consider the compliance history of 82222  
the permit holder and may deny the renewal if the director 82223  
determines that the permit holder has not complied with the terms 82224  
and conditions of the existing permit. A permit may be modified, 82225  
suspended, or revoked for cause, including, but not limited to, 82226  
violation of any condition of the permit, obtaining a permit by 82227  
misrepresentation or failure to disclose fully all relevant facts 82228  
of the permitted discharge or of the sludge use, storage, 82229  
treatment, or disposal practice, or changes in any condition that 82230  
requires either a temporary or permanent reduction or elimination 82231  
of the permitted activity. No application shall be denied or 82232  
permit revoked or modified without a written order stating the 82233  
findings upon which the denial, revocation, or modification is 82234  
based. A copy of the order shall be sent to the applicant or 82235  
permit holder by certified mail. 82236

(K) Institute or cause to be instituted in any court of 82237  
competent jurisdiction proceedings to compel compliance with this 82238  
chapter or with the orders of the director issued under this 82239  
chapter, or to ensure compliance with sections 204(b), 307, 308, 82240  
and 405 of the Federal Water Pollution Control Act; 82241

(L) Certify to the government of the United States or any agency thereof that an industrial water pollution control facility is in conformity with the state program or requirements for the control of water pollution whenever the certification may be required for a taxpayer under the Internal Revenue Code of the United States, as amended;

(M) Issue, modify, and revoke orders requiring any "industrial user" of any publicly owned "treatment works" as defined in sections 212(2) and 502(18) of the Federal Water Pollution Control Act to comply with pretreatment standards; establish and maintain records; make reports; install, use, and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods; sample discharges in accordance with methods, at locations, at intervals, and in a manner that the director determines; and provide other information that is necessary to ascertain whether or not there is compliance with toxic and pretreatment effluent standards. In issuing, modifying, and revoking those orders, the director, to the extent consistent with the Federal Water Pollution Control Act, shall give consideration to technical feasibility and economic reasonableness and shall allow reasonable time for compliance.

(N) Exercise all incidental powers necessary to carry out the purposes of this chapter;

(O) Pursuant to section 401 of the Federal Water Pollution Control Act, do any of the following:

(1) Issue or deny a section 401 water quality certification to, or, pursuant to an appealable action, waive a section 401 water quality certification for, any applicant for a federal license or permit to conduct any activity that may result in any discharge into the waters of the state. Any waiver shall contain a justification for the action.

(2) At the request or concurrence of the certification holder, transfer or modify a section 401 water quality certification;	82273 82274 82275
(3) Revoke a section 401 water quality certification when the director determines that the certification approval was based on false or misleading information.	82276 82277 82278
(P) Administer and enforce the publicly owned treatment works pretreatment program in accordance with the Federal Water Pollution Control Act. In the administration of that program, the director may do any of the following:	82279 82280 82281 82282
(1) Apply and enforce pretreatment standards;	82283
(2) Approve and deny requests for approval of publicly owned treatment works pretreatment programs, oversee those programs, and implement, in whole or in part, those programs under any of the following conditions:	82284 82285 82286 82287
(a) The director has denied a request for approval of the publicly owned treatment works pretreatment program;	82288 82289
(b) The director has revoked the publicly owned treatment works pretreatment program;	82290 82291
(c) There is no pretreatment program currently being implemented by the publicly owned treatment works;	82292 82293
(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program.	82294 82295 82296
(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards;	82297 82298 82299 82300 82301 82302

(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works; (82303-82305)

(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users; (82306-82307)

(6) Make determinations on categorization of industrial users; (82308-82309)

(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program. (82310-82312)

Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter. (82313-82316)

(Q) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into the waters of the state. The rules shall be consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the Federal Water Pollution Control Act and regulations adopted under it. The director shall not adopt rules under this division relating to discharges of oil from oil production facilities and oil drilling and workover facilities as those terms are defined in that act and regulations adopted under it. (82317-82328)

(R)(1) Administer and enforce a program for the regulation of sludge management in this state. In administering the program, the director, in addition to exercising the authority provided in any other applicable sections of this chapter, may do any of the following: (82329-82333)

(a) Develop plans and programs for the disposal and utilization of sludge and sludge materials; 82334  
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(b) Encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 82336  
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(c) Collect and disseminate information relating to the disposal and use of sludge and sludge materials and the impact of sludge and sludge materials on land located in the state and on the air and waters of the state; 82341  
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(d) Issue, modify, or revoke orders to prevent, control, or abate the use and disposal of sludge and sludge materials or the effects of the use of sludge and sludge materials on land located in the state and on the air and waters of the state; 82345  
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(e) Adopt and enforce, modify, or rescind rules necessary for the implementation of division (R) of this section. The rules reasonably shall protect public health and the environment, encourage the beneficial reuse of sludge and sludge materials, and minimize the creation of nuisance odors. 82349  
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The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the 82354  
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beneficial reuse of sludge and sludge materials. 82365

The director may condition permits on the implementation of 82366  
treatment, storage, disposal, distribution, or application 82367  
management methods and the filing of periodic reports on the 82368  
amounts, composition, and quality of sludge and sludge materials 82369  
that are disposed of, used, treated, or stored. 82370

An approval of a treatment works sludge disposal program may 82371  
contain any terms and conditions, including schedules of 82372  
compliance, necessary to achieve compliance with this chapter and 82373  
rules adopted under it. 82374

(2) As a part of the program established under division 82375  
(R)(1) of this section, the director has exclusive authority to 82376  
regulate sewage sludge management in this state. For purposes of 82377  
division (R)(2) of this section, that program shall be consistent 82378  
with section 405 of the Federal Water Pollution Control Act and 82379  
regulations adopted under it and with this section, except that 82380  
the director may adopt rules under division (R) of this section 82381  
that establish requirements that are more stringent than section 82382  
405 of the Federal Water Pollution Control Act and regulations 82383  
adopted under it with regard to monitoring sewage sludge and 82384  
sewage sludge materials and establishing acceptable sewage sludge 82385  
management practices and pollutant levels in sewage sludge and 82386  
sewage sludge materials. 82387

This chapter authorizes the state to participate in any 82388  
national sludge management program and the national pollutant 82389  
discharge elimination system, to administer and enforce the 82390  
publicly owned treatment works pretreatment program, and to issue 82391  
permits for the discharge of dredged or fill materials, in 82392  
accordance with the Federal Water Pollution Control Act. This 82393  
chapter shall be administered, consistent with the laws of this 82394  
state and federal law, in the same manner that the Federal Water 82395  
Pollution Control Act is required to be administered. 82396

(S) Develop technical guidance and offer technical assistance, upon request, for the purpose of minimizing wind or water erosion of soil, and assist in compliance with permits for storm water management issued under this chapter and rules adopted under it.

(T) Study, examine, and calculate nutrient loading from point and nonpoint sources in order to determine comparative contributions by those sources and to utilize the information derived from those calculations to determine the most environmentally beneficial and cost-effective mechanisms to reduce nutrient loading to watersheds in the Lake Erie basin and the Ohio river basin. In order to evaluate nutrient loading contributions, the director or the director's designee shall conduct a study of the nutrient mass balance for both point and nonpoint sources in watersheds in the Lake Erie basin and the Ohio river basin using available data, including both of the following:

(1) Data on water quality and stream flow;

(2) Data on point source discharges into those watersheds.

The director or the director's designee shall report and update the results of the study to coincide with the release of the Ohio integrated water quality monitoring and assessment report prepared by the director.

(U) Establish the total maximum daily load (TMDL) for waters of the state where a TMDL is required under the Federal Water Pollution Control Act.

(V) Coordinate with the supervisors of a soil and water conservation district to ensure compliance with rules adopted by the director that pertain to urban sediment and storm water runoff pollution abatement. As used in this division "urban sediment and storm water runoff pollution abatement" has the same meaning as in section 939.01 of the Revised Code.

This section does not apply to residual farm products and 82428  
manure disposal systems and related management and conservation 82429  
practices subject to rules adopted pursuant to division (E)(1) of 82430  
section 939.02 of the Revised Code. For purposes of this 82431  
exclusion, "residual farm products" and "manure" have the same 82432  
meanings as in section 939.01 of the Revised Code. However, until 82433  
the date on which the United States environmental protection 82434  
agency approves the NPDES program submitted by the director of 82435  
agriculture under section 903.08 of the Revised Code, this 82436  
exclusion does not apply to animal waste treatment works having a 82437  
controlled direct discharge to the waters of the state or any 82438  
concentrated animal feeding operation, as defined in 40 C.F.R. 82439  
122.23(b)(2). On and after the date on which the United States 82440  
environmental protection agency approves the NPDES program 82441  
submitted by the director of agriculture under section 903.08 of 82442  
the Revised Code, this section does not apply to storm water from 82443  
an animal feeding facility, as defined in section 903.01 of the 82444  
Revised Code, or to pollutants discharged from a concentrated 82445  
animal feeding operation, as both terms are defined in that 82446  
section. Neither of these exclusions applies to the discharge of 82447  
animal waste into a publicly owned treatment works. 82448

Not later than December 1, 2016, a publicly owned treatment 82449  
works with a design flow of one million gallons per day or more, 82450  
or designated as a major discharger by the director, shall be 82451  
required to begin monthly monitoring of total and dissolved 82452  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 82453  
permit renewal, or a director-initiated modification. The director 82454  
shall include in each applicable new NPDES permit, NPDES permit 82455  
renewal, or director-initiated modification a requirement that 82456  
such monitoring be conducted. A director-initiated modification 82457  
for that purpose shall be considered and processed as a minor 82458  
modification pursuant to Ohio Administrative Code 3745-33-04. In 82459  
addition, not later than December 1, 2017, a publicly owned 82460

treatment works with a design flow of one million gallons per day 82461  
or more that, on July 3, 2015, is not subject to a phosphorus 82462  
limit shall complete and submit to the director a study that 82463  
evaluates the technical and financial capability of the existing 82464  
treatment facility to reduce the final effluent discharge of 82465  
phosphorus to one milligram per liter using possible source 82466  
reduction measures, operational procedures, and unit process 82467  
configurations. 82468

**Sec. 6119.06.** Upon the declaration of the court of common 82469  
pleas organizing the regional water and sewer district pursuant to 82470  
section 6119.04 of the Revised Code and upon the qualifying of its 82471  
board of trustees and the election of a president and a secretary, 82472  
said district shall exercise in its own name all the rights, 82473  
powers, and duties vested in it by Chapter 6119. of the Revised 82474  
Code, and, subject to such reservations, limitations and 82475  
qualifications as are set forth in this chapter, such district 82476  
may: 82477

(A) Adopt bylaws for the regulation of its affairs, the 82478  
conduct of its business, and notice of its actions; 82479

(B) Adopt an official seal; 82480

(C) Maintain a principal office and suboffices at such places 82481  
within the district as it designates; 82482

(D) Sue and plead in its own name; be sued and impleaded in 82483  
its own name with respect to its contracts or torts of its 82484  
members, employees, or agents acting within the scope of their 82485  
employment, or to enforce its obligations and covenants made under 82486  
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any 82487  
such actions against the district shall be brought in the court of 82488  
common pleas of the county in which the principal office of the 82489  
district is located, or in the court of common pleas of the county 82490  
in which the cause of action arose, and all summonses, exceptions, 82491

and notices of every kind shall be served on the district by 82492  
leaving a copy thereof at the principal office with the person in 82493  
charge thereof or with the secretary of the district. 82494

(E) Assume any liability or obligation of any person or 82495  
political subdivision, including a right on the part of such 82496  
district to indemnify and save harmless the other contracting 82497  
party from any loss, cost, or liability by reason of the failure, 82498  
refusal, neglect, or omission of such district to perform any 82499  
agreement assumed by it or to act or discharge any such 82500  
obligation; 82501

(F) Make loans and grants to any person or political 82502  
subdivisions for the design, acquisition, or construction of water 82503  
resource projects by such person or political subdivisions and 82504  
adopt rules, regulations, and procedures for making such loans and 82505  
grants; 82506

(G) Acquire, construct, reconstruct, enlarge, improve, 82507  
furnish, equip, maintain, repair, operate, lease or rent to or 82508  
from, or contract for operation by or for, a political subdivision 82509  
or person, water resource projects within or without the district; 82510

(H) Make available the use or service of any water resource 82511  
project to one or more persons, one or more political 82512  
subdivisions, or any combination thereof; 82513

(I) Levy and collect taxes and special assessments; 82514

(J) Issue bonds and notes and refunding bonds and notes as 82515  
provided in Chapter 6119. of the Revised Code; 82516

(K) Acquire by gift or purchase, hold, and dispose of real 82517  
and personal property in the exercise of its powers and the 82518  
performance of its duties under Chapter 6119. of the Revised Code; 82519

(L) Dispose of, by public or private sale, or lease any real 82520  
or personal property determined by the board of trustees to be no 82521

longer necessary or needed for the operation or purposes of the 82522  
district; 82523

(M) Acquire, in the name of the district, by purchase or 82524  
otherwise, on such terms and in such manner as it considers 82525  
proper, or by the exercise of the right of condemnation in the 82526  
manner provided by section 6119.11 of the Revised Code, such 82527  
public or private lands, including public parks, playgrounds, or 82528  
reservations, or parts thereof or rights therein, rights-of-way, 82529  
property, rights, easements, and interests as it considers 82530  
necessary for carrying out Chapter 6119. of the Revised Code, but 82531  
excluding the acquisition by the exercise of the right of 82532  
condemnation of any waste water facility or water management 82533  
facility owned by any person or political subdivision, and 82534  
compensation shall be paid for public or private lands so taken; 82535

(N) Adopt rules and regulations to protect augmented flow by 82536  
the district in waters of the state, to the extent augmented by a 82537  
water resource project, from depletion so it will be available for 82538  
beneficial use, to provide standards for the withdrawal from 82539  
waters of the state of the augmented flow created by a water 82540  
resource project which is not returned to the waters of the state 82541  
so augmented, and to establish reasonable charges therefor, if 82542  
considered necessary by the district; 82543

(O) Make and enter into all contracts and agreements and 82544  
execute all instruments necessary or incidental to the performance 82545  
of its duties and the execution of its powers under Chapter 6119. 82546  
of the Revised Code; 82547

(P) Enter into contracts with any person or any political 82548  
subdivision to render services to such contracting party for any 82549  
service the district is authorized to provide; 82550

(Q) Enter into agreements for grants or the receipt and 82551  
repayment of loans from a board of township trustees under section 82552

505.705 of the Revised Code; 82553

(R) Make provision for, contract for, or sell any of its 82554  
by-products or waste; 82555

(S) Exercise the power of eminent domain in the manner 82556  
provided in Chapter 6119. of the Revised Code; 82557

(T) Remove or change the location of any fence, building, 82558  
railroad, canal, or other structure or improvement located in or 82559  
out of the district, and in case it is not feasible or economical 82560  
to move any such building, structure, or improvement situated in 82561  
or upon lands required, and if the cost is determined by the board 82562  
to be less than that of purchase or condemnation, to acquire land 82563  
and construct, acquire, or install therein or thereon buildings, 82564  
structures, or improvements similar in purpose, to be exchanged 82565  
for such buildings, structures, or improvements under contracts 82566  
entered into between the owner thereof and the district; 82567

(U) Receive and accept, from any federal or state agency, 82568  
grants for or in aid of the construction of any water resource 82569  
project, and receive and accept aid or contributions from any 82570  
source of money, property, labor, or other things of value, to be 82571  
held, used, and applied only for the purposes for which such 82572  
grants and contributions are made; 82573

(V) Purchase fire and extended coverage and liability 82574  
insurance for any water resource project and for the principal 82575  
office and suboffices of the district, insurance protecting the 82576  
district and its officers and employees against liability for 82577  
damage to property or injury to or death of persons arising from 82578  
its operations, and any other insurance the district may agree to 82579  
provide under any resolution authorizing its water resource 82580  
revenue bonds or in any trust agreement securing the same; 82581

(W)(1) Charge, alter, and collect rentals and other charges 82582  
for the use of services of any water resource project as provided 82583

in section 6119.09 of the Revised Code. Such district may refuse 82584  
the services of any of its projects if any of such rentals or 82585  
other charges, including penalties for late payment, are not paid 82586  
by the user thereof, and, if such rentals or other charges are not 82587  
paid when due and upon certification of nonpayment to the county 82588  
auditor, such rentals or other charges constitute a lien upon the 82589  
property so served, shall be placed by the auditor upon the real 82590  
property tax list and duplicate, and shall be collected in the 82591  
same manner as other taxes. 82592

(2) A district shall not certify to the county auditor for 82593  
placement upon the tax list and duplicate and the county auditor 82594  
shall not place upon the tax list or duplicate as a charge against 82595  
the property the amount of unpaid rentals or other charges 82596  
including any penalties for late payment as described in division 82597  
(W)(1) of this section if any of the following apply: 82598

(a) The property served has been transferred or sold to an 82599  
electing subdivision as defined in section 5722.01 of the Revised 82600  
Code, regardless of whether the electing subdivision is still the 82601  
owner of the property, and the unpaid rentals or other charges 82602  
including penalties for late payment have arisen from a period of 82603  
time prior to the transfer or confirmation of sale to the electing 82604  
subdivision. 82605

(b) The property served has been sold to a purchaser at 82606  
sheriff's sale or auditor's sale, the unpaid rentals or other 82607  
charges including penalties for late payment have arisen from a 82608  
period of time prior to the confirmation of sale, and the 82609  
purchaser is not the owner of record of the property immediately 82610  
prior to the judgment of foreclosure nor any of the following: 82611

(i) A member of that owner's immediate family; 82612

(ii) A person with a power of attorney appointed by that 82613  
owner who subsequently transfers the property to the owner; 82614

(iii) A sole proprietorship owned by that owner or a member of that owner's immediate family;	82615 82616
(iv) A partnership, trust, business trust, corporation, or association of which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than fifty per cent.	82617 82618 82619 82620
(c) The property served has been forfeited to this state for delinquent taxes, unless the owner of record redeems the property.	82621 82622
(3) Upon valid written notice to the county auditor by any owner possessing an ownership interest of record of the property or an electing subdivision previously in the chain of title to the property that the unpaid water rents or charges together with any penalties have been certified for placement or placed upon the tax list and duplicate as a charge against the property in violation of division (W)(2) of this section, the county auditor shall promptly remove such charge from the tax duplicate. This written notice to the county auditor shall include all of the following:	82623 82624 82625 82626 82627 82628 82629 82630 82631
(a) The parcel number of the property;	82632
(b) The common address of the property;	82633
(c) The date of the recording of the transfer of the property to the owner or electing subdivision;	82634 82635
(d) The charge allegedly placed in violation of division (W)(2) of this section.	82636 82637
(4) When title to property is transferred to a county land reutilization corporation, any lien placed on the property under this division shall be extinguished, and the corporation shall not be held liable for any rentals or charges certified under this division with respect to the property, if the rentals or charges were incurred before the date of the transfer to the corporation and if the corporation did not incur the rentals or charges,	82638 82639 82640 82641 82642 82643 82644

regardless of whether the rentals or charges were certified, or 82645  
the lien was attached, before the date of transfer. In such a 82646  
case, the corporation and its successors in title shall take title 82647  
to the property free and clear of any such lien and shall be 82648  
immune from liability in any collection action brought with 82649  
respect to such rentals or charges. If a lien placed on property 82650  
is extinguished as provided in this division, the district shall 82651  
retain the ability to recoup the rents and charges incurred with 82652  
respect to the property from any owner, tenant, or other person 82653  
liable to pay such rents and charges before the property was 82654  
transferred to the corporation. 82655

(X) Provide coverage for its employees under Chapters 145., 82656  
4123., and 4141. of the Revised Code; 82657

(Y) Merge or combine with any other regional water and sewer 82658  
district into a single district, which shall be one of the 82659  
constituent districts, on terms so that the surviving district 82660  
shall be possessed of all rights, capacity, privileges, powers, 82661  
franchises, and authority of the constituent districts and shall 82662  
be subject to all the liabilities, obligations, and duties of each 82663  
of the constituent districts and all rights of creditors of such 82664  
constituent districts shall be preserved unimpaired, limited in 82665  
lien to the property affected by such liens immediately prior to 82666  
the time of the merger and all debts, liabilities, and duties of 82667  
the respective constituent districts shall thereafter attach to 82668  
the surviving district and may be enforced against it, and such 82669  
other terms as are agreed upon, provided two-thirds of the members 82670  
of each of the boards consent to such merger or combination. Such 82671  
merger or combination shall become legally effective unless, prior 82672  
to the ninetieth day following the later of the consents, 82673  
qualified electors residing in either district equal in number to 82674  
a majority of the qualified electors voting at the last general 82675  
election in such district file with the secretary of the board of 82676

trustees of their regional water and sewer district a petition of 82677  
remonstrance against such merger or combination. The secretary 82678  
shall cause the board of elections of the proper county or 82679  
counties to check the sufficiency of the signatures on such 82680  
petition. 82681

(Z) Exercise the powers of the district without obtaining the 82682  
consent of any other political subdivision, provided that all 82683  
public or private property damaged or destroyed in carrying out 82684  
the powers of the district shall be restored or repaired and 82685  
placed in its original condition as nearly as practicable or 82686  
adequate compensation made therefor by the district; 82687

(AA) Require the owner of any premises located within the 82688  
district to connect the owner's premises to a water resource 82689  
project determined to be accessible to such premises and found to 82690  
require such connection so as to prevent or abate pollution or 82691  
protect the health and property of persons in the district. Such 82692  
connection shall be made in accordance with procedures established 82693  
by the board of trustees of such district and pursuant to such 82694  
orders as the board may find necessary to ensure and enforce 82695  
compliance with such procedures. 82696

(BB) Do all acts necessary or proper to carry out the powers 82697  
granted in Chapter 6119. of the Revised Code. 82698

**Sec. 6119.09.** A regional water and sewer district may charge, 82699  
alter, and collect rentals or other charges, including penalties 82700  
for late payment, for the use or services of any water resource 82701  
project or any benefit conferred thereby and contract in the 82702  
manner provided by this section with one or more persons, one or 82703  
more political subdivisions, or any combination thereof, desiring 82704  
the use or services thereof, and fix the terms, conditions, 82705  
rentals, or other charges, including penalties for late payment, 82706  
for such use or services. Such rentals or other charges shall not 82707

be subject to supervision or regulation by any authority, 82708  
commission, board, bureau, or agency of the state or any political 82709  
subdivision, and such contract may provide for acquisition by such 82710  
political subdivision of all or any part of such water resource 82711  
project for such consideration payable over the period of the 82712  
contract or otherwise as the district in its sole discretion 82713  
determines to be appropriate, but subject to the provisions of any 82714  
resolution authorizing the issuance of water resource revenue 82715  
bonds or notes or water resource revenue refunding bonds of the 82716  
district or any trust agreement securing the same. Any political 82717  
subdivision, which has power to construct, operate, and maintain 82718  
waste water facilities or water management facilities may enter 82719  
into a contract or lease with the district whereby the use or 82720  
services of any water resource project of the district will be 82721  
made available to such political subdivision and pay for such use 82722  
or services such rentals or other charges as may be agreed to by 82723  
the district and such political subdivision. 82724

Any political subdivision, person, or combination thereof may 82725  
cooperate with the district in the acquisition or construction of 82726  
a water resource project and shall enter into such agreements with 82727  
the district as are necessary, with a view to effective 82728  
cooperative action and safeguarding of the respective interests of 82729  
the parties thereto, which agreements shall provide for such 82730  
contributions by the parties thereto in such proportion as may be 82731  
agreed upon and such other terms as may be mutually satisfactory 82732  
to the parties, including without limitation the authorization of 82733  
the construction of the project by one of the parties acting as 82734  
agent for all of the parties and the ownership and control of the 82735  
project by the district or one or more of the other parties or any 82736  
combination thereof to the extent determined necessary or 82737  
appropriate. Any political subdivision may provide the funds for 82738  
the payment of such contribution as is required under such 82739  
agreements by the levy of taxes, assessments, or rentals and other 82740

charges for the use of the system of which the water resource 82741  
project is a part or to which it is connected, if otherwise 82742  
authorized by the laws governing such political subdivision in the 82743  
construction of the type of water resource project provided for in 82744  
the agreements, and may pay the proceeds from the collection of 82745  
such taxes, assessments, rentals, or other charges to the district 82746  
pursuant to such agreements; or the political subdivision may 82747  
issue bonds or notes, if authorized by such laws, in anticipation 82748  
of the collection of such taxes, assessments, rentals or other 82749  
charges and may pay the proceeds of such bonds or notes to the 82750  
district pursuant to such agreements. In addition, any political 82751  
subdivision may provide the funds for the payment of such 82752  
contribution by the appropriation of money or, if otherwise 82753  
authorized by law, by the issuance of bonds or notes and may pay 82754  
such appropriated money or the proceeds of such bonds or notes to 82755  
the district pursuant to such agreements. The agreement by the 82756  
political subdivision to provide such contribution, whether from 82757  
appropriated money or from the proceeds of such taxes, 82758  
assessments, rentals, or other charges, or such bonds or notes, or 82759  
any combination thereof, is not subject to Chapter 133. of the 82760  
Revised Code. The proceeds from the collection of such taxes or 82761  
assessments, and any interest earned thereon, shall be paid into a 82762  
special fund immediately upon the collection thereof by the 82763  
political subdivision for the purpose of providing such 82764  
contribution at the times required under such agreements. 82765

When the contribution of any political subdivision is to be 82766  
made over a period of time from the proceeds of the collection of 82767  
special assessments, the interest accrued and to accrue before the 82768  
first installment of such assessments is collected, which is 82769  
payable by such political subdivision on such contribution under 82770  
the terms of such an agreement, shall be treated as part of the 82771  
cost of the improvement for which such assessments are levied, and 82772  
that portion of such assessments as is collected in installments 82773

shall bear interest at the same rate as such political subdivision 82774  
is obligated to pay on such contribution under the terms and 82775  
provisions of such agreement and for the same period of time as 82776  
the contribution is to be made under such agreement. If the 82777  
assessment or any installment thereof is not paid when due, it 82778  
shall bear interest until the payment thereof at the same rate as 82779  
such contribution and the county auditor shall annually place on 82780  
the tax list and duplicate the interest applicable to such 82781  
assessment and the penalty and any additional interest thereon as 82782  
otherwise authorized by law. 82783

Any political subdivision, pursuant to a favorable vote of 82784  
the electors in an election held before or after November 19, 82785  
1971, for the purpose of issuing bonds to provide funds to 82786  
acquire, construct, or equip, or provide real estate and interests 82787  
in real estate for, a waste water facility or a water management 82788  
facility, whether or not the political subdivision, at the time of 82789  
such election, had the authority to pay the proceeds from such 82790  
bonds or notes issued in anticipation thereof to a regional water 82791  
and sewer district as provided in this section, may issue such 82792  
bonds or notes in anticipation of the issuance thereof and pay the 82793  
proceeds thereof to the district in accordance with its agreement 82794  
with the district; provided, that the legislative authority of the 82795  
political subdivision determines that the water resource project 82796  
to be acquired or constructed by the district in cooperation with 82797  
such political subdivision will serve the same public purpose and 82798  
meet substantially the same public need as the facility otherwise 82799  
proposed to be acquired or constructed by the political 82800  
subdivision with the proceeds of such bonds or notes. 82801

**Sec. 6119.091.** When fixing rentals or other charges under 82802  
section 6119.09 of the Revised Code, a board of trustees of a 82803  
regional water and sewer district may establish discounted rentals 82804  
or charges or may establish another mechanism for providing a 82805

reduction in rentals or charges ~~for persons who are sixty five~~ 82806  
~~years of age or older. The~~ If the board does so, the board shall 82807  
establish eligibility requirements for such discounted or reduced 82808  
rentals or charges, including a requirement that a person be 82809  
eligible for the homestead exemption or qualify as a low- and 82810  
moderate-income person. 82811

**Section 101.02.** That existing sections 9.54, 102.02, 102.021, 82812  
103.41, 103.416, 107.036, 109.572, 111.15, 111.28, 113.55, 113.56, 82813  
115.56, 117.11, 117.13, 117.14, 117.46, 120.04, 120.06, 120.08, 82814  
120.18, 120.28, 120.33, 120.34, 120.35, 120.52, 120.521, 120.53, 82815  
121.083, 121.22, 121.37, 121.93, 122.075, 122.121, 122.171, 82816  
122.175, 122.85, 122.86, 123.21, 124.82, 124.824, 125.01, 125.14, 82817  
125.18, 125.25, 125.66, 125.661, 126.48, 128.021, 131.02, 131.35, 82818  
131.44, 141.04, 141.16, 147.591, 148.01, 148.04, 149.11, 149.43, 82819  
153.02, 165.01, 165.03, 166.01, 169.06, 173.04, 173.27, 173.38, 82820  
173.391, 174.02, 177.02, 183.18, 183.33, 307.622, 307.6910, 82821  
311.42, 317.32, 317.321, 319.63, 321.24, 323.131, 323.151, 341.34, 82822  
349.01, 349.03, 349.07, 351.021, 503.56, 505.37, 505.371, 701.10, 82823  
715.014, 715.82, 718.01, 718.80, 718.81, 718.83, 718.84, 718.85, 82824  
718.90, 718.93, 753.21, 755.16, 905.31, 929.04, 939.02, 939.04, 82825  
940.01, 940.02, 940.06, 956.01, 956.031, 956.051, 956.20, 991.02, 82826  
1505.09, 1509.31, 1509.36, 1509.50, 1533.10, 1533.11, 1533.111, 82827  
1533.112, 1533.32, 1533.321, 1561.011, 1711.52, 1711.53, 1724.05, 82828  
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5910.04, 5910.05, 5910.06, 5910.07, 5910.08, 5919.34, 5923.01, 82913  
5923.02, 5923.03, 5923.12, 5923.37, 5924.01, 6111.03, 6119.06, 82914  
6119.09, and 6119.091 of the Revised Code are hereby repealed. 82915

**Section 105.01.** That sections 103.44, 103.45, 103.46, 103.47, 82916  
103.48, 103.49, 103.50, 166.30, 174.09, 191.01, 191.02, 191.04, 82917  
191.06, 191.08, 191.09, 191.10, 1501.20, 1505.12, 1505.13, 82918  
1561.24, 2151.861, 3314.231, 3319.074, 3319.271, 3333.63, 3517.16, 82919  
3517.17, 3517.18, 3701.25, 3701.26, 3701.264, 3701.27, 3706.27, 82920  
3706.30, 3719.064, 3721.41, 3721.42, 3798.06, 3798.08, 3798.14, 82921  
3798.15, 3798.16, 4501.16, 4731.292, 4731.296, 5101.852, 5104.035, 82922  
5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 82923  
5162.64, 5162.80, 5164.37, 5164.77, 5167.25, 5168.62, 5747.031, 82924  
5747.081, 5747.29, and 5747.65 of the Revised Code are hereby 82925  
repealed. 82926

**Section 125.10.** Section 103.416 of the Revised Code is hereby 82927  
repealed, effective July 1, 2020. The amendment by this act to 82928  
section 103.416 of the Revised Code does not affect this repeal. 82929

**Section 201.10.** Except as otherwise provided in this act, all 82930

appropriation items in this act are appropriated out of any moneys 82931  
in the state treasury to the credit of the designated fund that 82932  
are not otherwise appropriated. For all appropriations made in 82933  
this act, the amounts in the first column are for fiscal year 2020 82934  
and the amounts in the second column are for fiscal year 2021. 82935

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 82936

Dedicated Purpose Fund Group				82937
4J80	889601	CPA Education	\$ 525,000 \$ 525,000	82938
Assistance				
4K90	889609	Operating Expenses	\$ 1,236,965 \$ 1,291,139	82939
TOTAL DPF Dedicated Purpose Fund				82940
Group				
			\$ 1,761,965 \$ 1,816,139	82941
TOTAL ALL BUDGET FUND GROUPS				82942
			\$ 1,761,965 \$ 1,816,139	

**Section 205.10.** ADJ ADJUTANT GENERAL 82944

General Revenue Fund				82945
GRF	745401	Ohio Military Reserve	\$ 25,000 \$ 25,000	82946
GRF	745404	Air National Guard	\$ 1,805,346 \$ 1,773,954	82947
GRF	745407	National Guard	\$ 388,000 \$ 388,000	82948
Benefits				
GRF	745409	Central	\$ 5,123,132 \$ 5,184,396	82949
Administration				
GRF	745499	Army National Guard	\$ 3,644,419 \$ 3,620,908	82950
GRF	745503	Ohio Cyber Reserve	\$ 100,000 \$ 550,000	82951
TOTAL GRF General Revenue Fund				82952
			\$ 11,085,897 \$ 11,542,258	
Dedicated Purpose Fund Group				82953
5340	745612	Property Operations	\$ 900,000 \$ 900,000	82954
Management				
5360	745605	Marksmanship	\$ 115,000 \$ 115,000	82955
Activities				

5360	745620	Camp Perry and Buckeye Inn Operations	\$	874,054	\$	874,054	82956
5370	745604	Ohio National Guard Facilities Maintenance	\$	190,000	\$	190,000	82957
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	82958
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	82959
TOTAL DPF Dedicated Purpose Fund Group			\$	2,434,054	\$	2,434,054	82960
Federal Fund Group							82961
3420	745616	Army National Guard Service Agreement	\$	26,262,967	\$	26,252,590	82962
3E80	745628	Air National Guard Operations and Maintenance	\$	16,276,986	\$	16,276,984	82963
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,000	82964
TOTAL FED Federal Fund Group			\$	42,554,953	\$	42,544,574	82965
TOTAL ALL BUDGET FUND GROUPS			\$	56,074,904	\$	56,520,886	82966

**Section 205.20. NATIONAL GUARD BENEFITS** 82968

The foregoing appropriation item 745407, National Guard 82969  
Benefits, shall be used for purposes of sections 5919.31 and 82970  
5919.33 of the Revised Code, and for administrative costs of the 82971  
associated programs. 82972

If necessary, in order to pay benefits in a timely manner 82973  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 82974  
Adjutant General may request the Director of Budget and Management 82975  
transfer appropriation from any appropriation item used by the 82976

Adjutant General to appropriation item 745407, National Guard 82977  
Benefits. Such amounts are hereby appropriated. The Adjutant 82978  
General may subsequently seek Controlling Board approval to 82979  
restore the appropriation in the appropriation item from which 82980  
such a transfer was made. 82981

For active duty members of the Ohio National Guard who died 82982  
after October 7, 2001, while performing active duty, the death 82983  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 82984  
paid to the beneficiary or beneficiaries designated on the 82985  
member's Servicemembers' Group Life Insurance Policy. 82986

STATE ACTIVE DUTY COSTS 82987

Of the foregoing appropriation item 745409, Central 82988  
Administration, \$50,000 in each fiscal year shall be used for the 82989  
purpose of paying expenses related to state active duty of members 82990  
of the Ohio organized militia, in accordance with a proclamation 82991  
of the Governor. Expenses include, but are not limited to, the 82992  
cost of equipment, supplies, and services, as determined by the 82993  
Adjutant General's Department. On June 1 of each fiscal year, if 82994  
it is determined by the Adjutant General that any portion of this 82995  
\$50,000 in that fiscal year will not be used for state active duty 82996  
expenses, those amounts may be encumbered by the Adjutant General 82997  
for maintenance expenses. If before the end of that fiscal year, 82998  
state active duty expenses occur, these encumbrances should be 82999  
canceled by the Adjutant General to pay for expenses related to 83000  
state active duty. 83001

CYBER RANGE 83002

The Adjutant General's Department, in conjunction and 83003  
collaboration with the Department of Administrative Services, the 83004  
Department of Public Safety, the Department of Higher Education, 83005  
and the Department of Education shall establish and maintain a 83006  
cyber range. The Adjutant General's Department may work with 83007

federal agencies to assist in accomplishing this objective. The 83008  
cyber range shall: (1) provide cyber training and education to 83009  
K-12 students, higher education students, Ohio National Guardsmen, 83010  
federal employees, and state and local government employees, and 83011  
(2) provide for emergency preparedness exercises and training. The 83012  
state agencies identified in this paragraph may procure any 83013  
necessary goods and services including, but not limited to, 83014  
contracted services, hardware, networking services, maintenance 83015  
costs, and the training and management costs of a cyber range. 83016  
These state agencies shall determine the amount of funds each 83017  
agency will contribute from available funds and appropriations 83018  
enacted herein in order to establish and maintain a cyber range. 83019

Of the foregoing appropriation item 745409, Central 83020  
Administration, up to \$2,000,000 in each fiscal year shall be used 83021  
by the Adjutant General's Department for the purposes of 83022  
establishing and maintaining the cyber range. 83023

CYBER RESERVE 83024

The foregoing appropriation item 745503, Ohio Cyber Reserve, 83025  
shall be used to pay the costs incurred by the Adjutant General's 83026  
Department to operate the Ohio Cyber Reserve in accordance with 83027  
section 5922.01 of the Revised Code. 83028

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 83029

General Revenue Fund 83030

GRF 100412 Unemployment Insurance \$ 0 \$ 1,817,900 83031

System Lease Rental

Payments

GRF 100413 EDCS Lease Rental \$ 11,843,800 \$ 13,716,500 83032

Payments

GRF 100414 MARCS Lease Rental \$ 6,768,900 \$ 6,769,600 83033

Payments

GRF	100415	OAKS Lease Rental	\$	2,440,300	\$	2,444,500	83034
		Payments					
GRF	100416	STARS Lease Rental	\$	3,846,000	\$	5,097,800	83035
		Payments					
GRF	100447	Administrative	\$	86,914,500	\$	94,266,800	83036
		Buildings Lease Rental					
		Bond Payments					
GRF	100456	State IT Services	\$	2,249,158	\$	2,249,773	83037
GRF	100457	Equal Opportunity	\$	2,178,704	\$	2,178,704	83038
		Services					
GRF	100459	Ohio Business Gateway	\$	15,527,621	\$	14,527,621	83039
GRF	100469	Aronoff Center	\$	270,000	\$	270,000	83040
		Building Maintenance					
GRF	100501	MARCS Fee Offset	\$	2,000,000	\$	2,000,000	83041
GRF	130321	State Agency Support	\$	18,494,092	\$	18,513,941	83042
		Services					
TOTAL GRF		General Revenue Fund	\$	152,533,075	\$	163,853,139	83043
		Dedicated Purpose Fund Group					83044
5L70	100610	Professional	\$	1,650,000	\$	1,650,000	83045
		Development					
5MV0	100662	Theater Equipment	\$	50,000	\$	50,000	83046
		Maintenance					
5NM0	100663	911 Program	\$	717,060	\$	715,522	83047
5V60	100619	Employee Educational	\$	1,245,000	\$	1,245,000	83048
		Development					
TOTAL DPF		Dedicated Purpose Fund	\$	3,662,060	\$	3,660,522	83049
		Group					
		Internal Service Activity Fund Group					83050
1120	100616	DAS Administration	\$	12,667,391	\$	13,100,541	83051
1150	100632	Central Service Agency	\$	956,061	\$	975,025	83052
1170	100644	General Services	\$	18,265,815	\$	21,460,060	83053
		Division - Operating					

1220	100637	Fleet Management	\$	18,650,951	\$	23,315,522	83054
1250	100622	Human Resources	\$	18,612,217	\$	18,718,045	83055
		Division - Operating					
1250	100657	Benefits Communication	\$	607,577	\$	615,521	83056
1280	100620	Office of Collective Bargaining	\$	4,283,998	\$	4,385,893	83057
1300	100606	Risk Management Reserve	\$	15,370,845	\$	15,389,803	83058
1320	100631	DAS Building Management	\$	49,173,190	\$	49,384,799	83059
1330	100607	IT Services Delivery	\$	162,248,367	\$	162,665,093	83060
1880	100649	Equal Opportunity Division - Operating	\$	1,836,834	\$	1,264,515	83061
2100	100612	State Printing	\$	29,092,749	\$	28,295,851	83062
2290	100630	IT Governance	\$	32,125,970	\$	32,602,191	83063
2290	100640	Consolidated IT Purchases	\$	69,348,000	\$	74,348,000	83064
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	83065
4N60	100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	83066
5C20	100605	MARCS Administration	\$	27,207,396	\$	26,484,493	83067
5EB0	100635	OAKS Support Organization	\$	55,382,093	\$	58,807,701	83068
5EB0	100656	OAKS Updates and Developments	\$	6,423,624	\$	6,359,539	83069
5JQ0	100658	Professionals Licensing System	\$	9,996,303	\$	8,723,135	83070
5KZ0	100659	Building Improvement	\$	3,449,500	\$	2,862,000	83071
5LJ0	100661	IT Development	\$	21,850,000	\$	21,500,000	83072
5PC0	100665	Enterprise Applications	\$	111,095,956	\$	111,263,921	83073
TOTAL ISA Internal Service Activity							83074
Fund Group			\$	673,596,168	\$	689,920,208	83075
Fiduciary Fund Group							83076

5UH0 100670	Enterprise	\$	1,150,000	\$	1,150,000	83077
	Transactions					
TOTAL FID	Fiduciary Fund Group	\$	1,150,000	\$	1,150,000	83078
	Federal Fund Group					83079
3AJ0 100623	Information Technology	\$	10,000	\$	10,000	83080
	Grants					
TOTAL FED	Federal Fund Group	\$	10,000	\$	10,000	83081
TOTAL ALL BUDGET	FUND GROUPS	\$	830,951,303	\$	858,593,869	83082

**Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL** 83084

PAYMENTS 83085

The foregoing appropriation item 100412, Unemployment 83086  
Insurance System Lease Rental Payments, shall be used to make 83087  
payments during the period from July 1, 2019, through June 30, 83088  
2021, pursuant to leases and agreements entered into under Chapter 83089  
125. of the Revised Code, as supplemented by Section 701.40 of 83090  
H.B. 529 of the 132nd General Assembly, with respect to financing 83091  
the costs associated with the acquisition, development, 83092  
implementation, and integration of the Unemployment Insurance 83093  
System. 83094

**EDCS LEASE RENTAL PAYMENTS** 83095

The foregoing appropriation item 100413, EDCS Lease Rental 83096  
Payments, shall be used to make payments during the period from 83097  
July 1, 2019, through June 30, 2021, pursuant to leases and 83098  
agreements entered into under Chapter 125. of the Revised Code, as 83099  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 83100  
Assembly and other prior acts of the General Assembly, with 83101  
respect to financing the costs associated with the acquisition, 83102  
development, implementation, and integration of the Enterprise 83103  
Data Center Solutions (EDCS) information technology initiative. 83104

**MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS** 83105

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade.

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 83115

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS 83125  
83126

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 83136

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 83145

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to the Public Safety - Highway Purposes Fund (Fund 5TM0). Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. On or before June 30 of each fiscal year, the Director of Budget and Management may transfer an amount up to the amount certified for that fiscal year to the General Revenue Fund from the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND 83163

The foregoing appropriation item 130321, State Agency Support Services, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property

that is being sold by the state or property under consideration to 83169  
be renovated or purchased by the state. 83170

Notwithstanding section 125.28 of the Revised Code, the 83171  
foregoing appropriation item 130321, State Agency Support 83172  
Services, also may be used to pay the operating expenses of state 83173  
facilities maintained by the Department of Administrative Services 83174  
that are not billed to building tenants, or other costs associated 83175  
with the Voinovich Center in Youngstown, Ohio. These expenses may 83176  
include, but are not limited to, the costs for vacant space and 83177  
space undergoing renovation, and the rent expenses of tenants that 83178  
are relocated because of building renovations. These payments may 83179  
be processed by the Department of Administrative Services through 83180  
intrastate transfer vouchers and placed into the Building 83181  
Management Fund (Fund 1320). 83182

At least once per year, the portion of appropriation item 83183  
130321, State Agency Support Services, that is not used for the 83184  
regular expenses of the appropriation item may be processed by the 83185  
Department of Administrative Services through intrastate transfer 83186  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 83187

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 83188

Upon the request of the Director of Administrative Services, 83189  
the Director of Budget and Management may transfer unobligated 83190  
cash in the MARCS Administration Fund (Fund 5C20) to the General 83191  
Revenue Fund to reimburse the General Revenue Fund for lease 83192  
rental payments made on behalf of the MARCS upgrade. 83193

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 83194

The foregoing appropriation item 100610, Professional 83195  
Development, shall be used to make payments from the Professional 83196  
Development Fund (Fund 5L70) under section 124.182 of the Revised 83197  
Code. If it is determined by the Director of Budget and Management 83198

that additional amounts are necessary, the amounts are hereby 83199  
appropriated. 83200

911 PROGRAM 83201

The foregoing appropriation item 100663, 911 Program, shall 83202  
be used by the Department of Administrative Services to pay the 83203  
administrative, marketing, and educational costs of the Statewide 83204  
Emergency Services Internet Protocol Network program. 83205

EMPLOYEE EDUCATIONAL DEVELOPMENT 83206

The foregoing appropriation item 100619, Employee Educational 83207  
Development, shall be used to make payments from the Employee 83208  
Educational Development Fund (Fund 5V60) under section 124.86 of 83209  
the Revised Code. The fund shall be used to pay the costs of 83210  
administering educational programs under existing collective 83211  
bargaining agreements with District 1199, the Health Care and 83212  
Social Service Union, Service Employees International Union; State 83213  
Council of Professional Educators; Ohio Education Association and 83214  
National Education Association; the Fraternal Order of Police 83215  
State of Ohio, Unit 2 Association; and the Ohio State Troopers 83216  
Association, Units 1 and 15. 83217

If it is determined by the Director of Budget and Management 83218  
that additional amounts are necessary, the amounts are hereby 83219  
appropriated. 83220

**Section 207.40.** GENERAL SERVICE CHARGES 83221

The Department of Administrative Services, with the approval 83222  
of the Director of Budget and Management, shall establish charges 83223  
for recovering the costs of administering the programs funded by 83224  
the General Services Fund (Fund 1170) and the State Printing Fund 83225  
(Fund 2100). 83226

COLLECTIVE BARGAINING ARBITRATION EXPENSES 83227

The Department of Administrative Services may seek 83228

reimbursement from state agencies for the actual costs and 83229  
expenses the Department incurs in the collective bargaining 83230  
arbitration process. The reimbursements shall be processed through 83231  
intrastate transfer vouchers and credited to the Collective 83232  
Bargaining Fund (Fund 1280). 83233

EQUAL OPPORTUNITY PROGRAM 83234

The Department of Administrative Services, with the approval 83235  
of the Director of Budget and Management, shall establish charges 83236  
for recovering the costs of administering the activities supported 83237  
by the State EEO Fund (Fund 1880). These charges shall be 83238  
deposited to the credit of Fund 1880 upon payment made by state 83239  
agencies, state-supported or state-assisted institutions of higher 83240  
education, tax-supported agencies, municipal corporations, and 83241  
other political subdivisions of the state, for services rendered. 83242

CONSOLIDATED IT PURCHASES 83243

The foregoing appropriation item 100640, Consolidated IT 83244  
Purchases, shall be used by the Department of Administrative 83245  
Services acting as the purchasing agent for one or more government 83246  
entities under the authority of division (G) of section 125.18 of 83247  
the Revised Code to make information technology purchases at a 83248  
lower aggregate cost than each individual government entity could 83249  
have obtained independently for that information technology 83250  
purchase. 83251

INVESTMENT RECOVERY FUND 83252

Notwithstanding division (B) of section 125.14 of the Revised 83253  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 83254  
may be used to support the operating expenses of the Federal 83255  
Surplus Operating Program created in sections 125.84 to 125.90 of 83256  
the Revised Code. 83257

MAJOR IT PURCHASES CHARGES 83258

Effective July 1, 2019, the Director of Budget and Management 83259  
shall cancel any existing encumbrances against appropriation item 83260  
100617, Major IT Purchases, and reestablish them against 83261  
appropriation item 100640, Consolidated IT Purchases. The 83262  
reestablished encumbrance amounts are hereby appropriated. Any 83263  
business commenced but not completed under appropriation item 83264  
100617, Major IT Purchases, by July 1, 2019, shall be completed 83265  
under appropriation item 100640, Consolidated IT Purchases, in the 83266  
same manner, and with the same effect, as if completed with regard 83267  
to appropriation item 100617, Major IT Purchases. 83268

On July 1, 2019, or as soon as possible thereafter, the 83269  
Director of Administrative Services shall certify to the Director 83270  
of Budget and Management the amount of cash in the Major 83271  
Information Technology Purchases Fund (Fund 4N60) that was 83272  
received from agencies for actual expenditures. The Director of 83273  
Budget and Management shall transfer the certified amount of cash 83274  
from the Major Information Technology Purchases Fund (Fund 4N60) 83275  
to the IT Governance Fund (Fund 2290). 83276

Upon the request of the Director of Administrative Services, 83277  
the Director of Budget and Management may transfer up to the 83278  
amount collected for statewide indirect costs attributable to debt 83279  
service paid for the enterprise data center solutions project from 83280  
the General Revenue Fund to the Major Information Technology 83281  
Purchases Fund (Fund 4N60). 83282

PROFESSIONS LICENSING SYSTEM 83283

The foregoing appropriation item, 100658, Ohio Professionals 83284  
Licensing System, shall be used to purchase the equipment, 83285  
products, and services necessary to update and maintain an 83286  
automated licensing system for the professional licensing boards. 83287

The Department of Administrative Services shall establish 83288  
charges for recovering the costs of ongoing maintenance of the 83289

system that are not otherwise recovered under section 125.18 of 83290  
the Revised Code. The charges shall be billed to state agencies, 83291  
boards, and commissions using the state's enterprise electronic 83292  
licensing system and deposited via intrastate transfer vouchers to 83293  
the credit of the Professions Licensing System Fund (Fund 5JQ0). 83294

**Section 207.45. BUILDING IMPROVEMENT FUND** 83295

The foregoing appropriation item 100659, Building 83296  
Improvement, shall be used to make payments from the Building 83297  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 83298  
required in facilities maintained by the Department of 83299  
Administrative Services. The Department of Administrative Services 83300  
shall conduct or contract for regular assessments of these 83301  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 83302  
the cost of the repairs and improvements that are recommended to 83303  
occur within the next five years, with the following exception 83304  
described below. 83305

Upon request of the Director of Administrative Services, the 83306  
Director of Budget and Management may permit a cash transfer from 83307  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 83308  
of operating and maintaining facilities managed by the Department 83309  
of Administrative Services that are not charged to tenants during 83310  
the same fiscal year. 83311

Should the cash balance in Fund 1320 be determined to be 83312  
sufficient, the Director of Administrative Services may request 83313  
that the Director of Budget and Management transfer cash from Fund 83314  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 83315  
made under this section plus applicable interest. 83316

**INFORMATION TECHNOLOGY DEVELOPMENT** 83317

The foregoing appropriation item 100661, IT Development, 83318  
shall be used by the Department of Administrative Services to pay 83319

the costs of modernizing the state's information technology 83320  
management and investment practices away from a limited, 83321  
agency-specific focus in favor of a statewide methodology 83322  
supporting development of enterprise solutions. This appropriation 83323  
item may be used to pay the costs of enterprise information 83324  
technology initiatives affecting state agencies or their 83325  
customers. 83326

Notwithstanding any provision of law to the contrary, the 83327  
Department of Administrative Services, with the approval of the 83328  
Director of Budget and Management, may charge state agencies an 83329  
information technology development assessment based on state 83330  
agencies' information technology expenditures or other methodology 83331  
and may assess fees or charges to entities that are not state 83332  
agencies to offset the cost of specific technology events or 83333  
services. The revenue from these assessments, fees, or charges 83334  
shall be deposited into the Information Technology Development 83335  
Fund (Fund 5LJ0), which is hereby created. 83336

Upon the request of the Director of Administrative Services, 83337  
the Director of Budget and Management may transfer up to 83338  
\$6,000,000 in cash in each fiscal year from the General Revenue 83339  
Fund to the Information Technology Development Fund (Fund 5LJ0) to 83340  
support the operations of the Office of InnovateOhio. 83341

CASH TRANSFER FROM THE OCCUPATIONAL LICENSING AND REGULATORY 83342  
FUND TO THE INFORMATION TECHNOLOGY DEVELOPMENT FUND 83343

On July 1, 2019, or as soon as possible thereafter, the 83344  
Director of Budget and Management shall transfer \$350,000 cash 83345  
from the Occupational Licensing and Regulatory Fund (Fund 4K90) to 83346  
the Information Technology Development Fund (Fund 5LJ0). 83347

ENTERPRISE APPLICATIONS 83348

The foregoing appropriation item 100665, Enterprise 83349  
Applications, shall be used for the operation and management of 83350

information technology applications that support state agencies' 83351  
objectives. Charges billed to benefiting agencies shall be 83352  
deposited to the credit of the Enterprise Applications Fund (Fund 83353  
5PC0). 83354

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 83355  
GOVERNMENT INNOVATION FUND 83356

On July 1, 2019, or as soon as possible thereafter, the 83357  
Director of Budget and Management shall transfer \$38,555.24 cash 83358  
from the Director's Office Fund (Fund 1120) to the Local 83359  
Government Innovation Fund (Fund 5KN0). This amount represents the 83360  
unexpended balance of a grant received from the Local Government 83361  
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 83362  
appropriation item 100667, Local Government Efficiency Programs. 83363

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION** 83364

The Director of Administrative Services shall determine and 83365  
implement strategies that benefit the enterprise by improving 83366  
efficiency, reducing costs, or enhancing capacity of information 83367  
technology (IT) services. Such improvements and efficiencies may 83368  
result in the consolidation and transfer of such services. As 83369  
determined to be necessary for successful implementation of this 83370  
section and notwithstanding any provision of law to the contrary, 83371  
the Director of Administrative Services may request the Director 83372  
of Budget and Management to consolidate or transfer IT-specific 83373  
budget authority between agencies or within an agency as necessary 83374  
to implement enterprise IT cost containment strategies and related 83375  
efficiencies. Once the Director of Budget and Management is 83376  
satisfied that the proposed initiative is cost advantageous to the 83377  
enterprise, the Director of Budget and Management may transfer 83378  
appropriations, funds, and cash as needed to implement the 83379  
proposed initiative. The establishment of any new fund or 83380  
additional appropriation as a result of this section shall be 83381

subject to Controlling Board approval. 83382

The Director of Budget and Management and the Director of 83383  
Administrative Services may transfer any employees, assets, and 83384  
liabilities, including, but not limited to, records, contracts, 83385  
and agreements in order to facilitate the improvements determined 83386  
in accordance with this section. 83387

**Section 209.10. AGE DEPARTMENT OF AGING** 83388

General Revenue Fund 83389

GRF	490321	Operating Expenses	\$	1,551,161	\$	1,514,690	83390
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GRF	490410	Long-Term Care	\$	1,846,979	\$	3,112,901	83391
		Ombudsman					

GRF	490411	Senior Community	\$	8,152,696	\$	8,144,480	83392
		Services					

GRF	490414	Alzheimer's and Other	\$	2,495,245	\$	2,495,245	83393
		Dementia Respite					

GRF	490506	National Senior	\$	222,792	\$	222,792	83394
		Service Corps					

GRF	656423	Long-Term Care Budget	\$	5,073,618	\$	5,325,896	83395
		- State					

TOTAL GRF		General Revenue Fund	\$	19,342,491	\$	20,816,004	83396
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Dedicated Purpose Fund Group 83397

4800	490606	Senior Community	\$	372,523	\$	372,523	83398
		Outreach and					
		Education					

4C40	490609	Regional Long-Term	\$	1,000,000	\$	1,000,000	83399
		Care Ombudsman					
		Program					

5BA0	490620	Ombudsman Support	\$	1,500,000	\$	1,500,000	83400
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5K90	490613	Long-Term Care	\$	1,350,000	\$	1,350,000	83401
		Consumers Guide					

5MT0	490627	Board of Executives	\$	800,000	\$	800,000	83402
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		of Long-Term Services and Supports				
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000 83403
5TI0	656624	Provider Certification	\$	120,000	\$	120,000 83404
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700 83405
TOTAL DPF Dedicated Purpose						83406
Fund Group			\$	5,687,223	\$	5,687,223 83407
Federal Fund Group						83408
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000 83409
3C40	656623	Long-Term Care Budget - Federal	\$	5,341,281	\$	5,477,117 83410
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080 83411
TOTAL FED Federal Fund Group			\$	72,696,361	\$	72,832,197 83412
TOTAL ALL BUDGET FUND GROUPS			\$	97,726,075	\$	99,335,424 83413

**Section 209.20. LONG-TERM CARE** 83415

Pursuant to an interagency agreement, the Department of 83416  
Medicaid may designate the Department of Aging to perform 83417  
assessments under section 5165.04 of the Revised Code. The 83418  
Department of Aging shall provide long-term care consultations 83419  
under section 173.42 of the Revised Code to assist individuals in 83420  
planning for their long-term health care needs. 83421

The Department of Aging shall administer the Medicaid 83422  
waiver-funded PASSPORT Home Care Program, the Assisted Living 83423  
Program, and PACE as delegated by the Department of Medicaid in an 83424  
interagency agreement. 83425

**PERFORMANCE-BASED REIMBURSEMENT** 83426

The Department of Aging may design and utilize a payment 83427

method for PASSPORT administrative agency operations that includes 83428  
a pay-for-performance incentive component that is earned by a 83429  
PASSPORT administrative agency when defined consumer and policy 83430  
outcomes are achieved. 83431

**Section 209.30. MYCARE OHIO** 83432

The authority of the Office of the State Long-Term Care 83433  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 83434  
Code extends to MyCare Ohio during the period of the federal 83435  
financial alignment demonstration program. 83436

**SENIOR COMMUNITY SERVICES** 83437

The foregoing appropriation item 490411, Senior Community 83438  
Services, may be used for programs, services, and activities 83439  
designated by the Department of Aging, including, but not limited 83440  
to, home-delivered and congregate meals, transportation services, 83441  
personal care services, respite services, adult day services, home 83442  
repair, care coordination, prevention and disease self-management, 83443  
and decision support systems. Service priority shall be given to 83444  
low income, high need, and/or cognitively impaired persons 60 83445  
years of age and over. 83446

**NATIONAL SENIOR SERVICE CORPS** 83447

The foregoing appropriation item 490506, National Senior 83448  
Service Corps, may be used by the Department of Aging to fund 83449  
grants to organizations that receive federal funds from the 83450  
Corporation for National and Community Service to support the 83451  
following Senior Corps programs: the Foster Grandparents Program, 83452  
the Senior Companion Program, and the Retired Senior Volunteer 83453  
Program. A recipient of these grant funds shall use the funds to 83454  
support priorities established by the Department and the Ohio 83455  
State Office of the Corporation for National and Community 83456  
Service. Neither the Department nor any area agencies on aging 83457

that are involved in the distribution of these funds to 83458  
lower-tiered grant recipients may use any portion of these funds 83459  
to cover administrative costs. 83460

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 83461

The foregoing appropriation item 490627, Board of Executives 83462  
of Long-Term Services and Supports, may be used by the Board of 83463  
Executives of Long-Term Services and Supports to administer and 83464  
enforce Chapter 4751. of the Revised Code and rules adopted under 83465  
it. 83466

**Section 209.40.** PASSPORT PROGRAM PAYMENT RATES 83467

The base and unit payment rates for the following services 83468  
provided under the Medicaid-funded and state-funded components of 83469  
the PASSPORT program during fiscal years 2020 and 2021 shall be at 83470  
least five and one-tenth per cent higher than the rates for the 83471  
services in effect on June 30, 2019: 83472

(A) Home care attendant services; 83473

(B) Personal care services; 83474

(C) Waiver nursing services. 83475

**Section 209.50.** PASSPORT PAYMENT RATES FOR HOME-DELIVERED 83476  
MEALS 83477

The payment rates for home-delivered meals provided under the 83478  
PASSPORT program during the period beginning July 1, 2019, and 83479  
ending July 1, 2021, shall be the following: 83480

(A) For each meal delivered daily on a per-meal delivery 83481  
basis by a volunteer or employee of the provider, \$7.19; 83482

(B) For each meal delivered in a chilled or frozen format on 83483  
a weekly delivery basis by a volunteer or employee of the 83484  
provider, \$6.99; 83485

(C) For each meal delivered in a chilled or frozen format on 83486  
a weekly basis by a common carrier used by the provider, \$6.50. 83487

**Section 209.60.** ASSISTED LIVING PROGRAM PAYMENT RATES 83488

The payment rates for each tier of assisted living services 83489  
provided under the Medicaid-funded and state-funded components of 83490  
the Assisted Living Program during fiscal years 2020 and 2021 83491  
shall be at least five and one-tenth per cent higher than the 83492  
rates for the services in effect on June 30, 2019. 83493

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 83494

General Revenue Fund 83495

GRF 700401 Animal Health Programs \$ 3,785,399 \$ 3,700,399 83496

GRF 700403 Dairy Division \$ 1,208,067 \$ 1,178,459 83497

GRF 700404 Ohio Proud \$ 99,159 \$ 100,771 83498

GRF 700406 Consumer Protection \$ 1,369,703 \$ 1,320,696 83499

Lab

GRF 700407 Food Safety \$ 1,385,046 \$ 1,340,046 83500

GRF 700409 Farmland Preservation \$ 74,686 \$ 74,686 83501

GRF 700410 Plant Industry \$ 152,468 \$ 147,468 83502

GRF 700412 Weights and Measures \$ 614,723 \$ 614,723 83503

GRF 700415 Poultry Inspection \$ 811,427 \$ 811,428 83504

GRF 700417 Soil and Water \$ 20,000,000 \$ 20,000,000 83505

Phosphorus Program

GRF 700418 Livestock Regulation \$ 1,145,071 \$ 1,145,071 83506

Program

GRF 700424 Livestock Testing and \$ 117,493 \$ 117,493 83507

Inspections

GRF 700426 Dangerous and \$ 582,340 \$ 604,060 83508

Restricted Animals

GRF 700427 High Volume Breeder \$ 1,235,767 \$ 1,235,767 83509

Kennel Control

GRF 700428	Soil and Water Division	\$ 3,543,482	\$ 3,543,482	83510
GRF 700499	Meat Inspection Program - State Share	\$ 6,172,407	\$ 5,882,091	83511
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	83512
GRF 700509	Soil and Water District Support	\$ 11,833,016	\$ 11,833,016	83513
TOTAL GRF	General Revenue Fund	\$ 54,509,927	\$ 54,029,329	83514
Dedicated Purpose Fund Group				83515
4900 700651	License Plates - Sustainable Agriculture	\$ 17,500	\$ 17,500	83516
4940 700612	Agricultural Commodity Marketing Program	\$ 253,000	\$ 253,000	83517
4960 700626	Ohio Grape Industries	\$ 1,543,223	\$ 1,550,000	83518
4970 700627	Grain Warehouse Program	\$ 491,590	\$ 500,000	83519
4C90 700605	Commercial Feed and Seed	\$ 2,367,396	\$ 2,426,251	83520
4D20 700609	Auction Education	\$ 50,000	\$ 50,000	83521
4E40 700606	Utility Radiological Safety	\$ 97,610	\$ 101,130	83522
4P70 700610	Food Safety Inspection	\$ 1,022,005	\$ 1,043,743	83523
4R00 700636	Ohio Proud Marketing	\$ 30,500	\$ 30,500	83524
4R20 700637	Dairy Industry Inspection	\$ 1,800,246	\$ 1,852,950	83525
4T60 700611	Poultry and Meat Inspection	\$ 120,000	\$ 120,000	83526
5780 700620	Ride Inspection	\$ 1,827,551	\$ 1,944,585	83527
5B80 700629	Auctioneers	\$ 350,449	\$ 361,450	83528

5BV0	700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000	83529
5BV0	700661	Soil and Water Districts	\$	8,000,000	\$	8,000,000	83530
5FC0	700648	Plant Pest Program	\$	1,468,037	\$	1,515,298	83531
5H20	700608	Metrology Lab and Scale Certification	\$	975,000	\$	975,000	83532
5L80	700604	Livestock Management Program	\$	274,814	\$	275,000	83533
5MA0	700657	Dangerous and Restricted Animals	\$	7,000	\$	7,000	83534
5MR0	700658	High Volume Breeders and Kennels	\$	320,000	\$	320,000	83535
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	83536
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	83537
6520	700634	Animal, Consumer, and ATL Labs	\$	5,396,151	\$	5,466,896	83538
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,859,314	\$	5,000,000	83539
6H20	700670	H2Ohio	\$	30,300,000	\$	0	83540
TOTAL DPF Dedicated Purpose							83541
Fund Group			\$	62,401,386	\$	32,640,303	83542
Internal Service Activity Fund Group							83543
5DA0	700644	Laboratory Administration Support	\$	1,200,807	\$	1,204,626	83544
5GH0	700655	Administrative Support	\$	5,403,892	\$	5,524,048	83545
TOTAL ISA Internal Service Activity							83546
Fund Group			\$	6,604,699		6,728,674	83547
Capital Projects Fund Group							83548

7057	700632	Clean Ohio	\$	589,960	\$	610,000	83549
		Agricultural Easement					
		Operating					
TOTAL CPF		Capital Projects Fund	\$	589,960	\$	610,000	83550
Group							
Federal Fund		Group					83551
3260	700618	Meat Inspection	\$	5,036,419	\$	5,194,424	83552
		Program - Federal					
		Share					
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000	83553
		Revolving					
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000	83554
		Contracts					
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000	83555
3J40	700607	Federal	\$	1,209,234	\$	1,209,234	83556
		Administrative					
		Programs					
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972	83557
		Industry					
TOTAL FED		Federal Fund Group	\$	19,960,434	\$	20,209,630	83558
TOTAL ALL BUDGET FUND GROUPS			\$	144,066,406	\$	114,217,936	83559

**Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM** 83561

The Department of Agriculture shall establish programs to 83562  
assist in reducing total phosphorus and dissolved reactive 83563  
phosphorus in the Western Lake Erie Basin. The programs shall give 83564  
priority to those subwatersheds determined to be highest in total 83565  
phosphorus and dissolved reactive phosphorus nutrient loading. 83566

The foregoing appropriation item 700417, Soil and Water 83567  
Phosphorus Program, shall be used to support the programs 83568  
described above, which may include but not be limited to, the 83569  
following: (1) equipment for subsurface placement of nutrients 83570

into the soil; (2) equipment for nutrient placement based on 83571  
geographic information system data; (3) soil testing; (4) 83572  
implementation of variable rate technology; (5) equipment 83573  
implementing manure transformation and manure conversion 83574  
technologies; (6) tributary monitoring; (7) water management and 83575  
edge-of-field drainage management; and (8) an agricultural 83576  
phosphorus reduction revolving loan program. Not more than forty 83577  
per cent of the foregoing appropriation item 700417, Soil and 83578  
Water Phosphorus Program, shall be used for any single activity. 83579

DANGEROUS AND RESTRICTED WILD ANIMALS 83580

The foregoing appropriation item 700426, Dangerous and 83581  
Restricted Animals, shall be used to administer the Dangerous and 83582  
Restricted Wild Animal Permitting Program. 83583

COUNTY AGRICULTURAL SOCIETIES 83584

The foregoing appropriation item 700501, County Agricultural 83585  
Societies, shall be used to reimburse county and independent 83586  
agricultural societies for expenses related to Junior Fair 83587  
activities. 83588

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 83589  
BASIN 83590

Of the foregoing appropriation item 700509, Soil and Water 83591  
District Support, \$350,000 in each fiscal year shall be used by 83592  
the Department of Agriculture for a program to support soil and 83593  
water conservation districts in the Western Lake Erie Basin in 83594  
complying with provisions of Sub. S.B. 1 of the 131st General 83595  
Assembly. The Department shall approve a soil and water district's 83596  
application for funding under the program if the application 83597  
demonstrates that funding will be used for, but not limited to, 83598  
providing technical assistance, developing applicable nutrient or 83599  
manure management plans, hiring and training of soil and water 83600  
conservation district staff on best conservation practices, or 83601

other activities the Director determines appropriate to assist 83602  
farmers in the Western Lake Erie Basin in complying with the 83603  
provisions of Sub. S.B. 1 of the 131st General Assembly. 83604

Of the foregoing appropriation item 700509, Soil and Water 83605  
District Support, \$3,500,000 in each fiscal year shall be used to 83606  
support county soil and water conservation districts in the 83607  
Western Lake Erie Basin for staffing costs and to assist in soil 83608  
testing and nutrient management plan development, including manure 83609  
transformation and manure conversion technologies, enhanced filter 83610  
strips, water management, and other conservation support. 83611

SOIL AND WATER DISTRICTS 83612

In addition to state payments to soil and water conservation 83613  
districts authorized by section 940.15 of the Revised Code, the 83614  
Department of Agriculture may use appropriation item 700661, Soil 83615  
and Water Districts, to pay any soil and water conservation 83616  
district an annual amount not to exceed \$40,000 upon receipt of a 83617  
request and justification from the district and approval by the 83618  
Ohio Soil and Water Conservation Commission. The county auditor 83619  
shall credit the payments to the special fund established under 83620  
section 940.12 of the Revised Code for use by the local soil and 83621  
water conservation district. The amounts received by each district 83622  
shall be expended for the purposes of the district. 83623

H2OHIO FUND 83624

The foregoing appropriation item 700670, H2Ohio, shall be 83625  
used by the Department of Agriculture to support best management 83626  
practices for farmers including but not limited to assistance with 83627  
equipment purchases and soil testing. In addition, the foregoing 83628  
appropriation item 700760, H2Ohio, may be used to fund 83629  
improvements and protection of state waterways in support of water 83630  
quality priorities and management in accordance with section 83631  
126.60 of the Revised Code. 83632

On July 1, 2020, or as soon as possible thereafter, the 83633  
Director of Agriculture may certify to the Director of Budget and 83634  
Management an amount up to the unexpended, unencumbered balance of 83635  
the foregoing appropriation item, 700670, H2Ohio, at the end of 83636  
fiscal year 2020 to be reappropriated in fiscal year 2021. The 83637  
amount certified is hereby reappropriated to the same 83638  
appropriation item for fiscal year 2021. 83639

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 83640

The foregoing appropriation item 700632, Clean Ohio 83641  
Agricultural Easement Operating, shall be used by the Department 83642  
of Agriculture in administering Clean Ohio Agricultural Easement 83643  
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 83644  
5301.67 to 5301.70 of the Revised Code. 83645

**Section 213.10.** AIR AIR QUALITY DEVELOPMENT AUTHORITY 83646

Dedicated Purpose Fund Group 83647

4Z90 898602 Small Business \$ 208,813 \$ 208,813 83648

Ombudsman

5700 898601 Operating Expenses \$ 565,364 \$ 583,395 83649

5A00 898603 Small Business \$ 450,000 \$ 450,000 83650

Assistance

TOTAL DPF Dedicated Purpose Fund \$ 1,224,177 \$ 1,242,208 83651

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,224,177 \$ 1,242,208 83652

**Section 213.20.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 83654

AUTHORITY TRUST ACCOUNT 83655

Notwithstanding any other provision of law to the contrary, 83656  
the Air Quality Development Authority may reimburse the Air 83657  
Quality Development Authority trust account established under 83658  
section 3706.10 of the Revised Code from all operating funds of 83659  
the agency for expenses pertaining to the administration and 83660

shared costs incurred by the Air Quality Development Authority in 83661  
the execution of responsibilities as prescribed in Chapter 3706. 83662  
of the Revised Code. The reimbursement shall be made by voucher 83663  
and completed in accordance with the administrative indirect costs 83664  
allocation plan approved by the Office of Budget and Management. 83665

**Section 215.10. ARC ARCHITECTS BOARDS** 83666

Dedicated Purpose Fund Group 83667  
4K90 891609 Operating \$ 638,611 \$ 646,294 83668  
TOTAL DPF Dedicated Purpose Fund 83669  
Group \$ 638,611 \$ 646,294 83670  
TOTAL ALL BUDGET FUND GROUPS \$ 638,611 \$ 646,294 83671

**Section 217.10. ART OHIO ARTS COUNCIL** 83673

General Revenue Fund 83674  
GRF 370321 Operating Expenses \$ 1,947,031 \$ 2,042,828 83675  
GRF 370502 State Program \$ 15,230,750 \$ 15,230,750 83676  
Subsidies  
TOTAL GRF General Revenue Fund \$ 17,177,781 \$ 17,273,578 83677  
Dedicated Purpose Fund Group 83678  
4600 370602 Arts Council Program \$ 377,942 \$ 385,000 83679  
Support  
4B70 370603 Percent for Art \$ 165,000 \$ 165,000 83680  
Acquisitions  
TOTAL DPF Dedicated Purpose Fund \$ 542,942 \$ 550,000 83681  
Group  
Federal Fund Group 83682  
3140 370601 Federal Support \$ 1,250,000 \$ 1,250,000 83683  
TOTAL FED Federal Fund Group \$ 1,250,000 \$ 1,250,000 83684  
TOTAL ALL BUDGET FUND GROUPS \$ 18,970,723 \$ 19,073,578 83685  
FEDERAL SUPPORT 83686

Notwithstanding any provision of law to the contrary, the 83687  
foregoing appropriation item 370601, Federal Support, shall be 83688  
used by the Ohio Arts Council for subsidies only, and not for its 83689  
administrative costs, unless the Council is required to use a 83690  
portion of the funds for administrative costs under conditions of 83691  
the federal grant. 83692

**Section 219.10. ATH ATHLETIC COMMISSION** 83693

Dedicated Purpose Fund Group 83694  
4K90 175609 Operating Expenses \$ 331,169 \$ 331,822 83695  
TOTAL DPF Dedicated Purpose Fund \$ 331,169 \$ 331,822 83696  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 331,169 \$ 331,822 83697

**Section 221.10. AGO ATTORNEY GENERAL** 83699

General Revenue Fund 83700  
GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461 83701  
GRF 055405 Law-Related Education \$ 68,950 \$ 68,950 83702  
GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400 83703  
Payments  
GRF 055411 County Sheriffs' Pay \$ 983,341 \$ 1,000,554 83704  
Supplement  
GRF 055415 County Prosecutors' \$ 1,247,225 \$ 1,278,630 83705  
Pay Supplement  
GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 83706  
Team Grants  
GRF 055432 Drug Testing \$ 968,602 \$ 0 83707  
Equipment  
GRF 055434 ICAC Task Force \$ 500,000 \$ 500,000 83708  
GRF 055501 Rape Crisis Centers \$ 4,750,000 \$ 4,750,000 83709  
GRF 055502 School Safety \$ 12,000,000 \$ 12,000,000 83710  
Training Grants

GRF	055504	Domestic Violence Programs	\$	1,000,000	\$	1,000,000	83711
GRF	055505	Pike County Capital Case	\$	1,000,000	\$	0	83712
TOTAL GRF		General Revenue Fund	\$	87,179,809	\$	87,569,995	83713
		Dedicated Purpose Fund Group					83714
1060	055612	Attorney General Operating	\$	58,426,184	\$	60,018,182	83715
4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	83716
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	83717
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	83718
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	83719
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	83720
4210	055617	Police Officers' Training Academy Fee	\$	2,182,062	\$	2,250,000	83721
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	83722
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	83723
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	83724
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	83725
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	83726
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	83727
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	83728
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	83729

6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	83730
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	83731
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	83732
TOTAL DPF Dedicated Purpose Fund							83733
Group			\$	158,944,634	\$	161,878,900	83734
Internal Service Activity Fund Group							83735
1950	055660	Workers' Compensation Section	\$	7,416,045	\$	6,898,040	83736
TOTAL ISA Internal Service Activity							83737
Fund Group			\$	7,416,045	\$	6,898,040	83737
Holding Account Fund Group							83738
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	83739
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	83740
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	83741
R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	83742
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	83743
TOTAL HLD Holding Account							83744
Fund Group			\$	8,250,000	\$	8,250,000	83745
Federal Fund Group							83746
3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	83747
3830	055634	Crime Victims	\$	109,971,344	\$	110,000,000	83748

	Assistance				
3E50	055638	Attorney General	\$	4,017,209	\$ 4,020,999 83749
		Pass-Through Funds			
3FV0	055656	Crime Victim	\$	4,600,000	\$ 4,600,000 83750
		Compensation			
3R60	055613	Attorney General	\$	2,799,999	\$ 2,799,999 83751
		Federal Funds			
TOTAL FED	Federal Fund Group		\$	130,349,971	\$ 130,382,417 83752
TOTAL ALL BUDGET FUND GROUPS			\$	392,140,459	\$ 394,979,352 83753

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 83755  
83756

Of the foregoing appropriation item 055321, Operating 83757  
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 83758  
Center for the Future of Forensic Science at Bowling Green State 83759  
University. The purpose of the Center shall be to foster forensic 83760  
science research techniques (BCI Eminent Scholar) and to create 83761  
professional training opportunities to students (BCI Scholars) in 83762  
the forensic science fields. 83763

DOMESTIC VIOLENCE PROGRAM 83764

Of the foregoing appropriation item 055321, Operating 83765  
Expenses, \$100,000 in each fiscal year may be used by the Attorney 83766  
General for the purpose of providing funding to domestic violence 83767  
programs as defined in section 109.46 of the Revised Code. 83768

NARCOTICS TASK FORCES 83769

Of the foregoing appropriation item 055321, Operating 83770  
Expenses, up to \$500,000 in each fiscal year shall be used to 83771  
support narcotics task forces funded by the Attorney General. 83772

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 83773  
RENTAL PAYMENTS 83774

The foregoing appropriation item 055406, BCIRS Lease Rental 83775

Payments, shall be used for payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

DRUG TESTING EQUIPMENT

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation. 83807  
83808  
83809

ICAC TASK FORCE 83810

The foregoing appropriation item 055434, ICAC Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code. 83811  
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83813  
83814

**Section 221.30. BATTERED WOMEN'S SHELTER** 83815

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility. 83816  
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83820

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 83821

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again." 83822  
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DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 83827

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support. 83828  
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The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

SCHOOL SAFETY TRAINING GRANTS

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

(1) The support of school resource officer certification training;

(2) Any type of active shooter and school safety training or equipment;

(3) All grade level type educational resources;	83868
(4) Training to identify and assist students with mental health issues;	83869 83870
(5) School supplies or equipment related to school safety or for implementing the school's safety plan;	83871 83872
(6) Any other training related to school safety.	83873
(C) The schools and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.	83874 83875 83876 83877 83878 83879 83880 83881
DOMESTIC VIOLENCE PROGRAMS	83882
The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.	83883 83884 83885 83886
PIKE COUNTY CAPITAL CASE	83887
The foregoing appropriation item 055505, Pike County Capital Case, shall be used, subject to the approval of the Controlling Board, to defray the costs of ongoing capital case litigation in Pike County.	83888 83889 83890 83891
WORKERS' COMPENSATION SECTION	83892
The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.	83893 83894 83895 83896 83897

In addition, the Bureau of Workers' Compensation shall 83898  
transfer payments for the support of the Workers' Compensation 83899  
Fraud Unit. 83900

All amounts shall be mutually agreed upon by the Attorney 83901  
General, the Bureau of Workers' Compensation, and the Ohio 83902  
Industrial Commission. 83903

GENERAL HOLDING ACCOUNT 83904

The foregoing appropriation item 055631, General Holding 83905  
Account, shall be used to distribute moneys under the terms of 83906  
relevant court orders or other settlements received in a variety 83907  
of cases involving the Office of the Attorney General. If it is 83908  
determined that additional amounts are necessary for this purpose, 83909  
the amounts are hereby appropriated. 83910

ANTITRUST SETTLEMENTS 83911

The foregoing appropriation item 055632, Antitrust 83912  
Settlements, shall be used to distribute moneys under the terms of 83913  
relevant court orders or other out of court settlements in 83914  
antitrust cases or antitrust matters involving the Office of the 83915  
Attorney General. If it is determined that additional amounts are 83916  
necessary for this purpose, the amounts are hereby appropriated. 83917

CONSUMER FRAUDS 83918

The foregoing appropriation item 055630, Consumer Frauds, 83919  
shall be used for distribution of moneys from court-ordered 83920  
judgments against sellers in actions brought by the Office of the 83921  
Attorney General under sections 1334.08 and 4549.48 and division 83922  
(B) of section 1345.07 of the Revised Code. These moneys shall be 83923  
used to provide restitution to consumers victimized by the fraud 83924  
that generated the court-ordered judgments. If it is determined 83925  
that additional amounts are necessary for this purpose, the 83926  
amounts are hereby appropriated. 83927

ORGANIZED CRIME COMMISSION DISTRIBUTIONS				83928
The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.				83929 83930 83931 83932 83933 83934 83935 83936
COLLECTION PAYMENT REDISTRIBUTION				83937
The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.				83938 83939 83940 83941 83942 83943
<b>Section 223.10.</b> AUD AUDITOR OF STATE				83944
General Revenue Fund				83945
GRF 070403 Fiscal	\$	700,000	\$ 700,000	83946
Watch/Emergency				
Technical Assistance				
GRF 070401 Audit Management and Services	\$	11,998,471	\$ 12,209,612	83947
GRF 070402 Performance Audits	\$	1,750,000	\$ 1,600,000	83948
GRF 070404 Fraud/Corruption Audits and Investigation	\$	2,550,000	\$ 2,550,000	83949
GRF 070412 Local Government Audit Support	\$	13,300,000	\$ 13,300,000	83950
TOTAL GRF General Revenue Fund	\$	30,298,471	\$ 30,359,612	83951

Dedicated Purpose Fund Group					83952
1090 070601 Public Audit Expense	\$	11,184,958	\$	11,545,067	83953
- Intrastate					
4220 070602 Public Audit Expense	\$	34,477,707	\$	35,053,886	83954
- Local Government					
5840 070603 Training Program	\$	475,000	\$	475,000	83955
5JZ0 070606 LEAP Revolving Loans	\$	250,000	\$	250,000	83956
6750 070605 Uniform Accounting	\$	4,191,269	\$	4,228,178	83957
Network					
5VP0 070611 Local Government	\$	10,000,000	\$	10,000,000	83958
Audit Support Fund					
TOTAL DPF Dedicated Purpose Fund					83959
Group	\$	60,578,934	\$	61,552,131	83960
TOTAL ALL BUDGET FUND GROUPS	\$	90,877,405	\$	91,911,743	83961

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 83963

The foregoing appropriation item 070401, Audit Management and 83964  
 Services, shall be used pursuant to section 117.13 of the Revised 83965  
 Code to support costs of the Auditor of State that are not 83966  
 recovered through charges to local governments and state entities, 83967  
 including costs that cannot be recovered from audit clients under 83968  
 federal indirect cost allocation guidelines. 83969

**PERFORMANCE AUDITS** 83970

The foregoing appropriation item 070402, Performance Audits, 83971  
 shall be used pursuant to section 117.13 of the Revised Code to 83972  
 support costs of the Auditor of State related to the provision of 83973  
 performance audits for local governments, school districts, state 83974  
 agencies, and colleges and universities that are not recovered 83975  
 through charges to those entities, including costs that cannot be 83976  
 recovered from audit clients under federal indirect cost 83977  
 allocation guidelines. 83978

**LOCAL GOVERNMENT AUDIT SUPPORT** 83979

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Notwithstanding section 131.511 of the Revised Code, during fiscal year 2020, the Director of Budget and Management shall monthly credit to the Local Government Audit Support Fund such amounts as are necessary to support the fiscal year 2020 appropriations from the fund.

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund

GRF 042321	Budget Development	\$	3,328,574	\$	3,389,364	83998
	and Implementation					

GRF 042425	Shared Services	\$	1,285,250	\$	1,049,725	83999
	Development					

TOTAL GRF	General Revenue Fund	\$	4,613,824	\$	4,439,089	84000
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Internal Service Activity Fund Group 84001

1050 042603	Financial Management	\$	17,106,380	\$	16,995,903	84002
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1050 042620	Shared Services	\$	6,744,587	\$	6,543,051	84003
	Operating					

TOTAL ISA	Internal Service Activity					84004
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Fund Group		\$	23,850,967	\$	23,538,954	84005
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Fiduciary	Fund Group					84006
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5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	84007
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000	84008
TOTAL ALL BUDGET FUND GROUPS		\$	28,494,791	\$	28,008,043	84009

**Section 229.20. AUDIT COSTS** 84011

All centralized audit costs associated with either Single 84012  
Audit Schedules or financial statements prepared in conformance 84013  
with generally accepted accounting principles for the state shall 84014  
be paid from the foregoing appropriation item 042603, Financial 84015  
Management. 84016

Costs associated with the audit of the Auditor of State shall 84017  
be paid from the foregoing appropriation item 042321, Budget 84018  
Development and Implementation. 84019

**SHARED SERVICES CENTER** 84020

The foregoing appropriation items 042425, Shared Services 84021  
Development, and 042620, Shared Services Operating, shall be used 84022  
by the Director of Budget and Management to support the Shared 84023  
Services program pursuant to division (D) of section 126.21 of the 84024  
Revised Code. 84025

The Director of Budget and Management shall include the 84026  
recovery of costs to operate the Shared Services program in the 84027  
accounting and budgeting services payroll rate and through direct 84028  
charges using intrastate transfer vouchers billed to agencies for 84029  
services rendered using a methodology determined by the Director 84030  
of Budget and Management. Such cost recovery revenues shall be 84031  
deposited to the credit of the Accounting and Budgeting Fund (Fund 84032  
1050). 84033

**INTERNAL AUDIT** 84034

The Director of Budget and Management shall include the 84035  
recovery of costs to operate the Internal Audit Program pursuant 84036  
to section 126.45 of the Revised Code in the accounting and 84037

budgeting services payroll rate and through direct charges using 84038  
 intrastate transfer vouchers billed to agencies reviewed by the 84039  
 program using a methodology determined by the Director of Budget 84040  
 and Management. Such cost recovery revenues shall be deposited to 84041  
 the credit of Fund 1050. 84042

FORGERY RECOVERY 84043

The foregoing appropriation item 042604, Forgery Recovery, 84044  
 shall be used to reissue warrants that have been certified as 84045  
 forgeries by the rightful recipient as determined by the Bureau of 84046  
 Criminal Identification and Investigation and the Treasurer of 84047  
 State. Upon receipt of funds to cover the reissuance of the 84048  
 warrant, the Director of Budget and Management shall reissue a 84049  
 state warrant of the same amount. Any additional amounts needed to 84050  
 reissue warrants backed by the receipt of funds are hereby 84051  
 appropriated. 84052

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 84053

General Revenue Fund 84054

GRF 874100	Personal Services	\$	3,802,439	\$	3,819,502	84055
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GRF 874320	Maintenance and	\$	1,368,765	\$	1,368,765	84056
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Equipment

TOTAL GRF General Revenue Fund	\$	5,171,204	\$	5,188,267	84057
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Dedicated Purpose Fund Group 84058

2080 874601	Underground Parking	\$	4,245,906	\$	4,245,906	84059
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Garage Operations

4G50 874603	Capitol Square	\$	6,000	\$	6,000	84060
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Education Center and

Arts

TOTAL DPF Dedicated Purpose						84061
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Fund Group	\$	4,251,906	\$	4,251,906	84062
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Internal Service Activity Fund Group 84063

4S70 874602	Statehouse Gift	\$	800,000	\$	800,000	84064
	Shop/Events					
TOTAL ISA	Internal Service Activity					84065
Fund Group		\$	800,000	\$	800,000	84066
TOTAL ALL BUDGET FUND GROUPS		\$	10,223,110	\$	10,240,173	84067

PERSONAL SERVICES 84068

On July 1, 2019, or as soon as possible thereafter, the 84069  
Executive Director of the Capitol Square Review and Advisory Board 84070  
may certify to the Director of Budget and Management an amount up 84071  
to the unexpended, unencumbered balance of the foregoing 84072  
appropriation item 874100, Personal Services, at the end of fiscal 84073  
year 2019 to be reappropriated to fiscal year 2020. The amount 84074  
certified is hereby appropriated to the same appropriation item 84075  
for fiscal year 2020. 84076

On July 1, 2020, or as soon as possible thereafter, the 84077  
Executive Director of the Capital Square Review and Advisory Board 84078  
may certify to the Director of Budget and Management an amount up 84079  
to the unexpended, unencumbered balance of the foregoing 84080  
appropriation item 874100, Personal Services, at the end of fiscal 84081  
year 2020 to be reappropriated to fiscal year 2021. The amount 84082  
certified is hereby appropriated to the same appropriation item 84083  
for fiscal year 2021. 84084

MAINTENANCE AND EQUIPMENT 84085

On July 1, 2019, or as soon as possible thereafter, the 84086  
Executive Director of the Capitol Square Review and Advisory Board 84087  
may certify to the Director of Budget and Management an amount up 84088  
to the unexpended, unencumbered balance of the foregoing 84089  
appropriation item 874320, Maintenance and Equipment, at the end 84090  
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 84091  
amount certified is hereby appropriated to the same appropriation 84092  
item for fiscal year 2020. 84093

On July 1, 2020, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2021.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS

Dedicated Purpose Fund Group				84117
4K90 233601 Operating Expenses	\$	540,260	\$ 540,260	84118
TOTAL DPF Dedicated Purpose Fund Group	\$	540,260	\$ 540,260	84119
TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$ 540,260	84120

**Section 235.10.** CAC CASINO CONTROL COMMISSION 84122

Dedicated Purpose Fund Group				84123
5HS0 955321 Operating Expenses	\$	13,180,629	\$ 13,673,127	84124
5NU0 955601 Casino Commission	\$	250,000	\$ 250,000	84125
Enforcement				
TOTAL DPF Dedicated Purpose Fund	\$	13,430,629	\$ 13,923,127	84126
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	13,430,629	\$ 13,923,127	84127

**Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD** 84129

Dedicated Purpose Fund Group				84130
4K90 930609 Operating Expenses	\$	651,167	\$ 664,212	84131
TOTAL DPF Dedicated Purpose Fund	\$	651,167	\$ 664,212	84132
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	651,167	\$ 664,212	84133

**Section 239.10. CHR STATE CHIROPRACTIC BOARD** 84135

Dedicated Purpose Fund Group				84136
4K90 878609 Operating Expenses	\$	605,251	\$ 622,000	84137
TOTAL DPF Dedicated Purpose Fund	\$	605,251	\$ 622,000	84138
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$ 622,000	84139

**Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION** 84141

General Revenue Fund				84142
GRF 876321 Operating Expenses	\$	5,863,161	\$ 5,863,161	84143
TOTAL GRF General Revenue Fund	\$	5,863,161	\$ 5,863,161	84144
Dedicated Purpose Fund Group				84145
2170 876604 Operations Support	\$	3,000	\$ 3,000	84146
TOTAL DPF Internal Service Activity				84147
Fund Group	\$	3,000	\$ 3,000	84148
Federal Fund Group				84149

3340	876601	Federal Programs	\$	3,555,504	\$	3,908,497	84150
TOTAL FED		Federal Special Revenue					84151
Fund Group			\$	3,555,504	\$	3,908,497	84152
TOTAL ALL BUDGET FUND GROUPS			\$	9,421,665	\$	9,774,658	84153

**Section 243.10.** COM DEPARTMENT OF COMMERCE 84155

Dedicated Purpose Fund Group 84156

4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	84157
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Recovery

4H90	800608	Cemeteries	\$	302,250	\$	313,466	84158
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4X20	800619	Financial Institutions	\$	1,914,631	\$	1,980,213	84159
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5430	800602	Unclaimed	\$	10,452,421	\$	10,465,295	84160
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Funds-Operating

5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	84161
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5440	800612	Banks	\$	10,154,147	\$	10,688,048	84162
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5460	800610	Fire Marshal	\$	20,436,641	\$	21,090,755	84163
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5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	84164
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5470	800603	Real Estate	\$	69,655	\$	69,655	84165
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Education/Research

5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	84166
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5490	800614	Real Estate	\$	3,876,514	\$	4,067,513	84167
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5500	800617	Securities	\$	6,165,054	\$	6,363,135	84168
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5520	800604	Credit Union	\$	3,719,253	\$	3,807,712	84169
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5530	800607	Consumer Finance	\$	5,465,720	\$	5,777,988	84170
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5560	800615	Industrial Compliance	\$	30,729,000	\$	30,729,000	84171
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5F10	800635	Small Government Fire	\$	300,000	\$	300,000	84172
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Departments

5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	84173
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Education

5GK0	800609	Securities Investor	\$	678,400	\$	682,150	84174
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Education/Enforcement

5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	84175
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5LC0	800644	Liquor JobsOhio	\$	788,204	\$	788,204	84176
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		Extraordinary Allowance				
5LN0	800645	Liquor Operating	\$	19,540,125	\$	19,705,103 84177
		Services				
5LP0	800646	Liquor Regulatory	\$	15,918,941	\$	14,787,281 84178
		Operating Expenses				
5SE0	800651	Cemetery Grant Program	\$	100,000	\$	100,000 84179
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000 84180
		Officers' Dependent				
		Fund				
5SU0	800649	Manufactured Homes	\$	260,550	\$	270,478 84181
		Regulation				
5SY0	800650	Medical Marijuana	\$	6,435,897	\$	5,121,000 84182
		Control Program				
5VC0	800652	Real Estate Home	\$	490,000	\$	490,000 84183
		Inspector Operating				
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000 84184
		Inspector Recovery				
5X60	800623	Video Service	\$	416,732	\$	412,693 84185
6530	800629	UST Registration/Permit	\$	2,316,230	\$	2,301,714 84186
		Fee				
6A40	800630	Real Estate	\$	1,299,071	\$	1,336,056 84187
		Appraiser-Operating				
TOTAL DPF		Dedicated Purpose				84188
Fund Group			\$	217,351,760	\$	217,169,783 84189
		Internal Service Activity Fund Group				84190
1630	800620	Division of	\$	8,558,140	\$	8,364,140 84191
		Administration				
1630	800637	Information Technology	\$	8,601,860	\$	8,985,860 84192
TOTAL ISA		Internal Service Activity				84193
Fund Group			\$	17,160,000	\$	17,350,000 84194
		Federal Fund Group				84195
3480	800622	Underground Storage	\$	820,675	\$	805,112 84196

		Tanks				
3480	800624	Leaking Underground	\$	1,950,000	\$	1,949,887 84197
		Storage Tanks				
TOTAL FED	Federal Fund Group		\$	2,770,675	\$	2,754,999 84198
TOTAL ALL BUDGET FUND GROUPS			\$	237,282,435	\$	237,274,782 84199

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 84201

The foregoing appropriation item 800625, Unclaimed 84202  
Funds-Claims, shall be used to pay claims under section 169.08 of 84203  
the Revised Code. If it is determined by the Director of Commerce 84204  
that additional appropriation amounts are necessary to make such 84205  
payments, the Director of Commerce may request that the Director 84206  
of Budget and Management increase such amounts. Such increases are 84207  
hereby appropriated. 84208

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 84209

The foregoing appropriation item 800631, Real Estate 84210  
Appraiser Recovery, shall be used to pay settlements, judgments, 84211  
and court orders under section 4763.16 of the Revised Code. If it 84212  
is determined by the Director of Commerce that additional 84213  
appropriation amounts are necessary to make such payments, the 84214  
Director of Commerce may request that the Director of Budget and 84215  
Management increase such amounts. Such increases are hereby 84216  
appropriated. 84217

The foregoing appropriation item 800611, Real Estate 84218  
Recovery, shall be used to pay settlements, judgments, and court 84219  
orders under section 4735.12 of the Revised Code. If it is 84220  
determined by the Director of Commerce that additional 84221  
appropriation amounts are necessary to make such payments, the 84222  
Director of Commerce may request that the Director of Budget and 84223  
Management increase such amounts. Such increases are hereby 84224  
appropriated. 84225

FIRE DEPARTMENT GRANTS 84226

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each

applicant's contribution to and demonstrated need for fire 84259  
protection services. The joint applicants shall then mutually 84260  
agree on how the equipment is to be maintained, operated, stored, 84261  
or disposed of. If, for any reason, the joint applicants cannot 84262  
agree as to how jointly owned equipment is to be maintained, 84263  
operated, stored, or disposed of or any of the joint applicants no 84264  
longer maintain a contract with the same fire protection service 84265  
provider as the other applicants, then the joint applicants shall, 84266  
with the assistance of the State Fire Marshal, mutually agree as 84267  
to how the jointly owned equipment is to be maintained, operated, 84268  
stored, disposed of, or owned. If the joint applicants cannot 84269  
agree how the grant equipment is to be maintained, operated, 84270  
stored, disposed of, or owned, the State Fire Marshal may, in its 84271  
discretion, require all of the equipment acquired by the joint 84272  
applicants with grant funds to be returned to the State Fire 84273  
Marshal. The State Fire Marshal may then award the returned 84274  
equipment to any eligible recipients. For this paragraph only, an 84275  
"equipment grant" also includes a MARCS Grant. 84276

(B) Except as otherwise provided in this section, the grants 84277  
shall be used by recipients to purchase firefighting or rescue 84278  
equipment or gear or similar items, to provide full or partial 84279  
reimbursement for the documented costs of firefighter training, 84280  
or, at the discretion of the State Fire Marshal, to cover fire 84281  
department costs for providing fire protection services in that 84282  
grant recipient's jurisdiction. 84283

(1) Of the foregoing appropriation item 800639, Fire 84284  
Department Grants, up to \$1,000,000 per fiscal year may be used to 84285  
pay for the State Fire Marshal's costs of providing firefighter I 84286  
certification classes or other firefighter classes approved by the 84287  
State Fire Marshal at no cost to selected students attending the 84288  
Ohio Fire Academy or other class providers approved by the State 84289  
Fire Marshal. The State Fire Marshal may establish the 84290

qualifications and selection processes for students to attend such 84291  
classes by written policy, and such students shall be considered 84292  
eligible recipients of fire department grants for the purposes of 84293  
this portion of the grant program. 84294

(2) Of the foregoing appropriation item 800639, Fire 84295  
Department Grants, up to \$3,000,000 in each fiscal year may be 84296  
used for MARCS Grants. MARCS Grants may be used for the payment of 84297  
user access fees by the eligible recipient to cover costs for 84298  
accessing MARCS. 84299

For purposes of this section, a MARCS Grant is a grant for 84300  
systems, equipment, or services that are a part of, integrated 84301  
into, or otherwise interoperable with the Multi-Agency Radio 84302  
Communication System (MARCS) operated by the state. 84303

MARCS Grant awards may be up to \$50,000 in each fiscal year 84304  
per eligible recipient. Each eligible recipient may apply, as a 84305  
separate entity or as a part of a joint application, for only one 84306  
MARCS Grant per fiscal year. The State Fire Marshal may give a 84307  
preference to MARCS Grants that will enhance the overall 84308  
interoperability and effectiveness of emergency communication 84309  
networks in the geographic region that includes and that is 84310  
adjacent to the applicant. 84311

Eligible recipients that are or were awarded fire department 84312  
grants that are not MARCS Grants may also apply for and receive 84313  
MARCS Grants in accordance with criteria for the awarding of grant 84314  
funds established by the State Fire Marshal. 84315

(3) Grant awards for firefighting or rescue equipment or gear 84316  
or for fire department costs of providing fire protection services 84317  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 84318  
fiscal year if an eligible entity serves a jurisdiction in which 84319  
the Governor declared a natural disaster during the preceding or 84320  
current fiscal year in which the grant was awarded. In addition to 84321

any grant funds awarded for rescue equipment or gear, or for fire 84322  
department costs associated with the provision of fire protection 84323  
services, an eligible entity may receive a grant for up to \$15,000 84324  
per fiscal year for full or partial reimbursement of the 84325  
documented costs of firefighter training. For each fiscal year, 84326  
the State Fire Marshal shall determine the total amounts to be 84327  
allocated for each eligible purpose. 84328

(C) The grants shall be administered by the State Fire 84329  
Marshal in accordance with rules the State Fire Marshal adopts as 84330  
part of the state fire code adopted pursuant to section 3737.82 of 84331  
the Revised Code that are necessary for the administration and 84332  
operation of the grant program. The rules may further define the 84333  
entities eligible to receive grants and establish criteria for the 84334  
awarding and expenditure of grant funds, including methods the 84335  
State Fire Marshal may use to verify the proper use of grant funds 84336  
or to obtain reimbursement for or the return of equipment for 84337  
improperly used grant funds. To the extent consistent with this 84338  
section and until the rules are updated, the existing rules in the 84339  
state fire code adopted pursuant to section 3737.82 of the Revised 84340  
Code for fire department grants under this section apply to MARCS 84341  
Grants. Any amounts in appropriation item 800639, Fire Department 84342  
Grants, in excess of the amount allocated for these grants may be 84343  
used for the administration of the grant program. 84344

**Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 84345**  
OPERATING FUND 84346

Upon the written request of the Director of Commerce, and 84347  
subject to the approval of the Controlling Board, the Director of 84348  
Budget and Management may transfer up to \$500,000 in cash from the 84349  
Real Estate Education and Research Fund (Fund 5470) to the 84350  
Division of Real Estate Operating Fund (Fund 5490) during the 84351  
biennium ending June 30, 2021. 84352

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds \$250,000 during the biennium ending June 30, 2021, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than \$250,000.

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 84360

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash balance exceeds \$200,000 during the biennium ending June 30, 2021, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 4B20 to the Real Estate Appraiser Operating Fund (Fund 6A40), such that the amount available in Fund 4B20 is not less than \$200,000.

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND 84368 84369

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$300,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2021.

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE HOME INSPECTOR RECOVERY FUND 84376 84377

During the biennium beginning July 1, 2019, and ending June 30, 2021, upon written request from the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to \$490,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to

\$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 84384  
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 84385  
sufficient to sustain operations, the Director of Budget and 84386  
Management, in consultation with the Director of Commerce, shall 84387  
establish a repayment schedule to fully repay the cash transferred 84388  
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 84389

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL 84390

Dedicated Purpose Fund Group 84391  
5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 84392  
TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 84393  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 84394

**Section 247.10.** CEB CONTROLLING BOARD 84396

Internal Service Activity Fund Group 84397  
5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 84398  
Emergency  
Purposes/Contingencies  
TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 84399  
Fund Group  
TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 84400

**Section 247.20.** FEDERAL SHARE 84402

In transferring appropriations to or from appropriation items 84403  
that have federal shares identified in this act, the Controlling 84404  
Board shall add or subtract corresponding amounts of federal 84405  
matching funds at the percentages indicated by the state and 84406  
federal division of the appropriations in this act. Such changes 84407  
are hereby appropriated. 84408

DISASTER SERVICES 84409

The Disaster Services Fund (Fund 5E20) shall be used by the 84410

Controlling Board, pursuant to requests submitted by state 84411  
agencies, to transfer cash used for the payment of state agency 84412  
disaster relief program expenses for disasters that have a written 84413  
Governor's authorization, if the Director of Budget and Management 84414  
determines that sufficient funds exist. 84415

Pursuant to requests submitted by the Department of Public 84416  
Safety, the Controlling Board may approve cash transfers from Fund 84417  
5E20 to any fund used by the Department of Public Safety to 84418  
provide for assistance to political subdivisions made necessary by 84419  
natural disasters or emergencies. These cash transfers may be 84420  
requested and approved prior to the occurrence of any specific 84421  
natural disasters or emergencies in order to facilitate the 84422  
provision of timely assistance. The Emergency Management Agency of 84423  
the Department of Public Safety shall use the cash to fund the 84424  
State Disaster Relief Program for disasters that qualify for the 84425  
program by written authorization of the Governor, and the State 84426  
Individual Assistance Program for disasters that been declared by 84427  
the federal Small Business Administration and that qualify for the 84428  
program by written authorization from the Governor. The Ohio 84429  
Emergency Management Agency shall publish and make available 84430  
application packets outlining procedures for the State Disaster 84431  
Relief Program and the State Individual Assistance Program. 84432

**Section 249.10.** COS COSMETOLOGY AND BARBER BOARD 84433

Dedicated Purpose Fund Group 84434  
4K90 879609 Operating Expenses \$ 5,425,748 \$ 5,716,944 84435  
TOTAL DPF Dedicated Purpose Fund \$ 5,425,748 \$ 5,716,944 84436  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 5,425,748 \$ 5,716,944 84437

**Section 251.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 84439  
AND FAMILY THERAPIST BOARD 84440

Dedicated Purpose Fund Group				84441
4K90 899609 Operating Expenses	\$	1,739,538	\$ 1,854,848	84442
TOTAL DPF Dedicated Purpose Fund Group	\$	1,739,538	\$ 1,854,848	84443
TOTAL ALL BUDGET FUND GROUPS	\$	1,739,538	\$ 1,854,848	84444

**Section 253.10. CLA COURT OF CLAIMS** 84446

General Revenue Fund				84447
GRF 015321 Operating Expenses	\$	2,669,835	\$ 2,692,946	84448
GRF 015403 Public Records Adjudication	\$	879,776	\$ 886,527	84449
TOTAL GRF General Revenue Fund	\$	3,549,611	\$ 3,579,473	84450
Dedicated Purpose Fund Group				84451
5K20 015603 CLA Victims of Crime	\$	529,928	\$ 533,532	84452
5TE0 015604 Public Records	\$	8,000	\$ 8,000	84453
TOTAL DPF Dedicated Purpose Fund Group	\$	537,928	\$ 541,532	84454
TOTAL ALL BUDGET FUND GROUPS	\$	4,087,539	\$ 4,121,005	84455

**Section 255.10. DEN STATE DENTAL BOARD** 84457

Dedicated Purpose Fund Group				84458
4K90 880609 Operating Expenses	\$	2,000,804	\$ 2,124,251	84459
TOTAL DPF Dedicated Purpose Fund Group	\$	2,000,804	\$ 2,124,251	84460
TOTAL ALL BUDGET FUND GROUPS	\$	2,000,804	\$ 2,124,251	84461

**Section 257.10. BDP BOARD OF DEPOSIT** 84463

Dedicated Purpose Fund Group				84464
4M20 974601 Board of Deposit	\$	1,876,000	\$ 1,876,000	84465
TOTAL DPF Dedicated Purpose Fund Group	\$	1,876,000	\$ 1,876,000	84466
TOTAL ALL BUDGET FUND GROUPS	\$	1,876,000	\$ 1,876,000	84467

BOARD OF DEPOSIT EXPENSE FUND				84468
Upon receiving certification of expenses from the Treasurer				84469
of State, the Director of Budget and Management shall transfer				84470
cash from the Investment Earnings Redistribution Fund (Fund 6080)				84471
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund				84472
shall be used pursuant to section 135.02 of the Revised Code to				84473
pay for any and all necessary expenses of the Board of Deposit or				84474
for banking charges and fees required for the operation of the				84475
State of Ohio Regular Account.				84476
 <b>Section 259.10. DEV DEVELOPMENT SERVICES AGENCY</b>				84477
General Revenue Fund				84478
GRF	195402	Coal Research and Development Program	\$ 227,368 \$ 227,368	84479
GRF	195405	Minority Business Development	\$ 1,696,358 \$ 1,696,358	84480
GRF	195415	Business Development Services	\$ 2,102,021 \$ 2,149,281	84481
GRF	195426	Redevelopment Assistance	\$ 1,067,000 \$ 1,067,000	84482
GRF	195453	Technology Programs and Grants	\$ 2,040,056 \$ 2,096,400	84483
GRF	195454	Small Business and Export Assistance	\$ 3,057,174 \$ 3,057,174	84484
GRF	195455	Appalachia Assistance	\$ 12,991,465 \$ 13,000,000	84485
GRF	195497	CDBG Operating Match	\$ 1,092,138 \$ 1,125,000	84486
GRF	195499	BSD Federal Programs Match	\$ 13,148,022 \$ 12,976,894	84487
GRF	195503	Local Development Projects	\$ 2,373,000 \$ 825,000	84488
GRF	195520	Ohio Main Street Program	\$ 500,000 \$ 0	84489

GRF	195537	Ohio-Israel Agricultural Initiative	\$	250,000	\$	250,000	84490
GRF	195553	Industry Sector Partnerships	\$	1,800,000	\$	1,800,000	84491
GRF	195556	TechCred Program	\$	5,100,000	\$	4,400,000	84492
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	8,123,100	\$	7,682,600	84493
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	84,181,400	\$	87,403,000	84494
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	15,516,000	\$	9,879,900	84495
TOTAL GRF	General Revenue Fund		\$	155,265,102	\$	149,635,975	84496
	Dedicated Purpose Fund Group						84497
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	84498
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	84499
4F20	195639	State Special Projects	\$	102,104	\$	102,104	84500
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	84501
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	84502
5HR0	195606	TechCred Program	\$	5,600,000	\$	7,050,000	84503
5HR0	195622	Defense Development	\$	1,000,000	\$	1,000,000	84504

		Assistance				
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000 84505
		Operating				
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000 84506
		Rehabilitation				
		Operating				
5M40	195659	Low Income Energy	\$	349,944,742	\$	350,000,000 84507
		Assistance (USF)				
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000 84508
		Programs				
5MH0	195644	SiteOhio	\$	2,500	\$	2,500 84509
		Administration				
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000 84510
		Administration				
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000 84511
		Loan Program				
5UY0	195496	Sports Events Grants	\$	5,000,000	\$	0 84512
5W60	195691	International Trade	\$	18,000	\$	18,000 84513
		Cooperative Projects				
6170	195654	Volume Cap	\$	32,562	\$	32,562 84514
		Administration				
6460	195638	Low- and Moderate-	\$	54,500,000	\$	54,500,000 84515
		Income Housing				
		Programs				
M087	195435	Biomedical Research	\$	500,000	\$	500,000 84516
		and Technology				
		Transfer				
TOTAL DPF		Dedicated Purpose Fund	\$	449,574,813	\$	446,080,071 84517
Group						
Internal Service Activity Fund Group						84518
1350	195684	Development Services	\$	11,686,861	\$	12,000,000 84519
		Operations				
6850	195636	Development Services	\$	125,000	\$	125,000 84520

		Reimbursable				
		Expenditures				
TOTAL ISA	Internal Service Activity	\$	11,811,861	\$	12,125,000	84521
Fund Group						
Facilities Establishment	Fund Group					84522
4Z60 195647	Rural Industrial Park	\$	25,000,000	\$	0	84523
	Loan					
5S90 195628	Capital Access Loan	\$	2,500,000	\$	2,500,000	84524
	Program					
7009 195664	Innovation Ohio	\$	5,200,000	\$	4,800,000	84525
7010 195665	Research and	\$	5,000,000	\$	5,000,000	84526
	Development					
7037 195615	Facilities	\$	25,000,000	\$	25,000,000	84527
	Establishment					
TOTAL FCE	Facilities Establishment	\$	62,700,000	\$	37,300,000	84528
Fund Group						
Bond Research and Development	Fund Group					84529
7011 195686	Third Frontier Tax	\$	750,000	\$	750,000	84530
	Exempt - Operating					
7011 195687	Third Frontier	\$	21,000,000	\$	21,000,000	84531
	Research and					
	Development Projects					
7014 195620	Third Frontier	\$	1,710,000	\$	1,710,000	84532
	Taxable - Operating					
7014 195692	Research and	\$	90,850,250	\$	90,850,250	84533
	Development Taxable					
	Bond Projects					
TOTAL BRD	Bond Research and	\$	114,310,250	\$	114,310,250	84534
Development	Fund Group					
Federal	Fund Group					84535
3080 195603	Housing Assistance	\$	12,000,000	\$	12,000,000	84536
	Programs					

3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	84537
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	84538
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	84539
3080	195671	Brownfield Redevelopment	\$	2,000,000	\$	2,000,000	84540
3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	84541
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	84542
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	84543
3350	195610	Energy Programs	\$	345,382	\$	350,000	84544
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	84545
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	7,996,645	\$	8,000,000	84546
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	84547
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	84548
3K90	195611	Home Energy Assistance Block Grant	\$	164,914,571	\$	165,000,000	84549
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000	84550
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	84551
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000	84552
TOTAL FED	Federal Fund Group		\$	385,607,401	\$	385,732,334	84553
TOTAL ALL BUDGET FUND GROUPS			\$	1,179,269,427	\$	1,145,183,630	84554

<b>Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM</b>	84556
The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.	84557 84558 84559 84560
<b>MINORITY BUSINESS DEVELOPMENT</b>	84561
The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.	84562 84563 84564 84565 84566 84567 84568
<b>BUSINESS DEVELOPMENT SERVICES</b>	84569
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.	84570 84571 84572 84573
<b>REDEVELOPMENT ASSISTANCE</b>	84574
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.	84575 84576 84577 84578 84579
<b>TECHNOLOGY PROGRAMS AND GRANTS</b>	84580
Of the foregoing appropriation item 195453, Technology Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 in fiscal year 2021 shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented by the	84581 84582 84583 84584 84585

Development Services Agency.	84586
Of the foregoing appropriation item 195453, Technology	84587
Programs and Grants, \$196,400 in each fiscal year shall be	84588
allocated to the Edison Welding Institute, Inc., to support the	84589
Aerospace Maintenance Repair and Overhaul - Center of Excellence	84590
Project.	84591
 SMALL BUSINESS AND EXPORT ASSISTANCE	 84592
The foregoing appropriation item 195454, Small Business and	84593
Export Assistance, may be used to provide a range of business	84594
assistance, including grants to local organizations to support	84595
economic development activities that promote small business	84596
development, entrepreneurship, and exports of Ohio's goods and	84597
services, in conjunction with local organizations funded through	84598
appropriation item 195405, Minority Business Development. The	84599
foregoing appropriation item shall also be used as matching funds	84600
for grants from the United States Small Business Administration	84601
and other federal agencies, pursuant to Pub. L. No. 96-302 as	84602
amended by Pub. L. No. 98-395, and regulations and policy	84603
guidelines for the programs pursuant thereto.	84604
 APPALACHIA ASSISTANCE	 84605
The foregoing GRF appropriation item 195455, Appalachia	84606
Assistance, may be used for the administrative costs of planning	84607
and liaison activities for the Governor's Office of Appalachia, to	84608
provide financial assistance to projects in Ohio's Appalachian	84609
counties, to support four local development districts, and to pay	84610
dues for the Appalachian Regional Commission. These funds may be	84611
used to match federal funds from the Appalachian Regional	84612
Commission. Programs funded through the foregoing appropriation	84613
item 195455, Appalachia Assistance, shall be identified and	84614
recommended by the local development districts and approved by the	84615
Governor's Office of Appalachia. The Development Services Agency	84616

shall conduct compliance and regulatory review of the programs 84617  
recommended by the local development districts. Moneys allocated 84618  
under the foregoing appropriation item 195455, Appalachia 84619  
Assistance, may be used to fund projects including, but not 84620  
limited to, those designated by the local development districts as 84621  
community investment and rapid response projects. 84622

Of the foregoing appropriation item 195455, Appalachia 84623  
Assistance, in each fiscal year, \$170,000 shall be allocated to 84624  
the Ohio Valley Regional Development Commission, \$170,000 shall be 84625  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 84626  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 84627  
Development District, and \$70,000 shall be allocated to the 84628  
Eastgate Regional Council of Governments. Local development 84629  
districts receiving funding under this section shall use the funds 84630  
for the implementation and administration of programs and duties 84631  
under section 107.21 of the Revised Code. 84632

Of the foregoing appropriation item 195455, Appalachia 84633  
Assistance, up to \$2,000,000 in each fiscal year shall be 84634  
allocated to the GRIT Project for operational costs and to provide 84635  
virtual job training, virtual job centers, and related training 84636  
and services consistent with the mission of the GRIT Project for 84637  
high school students and adults residing in Adams, Brown, 84638  
Highland, Pike, or Scioto counties. 84639

Of the foregoing appropriation item 195455, Appalachia 84640  
Assistance, \$5,000,000 in each fiscal year shall be allocated to 84641  
the Foundation for Appalachian Ohio. 84642

CDBG OPERATING MATCH 84643

The foregoing appropriation item 195497, CDBG Operating 84644  
Match, shall be used as matching funds for grants from the United 84645  
States Department of Housing and Urban Development pursuant to the 84646  
Housing and Community Development Act of 1974 and regulations and 84647

policy guidelines for the programs pursuant thereto. 84648

BSD FEDERAL PROGRAMS MATCH 84649

The foregoing appropriation item 195499, BSD Federal Programs 84650  
Match, shall be used as matching funds for grants from the U.S. 84651  
Department of Commerce, National Institute of Standards and 84652  
Technology (NIST) Manufacturing Extension Partnership Program and 84653  
Defense Logistics Agency Procurement Technical Assistance Program, 84654  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 84655  
amended by Pub. L. No. 98-395, and regulations and policy 84656  
guidelines for the programs pursuant thereto. The foregoing 84657  
appropriation item 195499, BSD Federal Programs Match, shall also 84658  
be used for operating expenses of the Business Services Division. 84659

LOCAL DEVELOPMENT PROJECTS 84660

Of the foregoing appropriation item 195503, Local Development 84661  
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 84662  
matching funding for the National Center for Defense Manufacturing 84663  
and Machining in partnership with either the U.S. Department of 84664  
Defense or the U.S. Department of Energy to further economic 84665  
opportunity at America Makes, the National Additive Manufacturing 84666  
Innovation Institute. 84667

Of the foregoing appropriation item 195503, \$300,000 in each 84668  
fiscal year shall be allocated to the Eastern Ohio Military 84669  
Affairs Commission to support the Camp James A. Garfield Joint 84670  
Military Training Center and the Youngstown Air Reserve Station. 84671

Of the foregoing appropriation item 195503, Local Development 84672  
Projects, \$250,000 in each fiscal year shall be allocated to the 84673  
Greater Cleveland Partnership to support the Cleveland Chain 84674  
Reaction Project. 84675

Of the foregoing appropriation item 195503, Local Development 84676  
Projects, \$150,000 in each fiscal year shall be allocated to the 84677  
Stark County Minority Business Association to work in partnership 84678

with the Canton Regional Chamber of Commerce to support a 84679  
demonstration pilot project. 84680

Of the foregoing appropriation item 195503, Local Development 84681  
Projects, \$125,000 in each fiscal year shall be allocated to 84682  
BioEnterprise Corporation. 84683

Of the foregoing appropriation item 195503, Local Development 84684  
Projects, \$325,000 in fiscal year 2020 shall be allocated to the 84685  
Euclid Shore Cultural Center for window replacement. 84686

Of the foregoing appropriation item 195503, Local Development 84687  
Projects, \$150,000 in fiscal year 2020 shall be allocated to the 84688  
Euclid YMCA for asbestos removal. 84689

Of the foregoing appropriation item 195503, Local Development 84690  
Projects, \$58,000 in fiscal year 2020 shall be allocated to the 84691  
City of Maple Heights to support the Maple Heights Aquatic 84692  
Facility Project. 84693

Of the foregoing appropriation item 195503, Local Development 84694  
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 84695  
Jewish Foundation of Cincinnati to support workforce development 84696  
costs involved with assisting in employment services for the 84697  
financially indigent. 84698

On July 1, 2020, or as soon as possible thereafter, the 84699  
Director of Development Services shall certify to the Director of 84700  
Budget and Management the amount of the unexpended, unencumbered 84701  
balance of appropriation item 195503, Local Development Projects, 84702  
to be reappropriated in fiscal year 2021. The amount certified is 84703  
hereby reappropriated to the appropriation item in fiscal year 84704  
2021 for the same purpose. 84705

OHIO MAIN STREET PROGRAM 84706

The foregoing appropriation item 195520, Ohio Main Street 84707  
Program, shall be allocated to Heritage Ohio to support the Ohio 84708

Main Street Program.	84709
OHIO-ISRAEL AGRICULTURAL INITIATIVE	84710
The foregoing appropriation item 195537, Ohio-Israel	84711
Agricultural Initiative, shall be used for the Ohio-Israel	84712
Agricultural Initiative.	84713
INDUSTRY SECTOR PARTNERSHIPS	84714
The foregoing appropriation item 195553, Industry Sector	84715
Partnerships, shall be used for the grant program as described in	84716
section 122.179 of the Revised Code.	84717
TECHCRED PROGRAM	84718
(A) The foregoing appropriation item 195556, TechCred	84719
Program, shall be used for reimbursements to employers under the	84720
TechCred Program as described in section 122.178 of the Revised	84721
Code, provided that:	84722
(1) Not less than 15 per cent of awarded funds in each fiscal	84723
year shall be awarded to businesses with 50 or fewer employees;	84724
(2) Not less than 15 per cent of awarded funds in each fiscal	84725
year shall be awarded to businesses with 200 or fewer employees,	84726
in addition to the minimum amount allocated under division (A)(1)	84727
of this section; and	84728
(3) Not less than 15 per cent of awarded funds in each fiscal	84729
year shall be awarded to businesses with 200 or more employees.	84730
(B) Of the foregoing appropriation item 195556, TechCred	84731
Program, \$200,000 in each fiscal year may be used to cover	84732
operating expenses of the TechCred Program.	84733
<b>Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL</b>	84734
OBLIGATION BOND DEBT SERVICE	84735
The foregoing appropriation line item 195901, Coal Research	84736
and Development General Obligation Bond Debt Service, shall be	84737

used to pay all debt service and related financing costs during 84738  
the period July 1, 2019, through June 30, 2021, on obligations 84739  
issued under sections 151.01 and 151.07 of the Revised Code. 84740

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 84741  
BOND DEBT SERVICE 84742

The foregoing appropriation item 195905, Third Frontier 84743  
Research and Development General Obligation Bond Debt Service, 84744  
shall be used to pay all debt service and related financing costs 84745  
during the period from July 1, 2019, through June 30, 2021, on 84746  
obligations issued under sections 151.01 and 151.10 of the Revised 84747  
Code. 84748

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 84749  
SERVICE 84750

The foregoing appropriation item 195912, Job Ready Site 84751  
Development General Obligation Bond Debt Service, shall be used to 84752  
pay all debt service and related financing costs during the period 84753  
from July 1, 2019, through June 30, 2021, on obligations issued 84754  
under sections 151.01 and 151.11 of the Revised Code. 84755

**Section 259.30.** MINORITY BUSINESS BONDING FUND 84756

Notwithstanding Chapters 122., 169., and 175. of the Revised 84757  
Code, the Director of Development Services may, upon the 84758  
recommendation of the Minority Development Financing Advisory 84759  
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 84760  
unclaimed funds administered by the Director of Commerce and 84761  
allocated to the Minority Business Bonding Program under section 84762  
169.05 of the Revised Code. 84763

If needed for the payment of losses arising from the Minority 84764  
Business Bonding Program, the Director of Budget and Management 84765  
may, at the request of the Director of Development Services, 84766  
request that the Director of Commerce transfer unclaimed funds 84767

that have been reported by holders of unclaimed funds under 84768  
section 169.05 of the Revised Code to the Minority Bonding Fund 84769  
(Fund 4490). The transfer of unclaimed funds shall only occur 84770  
after proceeds of the initial transfer of \$2,700,000 by the 84771  
Controlling Board to the Minority Business Bonding Program have 84772  
been used for that purpose. If expenditures are required for 84773  
payment of losses arising from the Minority Business Bonding 84774  
Program, such expenditures shall be made from appropriation item 84775  
195658, Minority Business Bonding Contingency in the Minority 84776  
Business Bonding Fund, and such amounts are hereby appropriated. 84777

BUSINESS ASSISTANCE PROGRAMS 84778

The foregoing appropriation item 195649, Business Assistance 84779  
Programs, shall be used for administrative expenses associated 84780  
with the operation of loan incentives within the Office of 84781  
Strategic Business Investments. 84782

STATE SPECIAL PROJECTS 84783

The State Special Projects Fund (Fund 4F20), may be used for 84784  
the deposit of private-sector funds from utility companies and for 84785  
the deposit of other miscellaneous state funds. State moneys so 84786  
deposited may also be used to match federal funding and to support 84787  
programs of the Community Service Division. 84788

MINORITY BUSINESS ENTERPRISE LOAN 84789

The foregoing appropriation item 195646, Minority Business 84790  
Enterprise Loan, shall be used for awards under the Minority 84791  
Business Enterprise Loan Program and to cover operating expenses 84792  
of the Minority Business Development Division. All repayments from 84793  
the Minority Development Financing Advisory Board Loan Program 84794  
shall be deposited in the State Treasury to the credit of the 84795  
Minority Business Enterprise Loan Fund (Fund 4W10). 84796

TECHCRED PROGRAM 84797

The foregoing appropriation item 195606, TechCred Program, 84798  
shall be used in conjunction with GRF appropriation item 195556, 84799  
TechCred Program, to support the TechCred Program under section 84800  
122.178 of the Revised Code. 84801

On July 1, 2019, or as soon as possible thereafter, the 84802  
Director of Budget and Management shall transfer \$5,600,000 cash 84803  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 84804  
(Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund 84805  
(Fund 5HR0). 84806

On July 1, 2020, or as soon as possible thereafter, the 84807  
Director of Budget and Management shall transfer \$7,050,000 cash 84808  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 84809  
(Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund 84810  
(Fund 5HR0). 84811

DEFENSE DEVELOPMENT ASSISTANCE 84812

The foregoing appropriation item 195622, Defense Development 84813  
Assistance, shall be allocated to Development Projects, Inc., for 84814  
economic development programs and the creation of new jobs to 84815  
leverage and support mission gains at Department of Defense and 84816  
related facilities in Ohio by working with future base realignment 84817  
and closure activities and ongoing Department of Defense 84818  
efficiency and partnership initiatives, assisting efforts to 84819  
secure Department of Defense support contracts for Ohio companies, 84820  
assessing and supporting regional job training and workforce 84821  
development needs generated by the Department of Defense and the 84822  
Ohio aerospace industry, promoting technology transfer to Ohio 84823  
businesses, and for expanding job training and economic 84824  
development programs in human performance and cyber security 84825  
related initiatives. 84826

ADVANCED ENERGY LOAN PROGRAMS 84827

The foregoing appropriation item 195660, Advanced Energy Loan 84828

Programs, shall be used to provide financial assistance to 84829  
customers for eligible advanced energy projects for residential, 84830  
commercial, and industrial business, local government, educational 84831  
institution, nonprofit, and agriculture customers. The 84832  
appropriation item may be used to match federal grant funding and 84833  
to pay for the program's administrative costs as provided in 84834  
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 84835  
by the Director of Development Services. 84836

SPORTS EVENT GRANTS 84837

The foregoing appropriation item 195496, Sports Event Grants, 84838  
shall be used for grants as described in sections 122.12 and 84839  
122.121 of the Revised Code. 84840

SPORTS EVENT GRANTS REAPPROPRIATION 84841

On July 1, 2019, or as soon as possible thereafter, the 84842  
Director of Development Services shall certify to the Director of 84843  
Budget and Management the amount of the unexpended, unencumbered 84844  
balance of appropriation item 195496, Sports Event Grants, to be 84845  
reappropriated in fiscal year 2020. The amount certified is hereby 84846  
reappropriated to the appropriation item in fiscal year 2020 for 84847  
the same purpose. 84848

VOLUME CAP ADMINISTRATION 84849

The foregoing appropriation item 195654, Volume Cap 84850  
Administration, shall be used for expenses related to the 84851  
administration of the Volume Cap Program. Revenues received by the 84852  
Volume Cap Administration Fund (Fund 6170) shall consist of 84853  
application fees, forfeited deposits, and interest earned from the 84854  
custodial account held by the Treasurer of State. 84855

**Section 259.40.** DEVELOPMENT SERVICES OPERATIONS 84856

The Director of Development Services may assess offices of 84857  
the agency for the cost of central service operations. An 84858

assessment shall contain the characteristics of administrative 84859  
ease and uniform application. A division's payments shall be 84860  
credited to the Supportive Services Fund (Fund 1350) using an 84861  
intrastate transfer voucher. 84862

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 84863

The foregoing appropriation item 195636, Development Services 84864  
Reimbursable Expenditures, shall be used for reimbursable costs 84865  
incurred by the agency. Revenues to the General Reimbursement Fund 84866  
(Fund 6850) shall consist of moneys charged for administrative 84867  
costs that are not central service costs and repayments of loans, 84868  
including the interest thereon, made from the Water and Sewer Fund 84869  
(Fund 4440). 84870

**Section 259.50.** CAPITAL ACCESS LOAN PROGRAM 84871

The foregoing appropriation item 195628, Capital Access Loan 84872  
Program, shall be used for operating, program, and administrative 84873  
expenses of the program. Funds of the Capital Access Loan Program 84874  
shall be used to assist participating financial institutions in 84875  
making program loans to eligible businesses that face barriers in 84876  
accessing working capital and obtaining fixed-asset financing. 84877  
Loans financed with assistance under the Capital Access Loan 84878  
Program are subject to Controlling Board approval. 84879

The Director of Budget and Management may transfer an amount 84880  
not to exceed \$1,000,000 cash in each fiscal year from the 84881  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 84882  
Access Loan Fund (Fund 5S90). This transfer is subject to 84883  
Controlling Board approval. 84884

INNOVATION OHIO 84885

The foregoing appropriation item 195664, Innovation Ohio, 84886  
shall be used to provide for Innovation Ohio purposes, including 84887  
loan guarantees and loans under Chapter 166. and particularly 84888

sections 166.12 to 166.16 of the Revised Code. 84889

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 84890

Of the foregoing appropriation item 195664, Innovation Ohio, 84891  
up to \$5,200,000 in fiscal year 2020 shall be used to offer a loan 84892  
to The Ohio State University for the development and clinical 84893  
evaluation of a non-opiate, non-addictive pharmaceutical treatment 84894  
intervention's efficacy to reduce a physician's reliance upon and 84895  
limit a patient's initial exposure to opioids, provided that the 84896  
loan is structured so that meeting benchmarks allows future 84897  
forgiveness of the loan. 84898

RESEARCH AND DEVELOPMENT 84899

The foregoing appropriation item 195665, Research and 84900  
Development, shall be used to provide for research and development 84901  
purposes, including loans, under Chapter 166. and particularly 84902  
sections 166.17 to 166.21 of the Revised Code. 84903

FACILITIES ESTABLISHMENT 84904

The foregoing appropriation item 195615, Facilities 84905  
Establishment, shall be used for the purposes of the Facilities 84906  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 84907  
Code. 84908

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 84909

Notwithstanding Chapter 166. of the Revised Code, on July 1, 84910  
2019, or as soon as possible thereafter, the Director of Budget 84911  
and Management shall transfer \$25,000,000 cash from the Facilities 84912  
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 84913  
Fund (Fund 4Z60). The transfer is subject to Controlling Board 84914  
approval under section 166.03 of the Revised Code. 84915

Notwithstanding Chapter 166. of the Revised Code, an amount 84916  
not to exceed \$3,500,000 in cash in each fiscal year may be 84917  
transferred from the Facilities Establishment Fund (Fund 7037) to 84918

the Business Assistance Fund (Fund 4510). The transfer is subject 84919  
to Controlling Board approval under division (B) of section 166.03 84920  
of the Revised Code. 84921

Notwithstanding Chapter 166. of the Revised Code, the 84922  
Director of Budget and Management may transfer an amount not to 84923  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 84924  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 84925  
Loan Fund (Fund 4W10). This transfer is subject to Controlling 84926  
Board approval. 84927

Notwithstanding Chapter 166. of the Revised Code, the 84928  
Director of Budget and Management may transfer an amount not to 84929  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 84930  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 84931  
(Fund 5S90). This transfer is subject to Controlling Board 84932  
approval. 84933

**Section 259.60. THIRD FRONTIER OPERATING COSTS** 84934

The foregoing appropriation items 195686, Third Frontier Tax 84935  
Exempt - Operating, and 195620, Third Frontier Taxable - 84936  
Operating, shall be used for operating expenses incurred by the 84937  
Development Services Agency in administering projects pursuant to 84938  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 84939  
paid from appropriation item 195686 shall be limited to the 84940  
administration of projects funded from the Third Frontier Research 84941  
& Development Fund (Fund 7011) and operating expenses paid from 84942  
appropriation item 195620 shall be limited to the administration 84943  
of projects funded from the Third Frontier Research & Development 84944  
Taxable Bond Project Fund (Fund 7014). 84945

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 84946  
PROJECTS** 84947

The foregoing appropriation items 195687, Third Frontier 84948

Research & Development Projects, and 195692, Research & 84949  
Development Taxable Bond Projects, shall be used by the 84950  
Development Services Agency to fund selected projects which may 84951  
include internship programs. Eligible costs are those costs of 84952  
research and development projects to which the proceeds of the 84953  
Third Frontier Research & Development Fund (Fund 7011) and the 84954  
Research & Development Taxable Bond Project Fund (Fund 7014) are 84955  
to be applied. 84956

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 84957

The Director of Budget and Management may approve written 84958  
requests from the Director of Development Services for the 84959  
transfer of appropriations between appropriation items 195687, 84960  
Third Frontier Research & Development Projects, and 195692, 84961  
Research & Development Taxable Bond Projects, based upon awards 84962  
recommended by the Third Frontier Commission. 84963

In fiscal year 2021, the Director of Development Services may 84964  
request that the Director of Budget and Management reappropriate 84965  
any unexpended, unencumbered balances of the prior fiscal year's 84966  
appropriation to the foregoing appropriation items 195687, Third 84967  
Frontier Research & Development Projects, and 195692, Research & 84968  
Development Taxable Bond Projects, for fiscal year 2021. The 84969  
Director of Budget and Management may request additional 84970  
information necessary for evaluating these requests, and the 84971  
Director of Development Services shall provide the requested 84972  
information to the Director of Budget and Management. Based on the 84973  
information provided by the Director of Development Services, the 84974  
Director of Budget and Management shall determine the amounts to 84975  
be reappropriated, and those amounts are hereby reappropriated for 84976  
fiscal year 2021. 84977

**Section 259.70. HEAP WEATHERIZATION** 84978

Up to twenty per cent of the federal funds deposited to the 84979

credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 84980  
 may be expended from appropriation item 195614, HEAP 84981  
 Weatherization, to provide home weatherization services in the 84982  
 state as determined by the Director of Development Services. 84983

**Section 259.80.** LAKES IN ECONOMIC DISTRESS REVOLVING LOAN 84984  
 PROGRAM 84985

On July 1, 2019, or as soon as possible thereafter, the 84986  
 Director of Development Services shall certify to the Director of 84987  
 Budget and Management the balance of the Lakes in Economic 84988  
 Distress Revolving Loan Fund (Fund 5RQ0). The amount certified is 84989  
 hereby reappropriated in FY 2020 to appropriation item 195546, 84990  
 Lakes in Economic Distress Revolving Loan Program, for the same 84991  
 purposes as described in section 122.641 of the Revised Code. 84992

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 84993

General Revenue Fund 84994

GRF	320411	Special Olympics	\$	100,000	\$	100,000	84995
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	84996
GRF	320415	Developmental	\$	19,695,400	\$	20,369,000	84997
		Disabilities					
		Facilities Lease					
		Rental Bond Payments					
GRF	322420	Screening and Early	\$	300,000	\$	300,000	84998
		Identification					
GRF	322421	Part C Early	\$	23,236,369	\$	23,302,224	84999
		Intervention					
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	85000
GRF	322451	Family Support	\$	5,843,767	\$	5,843,767	85001
		Services					
GRF	322502	Community Program	\$	25,000	\$	25,000	85002
		Support					

GRF	322508	Employment First Initiative	\$	2,747,327	\$	2,730,015	85003
GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	85004
GRF	322510	Best Buddies Ohio	\$	75,000	\$	75,000	85005
GRF	653321	Medicaid Program Support - State	\$	7,076,877	\$	7,078,860	85006
GRF	653407	Medicaid Services	\$	672,567,500	\$	687,978,323	85007
TOTAL GRF		General Revenue Fund	\$	735,776,663	\$	751,911,612	85008
		Dedicated Purpose Fund Group					85009
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	85010
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	85011
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	85012
5EV0	653627	Medicaid Program Support	\$	1,750,000	\$	1,750,000	85013
5GE0	320606	Central Office Operating Expenses	\$	18,501,132	\$	20,501,132	85014
5GE0	653606	ICF/IID and Waiver Match	\$	42,000,000	\$	60,100,000	85015
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	85016
5QM0	320607	System Transformation Supports	\$	250,000	\$	100,000	85017
5S20	653622	Medicaid Administration & Oversight	\$	25,220,326	\$	27,237,952	85018
5Z10	653624	County Board Waiver Match	\$	362,680,330	\$	426,668,369	85019
TOTAL DPF		Dedicated Purpose Fund Group	\$	459,551,788	\$	545,507,453	85020
		Internal Service Activity Fund Group					85021

1520	653609	DC and Residential Facilities Operating Services	\$	8,719,347	\$	9,000,000	85022
TOTAL ISA Internal Service Activity Fund Group							
			\$	8,719,347	\$	9,000,000	85023
Federal Fund Group							85024
3250	322612	Community Social Service Programs	\$	26,997,635	\$	26,997,635	85025
3A40	653654	Medicaid Services	\$	2,015,287,585	\$	2,136,179,373	85026
3A40	653655	Medicaid Support	\$	66,915,330	\$	69,657,028	85027
3A50	320613	Developmental Disabilities Council	\$	3,200,000	\$	3,200,000	85028
TOTAL FED Federal Fund Group							85029
TOTAL ALL BUDGET FUND GROUPS			\$	3,316,448,348	\$	3,542,453,101	85030

**Section 261.15. SPECIAL OLYMPICS** 85032

The foregoing appropriation item 320411, Special Olympics, 85033  
shall be distributed to the Special Olympics of Ohio. 85034

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES** 85035

**LEASE-RENTAL BOND PAYMENTS** 85036

The foregoing appropriation item 320415, Developmental 85037  
Disabilities Facilities Lease Rental Bond Payments, shall be used 85038  
to meet all payments during the period from July 1, 2019, through 85039  
June 30, 2021, by the Department of Developmental Disabilities 85040  
pursuant to leases and agreements made under section 154.20 of the 85041  
Revised Code. These appropriations are the source of funds pledged 85042  
for bond service charges on related obligations issued under 85043  
Chapter 154. of the Revised Code. 85044

**Section 261.30. SCREENING AND EARLY IDENTIFICATION** 85045

At the discretion of the Director of Developmental 85046

Disabilities, the foregoing appropriation item 322420, Screening 85047  
and Early Identification, shall be used for professional and 85048  
program development related to early identification/screening and 85049  
intervention for children with autism and other complex 85050  
developmental disabilities and their families. 85051

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY** 85052

The foregoing appropriation item 322451, Family Support 85053  
Services, may be used as follows in fiscal year 2020 and fiscal 85054  
year 2021: 85055

(A) The appropriation item may be used to provide a subsidy 85056  
to county boards of developmental disabilities for family support 85057  
services provided under section 5126.11 of the Revised Code. The 85058  
subsidy shall be paid in quarterly installments and allocated to 85059  
county boards according to a formula the Director of Developmental 85060  
Disabilities shall develop in consultation with representatives of 85061  
county boards. A county board shall use not more than seven per 85062  
cent of its subsidy for administrative costs. 85063

(B) The appropriation item may be used to distribute funds to 85064  
county boards for the purpose of addressing economic hardships and 85065  
to promote efficiency of operations. In consultation with 85066  
representatives of county boards, the Director shall determine the 85067  
amount of funds to distribute for these purposes and the criteria 85068  
for distributing the funds. 85069

**Section 261.50. BEST BUDDIES OHIO** 85070

The foregoing appropriation item 322510, Best Buddies Ohio, 85071  
shall be provided to the Best Buddies Ohio program to support the 85072  
delivery and expansion of inclusion services throughout Ohio 85073  
colleges and communities. 85074

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 85075

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 261.70.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 85108

The foregoing appropriation item 322509, Community Supports 85109  
and Rental Assistance, may be used by the Director of 85110  
Developmental Disabilities to provide funding to county boards of 85111  
developmental disabilities for rental assistance to individuals 85112  
with developmental disabilities receiving home and community-based 85113  
services as defined in section 5123.01 of the Revised Code 85114  
pursuant to section 5124.60 of the Revised Code or section 5124.69 85115  
of the Revised Code and individuals with developmental 85116  
disabilities who enroll in a Medicaid waiver component providing 85117  
home and community-based services after receiving preadmission 85118  
counseling pursuant to section 5124.68 of the Revised Code. The 85119  
Director shall establish the methodology for determining the 85120  
amount and distribution of such funding. 85121

**Section 261.75.** COMMUNITY PROGRAM SUPPORT 85122

The foregoing appropriation item 322502, Community Program 85123  
Support, shall be distributed to the Halom House, Inc. 85124

**Section 261.80.** MEDICAID SERVICES 85125

(A) As used in this section: 85126

(1) "Home and community-based services" has the same meaning 85127  
as in section 5123.01 of the Revised Code. 85128

(2) "ICF/IID services" has the same meaning as in section 85129  
5124.01 of the Revised Code. 85130

(B) Except as provided in section 5123.0416 of the Revised 85131  
Code, the purposes for which the foregoing appropriation item 85132  
653407, Medicaid Services, shall be used include the following: 85133

(1) Home and community-based services; 85134

(2) Implementation of the requirements of the agreement 85135

settling the consent decree in Sermak v. Manuel, Case No.	85136
C-2-80-220, United States District Court for the Southern District	85137
of Ohio, Eastern Division;	85138
(3) Implementation of the requirements of the agreement	85139
settling the consent decree in the Martin v. Strickland, Case No.	85140
89-CV-00362, United States District Court for the Southern	85141
District of Ohio, Eastern Division;	85142
(4) ICF/IID services; and	85143
(5) Other programs as identified by the Director of	85144
Developmental Disabilities.	85145
<b>Section 261.90. OPERATING AND SERVICES</b>	85146
Of the foregoing appropriation item 320606, Operating and	85147
Services, \$100,000 in each fiscal year shall be provided to the	85148
Ohio Center for Autism and Low Incidence to establish a lifespan	85149
autism hub to support families and professionals.	85150
<b>Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT</b>	85151
SERVICES	85152
Any county funds received by the Department of Developmental	85153
Disabilities from county boards of developmental disabilities for	85154
active treatment shall be deposited in the Developmental	85155
Disabilities Operating Fund (Fund 4890).	85156
<b>Section 261.110. SYSTEM TRANSFORMATION SUPPORTS</b>	85157
The foregoing appropriation item 320607, System	85158
Transformation Supports, may be used by the Director of	85159
Developmental Disabilities to fund system transformation	85160
initiatives identified by the Director.	85161
<b>Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS</b>	85162

A portion of the foregoing appropriation item 322612, 85163  
Community Social Service Programs, may be used by the Early 85164  
Intervention Services Advisory Council for the following purposes: 85165

(A) In addition to other necessary and allowed uses of funds 85166  
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 85167  
Services Advisory Council established pursuant to section 85168  
5123.0422 of the Revised Code, may, in its discretion, use 85169  
budgeted funds to do all of the following: 85170

(1) Conduct forums and hearings; 85171

(2) Reimburse council members for reasonable and necessary 85172  
expenses, including child care expenses for parent 85173  
representatives, for attending council meetings and performing 85174  
council duties; 85175

(3) Pay compensation to a council member if the member is not 85176  
employed or must forfeit wages from other employment when 85177  
performing official council business; 85178

(4) Hire staff; 85179

(5) Obtain the services of professional, technical, and 85180  
clerical personnel as necessary to carry out the performance of 85181  
its lawful functions. 85182

(B) Except as provided in division (A) of this section, 85183  
council members shall serve without compensation or reimbursement. 85184

**Section 261.130.** COUNTY BOARD SHARE OF WAIVER SERVICES 85185

As used in this section, "home and community-based services" 85186  
has the same meaning as in section 5123.01 of the Revised Code. 85187

The Director of Developmental Disabilities shall establish a 85188  
methodology to be used in fiscal year 2020 and fiscal year 2021 to 85189  
estimate the quarterly amount each county board of developmental 85190  
disabilities is to pay of the nonfederal share of home and 85191

community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

**Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT**

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES**

Developmental centers of the Department of Developmental Disabilities may provide services to persons with developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

**Section 261.160. ODODD INNOVATIVE PILOT PROJECTS**

(A) In fiscal year 2020 and fiscal year 2021, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any

provision of Chapters 5123. and 5126. of the Revised Code and any 85221  
rule adopted under either chapter, a pilot project authorized by 85222  
the Director may be continued or implemented in a manner 85223  
inconsistent with one or more provisions of either chapter or one 85224  
or more rules adopted under either chapter. Before authorizing a 85225  
pilot program, the Director shall consult with entities interested 85226  
in the issue of developmental disabilities, including the Ohio 85227  
Provider Resource Association, Ohio Association of County Boards 85228  
of Developmental Disabilities, Ohio Health Care Association/Ohio 85229  
Centers for Intellectual Disabilities, the Values and Faith 85230  
Alliance, and ARC of Ohio. 85231

(B) The Director may not authorize a pilot project to be 85232  
implemented in a manner that would cause the state to be out of 85233  
compliance with any requirements for a program funded in whole or 85234  
in part with federal funds. 85235

**Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES** 85236

(A) As used in this section, "ICF/IID," "ICF/IID services," 85237  
and "Medicaid-certified capacity" have the same meanings as in 85238  
section 5124.01 of the Revised Code. 85239

(B) The Director of Developmental Disabilities shall pay the 85240  
nonfederal share of a claim for ICF/IID services using funds 85241  
specified in division (C) of this section if all of the following 85242  
apply: 85243

(1) Medicaid covers the ICF/IID services. 85244

(2) The ICF/IID services are provided to a Medicaid recipient 85245  
to whom both of the following apply: 85246

(a) The Medicaid recipient is eligible for the ICF/IID 85247  
services; 85248

(b) The Medicaid recipient does not occupy a bed in the 85249  
ICF/IID that used to be included in the Medicaid-certified 85250

capacity of another ICF/IID certified by the Director of Health 85251  
before June 1, 2003. 85252

(3) The ICF/IID services are provided by an ICF/IID whose 85253  
Medicaid certification by the Director of Health was initiated or 85254  
supported by a county board of developmental disabilities. 85255

(4) The provider of the ICF/IID services has a valid Medicaid 85256  
provider agreement for the services for the time that the services 85257  
are provided. 85258

(C) When required by division (B) of this section to pay the 85259  
nonfederal share of a claim, the Director of Developmental 85260  
Disabilities shall use the following funds to pay the claim: 85261

(1) Funds available from appropriation item 653407, Medicaid 85262  
Services, that the Director allocates to the county board that 85263  
initiated or supported the Medicaid certification of the ICF/IID 85264  
that provided the ICF/IID services for which the claim is made; 85265

(2) If the amount of funds used pursuant to division (C)(1) 85266  
of this section is insufficient to pay the claim in full, an 85267  
amount of funds that are needed to make up the difference and 85268  
available from amounts the Director allocates to other county 85269  
boards from appropriation item 653407, Medicaid Services. 85270

**Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 85271**  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 85272

(A) As used in this section: 85273

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 85274  
that converted some or all of its beds to providing home and 85275  
community-based services under the IO Waiver pursuant to section 85276  
5124.60 of the Revised Code. 85277

(2) "Developmental center" and "ICF/IID" have the same 85278  
meanings as in section 5124.01 of the Revised Code. 85279

(3) "IO Waiver" means the Medicaid waiver component, as 85280  
defined in section 5166.01 of the Revised Code, known as 85281  
Individual Options. 85282

(4) "Medicaid provider" has the same meaning as in section 85283  
5164.01 of the Revised Code. 85284

(5) "Public hospital" has the same meaning as in section 85285  
5122.01 of the Revised Code. 85286

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 85287  
whom all of the following apply: 85288

(a) The enrollee resided in a developmental center, converted 85289  
facility, or public hospital immediately before enrolling in the 85290  
IO Wavier. 85291

(b) The enrollee did not receive before July 1, 2011, routine 85292  
homemaker/personal care services from the Medicaid provider that 85293  
is to be paid the Medicaid rate authorized by this section for 85294  
providing such services to the enrollee during the period 85295  
specified in division (C) of this section. 85296

(c) The Director of Developmental Disabilities has determined 85297  
that the enrollee's special circumstances (including the 85298  
enrollee's diagnosis, service needs, or length of stay at the 85299  
developmental center, converted facility, or public hospital) 85300  
warrants paying the Medicaid rate authorized by this section. 85301

(B) The total Medicaid payment rate for each fifteen minutes 85302  
of routine homemaker/personal care services that a Medicaid 85303  
provider provides to a qualifying IO enrollee during the period 85304  
specified in division (C) of this section shall be fifty-two cents 85305  
higher than the Medicaid payment rate in effect on the day the 85306  
services are provided for each fifteen minutes of routine 85307  
homemaker/personal care services that a Medicaid provider provides 85308  
to an IO enrollee who is not a qualifying IO enrollee. 85309

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2019, and ending July 1, 2021, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

**Section 261.220. DIRECT SUPPORT PROFESSIONAL RATE INCREASE**

(A) As used in this section:

(1) "DD-administered waiver" means a Medicaid waiver component, as defined in section 5166.01 of the Revised Code, administered by the Department of Developmental Disabilities.

(2) "Direct support professional" means an individual who works directly with people with developmental disabilities.

(3) "Homemaker/personal care services" means the coordinated provision of a variety of services, supports, and supervision to which all of the following apply:

(a) They are necessary to ensure the health and welfare of an individual with a developmental disability who lives in the community.

(b) They advance the individual's independence within the individual's home and community.

(c) They help the individual meet daily living needs.

(B) The Medicaid payment rate for homemaker/personal care services provided by direct support professionals under a DD-administered waiver shall be the following:

(1) For the period beginning January 1, 2020, and ending January 1, 2021, \$12.82 per hour;	85339 85340
(2) For the period beginning January 1, 2021, and ending July 1, 2021, \$13.23 per hour.	85341 85342
<b>Section 261.230.</b> ICF/IID QUALITY INDICATORS WORKGROUP	85343
(A) As used in this section, "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	85344 85345
(B)(1) The Director of Developmental Disabilities shall establish a workgroup to advise the Department of Developmental Disabilities on quality indicators used for awarding points to ICFs/IID under section 5124.24 of the Revised Code. The workgroup shall consist of at least one representative from each of the following as appointed by the Director:	85346 85347 85348 85349 85350 85351
(a) The Department of Developmental Disabilities;	85352
(b) The Ohio Health Care Association;	85353
(c) The Ohio Provider Resource Association;	85354
(d) The Arc of Ohio;	85355
(e) The Values of Faith Alliance;	85356
(f) The Ohio Association of County Boards of Developmental Disabilities.	85357 85358
(2) Members of the workgroup shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties.	85359 85360 85361
(C) Not later than December 31, 2019, the workgroup shall submit to the Director a report containing recommended quality indicators to be used for awarding points to ICFs/IID under section 5124.24 of the Revised Code. In making its recommendations, the workgroup shall do all of the following:	85362 85363 85364 85365 85366

(1) Recommend not more than five quality indicators;	85367
(2) Recommend quality indicators that address aspects of ICF/IID services that individuals receiving services, their families, and their guardians consider to be important;	85368 85369 85370
(3) Recommend quality indicators that can be calculated using data the Department already collects or that the Department can collect with minimal additional administrative burden on ICFs/IID;	85371 85372 85373
(4) Consider utilizing a consumer satisfaction survey for one or more of the quality indicators and consider whether the National Core Indicators could be used for this purpose or if a new survey should be developed;	85374 85375 85376 85377
(5) Consider whether any quality indicators that the workgroup recommends should be adjusted for acuity and whether to recommend different quality indicators for ICFs/IID of different sizes or serving different populations.	85378 85379 85380 85381
(D) The workgroup shall cease to exist on the submission of its report.	85382 85383

**Section 265.10. EDU DEPARTMENT OF EDUCATION** 85384

General Revenue Fund	85385
GRF 200321 Operating Expenses \$ 15,078,032 \$ 16,490,951	85386
GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789	85387
Education	
GRF 200420 Information Technology \$ 4,004,299 \$ 4,026,960	85388
Development and Support	
GRF 200422 School Management \$ 2,385,580 \$ 2,408,711	85389
Assistance	
GRF 200424 Policy Analysis \$ 458,232 \$ 457,676	85390
GRF 200426 Ohio Educational \$ 15,457,000 \$ 15,457,000	85391
Computer Network	

GRF 200427	Academic Standards	\$	4,434,215	\$	4,483,525	85392
GRF 200437	Student Assessment	\$	56,906,893	\$	56,948,365	85393
GRF 200439	Accountability/Report Cards	\$	7,517,406	\$	7,565,320	85394
GRF 200442	Child Care Licensing	\$	2,156,322	\$	2,227,153	85395
GRF 200446	Education Management Information System	\$	8,112,987	\$	8,174,415	85396
GRF 200448	Educator Preparation	\$	11,785,384	\$	7,285,384	85397
GRF 200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546	85398
GRF 200465	Education Technology Resources	\$	5,179,664	\$	5,179,664	85399
GRF 200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000	85400
GRF 200502	Pupil Transportation	\$	527,129,809	\$	527,129,809	85401
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	85402
GRF 200511	Auxiliary Services	\$	156,316,757	\$	156,316,757	85403
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	70,620,112	\$	70,620,112	85404
GRF 200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000	85405
GRF 200545	Career-Technical Education Enhancements	\$	9,750,892	\$	9,750,892	85406
GRF 200550	Foundation Funding	\$	6,944,380,845	\$	6,776,118,845	85407
GRF 200566	Literacy Improvement	\$	1,452,876	\$	1,452,172	85408
GRF 200572	Adult Education Programs	\$	10,207,674	\$	10,207,674	85409
GRF 200573	EdChoice Expansion	\$	57,223,340	\$	121,017,418	85410
GRF 200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526	85411
GRF 200576	Adaptive Sports	\$	250,000	\$	250,000	85412

	Program				
GRF 200597	Program and Project	\$	1,125,000	\$	625,000
	Support				85413
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978
TOTAL GRF	General Revenue Fund	\$	8,190,628,556	\$	8,082,463,142
					85415
	Dedicated Purpose Fund Group				85416
4520 200638	Charges and	\$	1,000,000	\$	1,000,000
	Reimbursements				85417
4550 200608	Commodity Foods	\$	1,000,000	\$	1,000,000
4L20 200681	Teacher Certification	\$	13,795,827	\$	14,000,000
	and Licensure				85419
5980 200659	Auxiliary Services	\$	1,300,000	\$	1,300,000
	Reimbursement				85420
5H30 200687	School District	\$	2,000,000	\$	2,000,000
	Solvency Assistance				85421
5KX0 200691	Ohio School	\$	1,250,000	\$	1,250,000
	Sponsorship Program				85422
5MM0 200677	Child Nutrition	\$	550,000	\$	550,000
	Refunds				85423
5U20 200685	National Education	\$	170,675	\$	175,000
	Statistics				85424
5VS0 200604	Student Wellness and	\$	250,000,000	\$	300,000,000
	Success				85425
5VU0 200663	School Bus Purchase	\$	0	\$	20,000,000
6200 200615	Educational	\$	594,443	\$	600,000
	Improvement Grants				85427
TOTAL DPF	Dedicated Purpose Fund	\$	271,660,945	\$	341,875,000
	Group				85428
	Internal Service Activity Fund Group				85429
1380 200606	Information	\$	7,939,104	\$	8,047,645
	Technology				85430
	Development and				

		Support				
4R70	200695	Indirect Operational	\$	7,856,766	\$	7,856,766 85431
		Support				
4V70	200633	Interagency Program	\$	5,497,938	\$	5,500,000 85432
		Support				
TOTAL ISA		Internal Service Activity	\$	21,293,808	\$	21,404,411 85433
Fund Group						
State Lottery Fund Group						85434
7017	200602	School Climate Grants	\$	2,000,000	\$	2,000,000 85435
7017	200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000 85436
7017	200614	Accelerate Great Schools	\$	1,500,000	\$	1,500,000 85437
7017	200631	Quality Community Schools Support	\$	20,000,000	\$	20,000,000 85438
7017	200636	Enrollment Growth Supplement	\$	15,500,000	\$	23,000,000 85439
7017	200684	Community School Facilities	\$	20,600,000	\$	20,600,000 85440
TOTAL SLF		State Lottery Fund Group	\$	1,141,000,000	\$	1,317,000,000 85441
Federal Fund Group						85442
3670	200607	School Food Services	\$	11,469,730	\$	11,897,473 85443
3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000 85444
3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500 85445
3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000 85446
3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000 85447
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000 85448
3EJ0	200622	Homeless Children Education	\$	3,295,203	\$	3,300,000 85449

3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000	85450
3GE0	200674	Summer Food Service Program	\$	15,599,467	\$	16,342,299	85451
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,911,207	\$	5,145,074	85452
3HF0	200649	Federal Education Grants	\$	7,049,677	\$	7,056,327	85453
3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720	85454
3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000	85455
3L70	200618	Federal School Breakfast	\$	158,726,966	\$	163,350,081	85456
3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$	113,328,580	85457
3L90	200621	Career-Technical Education Basic Grant	\$	45,946,927	\$	46,000,000	85458
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	85459
3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000	85460
3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000	85461
3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000	85462
3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000	85463
3Y70	200689	English Language Acquisition	\$	10,500,000	\$	10,500,000	85464
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000	85465
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000	85466
3Z30	200645	Consolidated Federal	\$	10,701,635	\$	10,900,000	85467

Grant Administration

TOTAL FED Federal Fund Group	\$ 2,093,937,196	\$ 2,115,861,054	85468
TOTAL ALL BUDGET FUND GROUPS	\$11,718,520,505	\$11,878,603,607	85469

**Section 265.20. OPERATING EXPENSES** 85471

A portion of the foregoing appropriation item 200321, 85472  
Operating Expenses, shall be used by the Department of Education 85473  
to provide matching funds related to career-technical education 85474  
under 20 U.S.C. 2321. 85475

**EARLY CHILDHOOD EDUCATION** 85476

The Department of Education shall distribute the foregoing 85477  
appropriation item 200408, Early Childhood Education, to pay the 85478  
costs of early childhood education programs. The Department shall 85479  
distribute such funds directly to qualifying providers. 85480

(A) As used in this section: 85481

(1) "Provider" means a city, local, exempted village, or 85482  
joint vocational school district; an educational service center; a 85483  
community school sponsored by an exemplary sponsor; a chartered 85484  
nonpublic school; an early childhood education child care provider 85485  
licensed under Chapter 5104. of the Revised Code that participates 85486  
in and meets at least the third highest tier of the Step Up to 85487  
Quality program established pursuant to section 5104.29 of the 85488  
Revised Code; or a combination of entities described in this 85489  
paragraph. 85490

(2) In the case of a city, local, or exempted village school 85491  
district or early childhood education child care provider licensed 85492  
under Chapter 5104. of the Revised Code, "new eligible provider" 85493  
means a provider that did not receive state funding for Early 85494  
Childhood Education in the previous fiscal year or demonstrates a 85495  
need for early childhood programs as defined in division (D) of 85496  
this section. 85497

(3) In the case of a community school, "new eligible provider" means any of the following: 85498  
85499

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year; 85500  
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85502  
85503  
85504  
85505

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 85506  
85507

(i) It has received, on its most recent report card, either of the following: 85508  
85509

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 85510  
85511  
85512  
85513  
85514

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 85515  
85516  
85517  
85518

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 85519  
85520

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 85521  
85522

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori 85523  
85524  
85525  
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Internationale as its primary method of instruction, as authorized 85528  
by division (A) of section 3314.06 of the Revised Code, that did 85529  
not receive state funding for Early Childhood Education in the 85530  
previous year or demonstrates a need for early childhood programs 85531  
as defined in division (D) of this section. 85532

(4)(a) "Eligible child" means a child who is at least four 85533  
years of age, is not of the age to be eligible for kindergarten, 85534  
and whose family earns not more than two hundred per cent of the 85535  
federal poverty guidelines as defined in division (A)(3) of 85536  
section 5101.46 of the Revised Code. Children with an 85537  
Individualized Education Program and where the Early Childhood 85538  
Education program is the least restrictive environment may be 85539  
enrolled on their fourth birthday. 85540

(b) If, on the first day of October of each fiscal year, a 85541  
provider has remaining award funds after enrolling eligible 85542  
children under division (A)(4)(a) of this section, the provider 85543  
may seek approval from the Department to consider a child who is 85544  
at least three years of age, is not of age to be eligible for 85545  
kindergarten, and whose family earns not more than two hundred per 85546  
cent of the federal poverty guidelines as an eligible child. Upon 85547  
approval from the Department, the provider may use the remaining 85548  
award funds to serve such three-year-old children as eligible 85549  
children. Division (A)(4)(b) of this section does not apply to a 85550  
provider described in division (A)(3)(c) of this section. 85551

(5) "Early learning program standards" means early learning 85552  
program standards for school readiness developed by the Department 85553  
to assess the operation of early learning and development 85554  
programs. 85555

(6) "Early learning and development programs" has the same 85556  
meaning as section 5104.29 of the Revised Code. 85557

(B) In each fiscal year, up to two per cent of the total 85558

appropriation may be used by the Department for program support 85559  
and technical assistance. The Department shall distribute the 85560  
remainder of the appropriation in each fiscal year to serve 85561  
eligible children. 85562

(C) The Department shall provide an annual report to the 85563  
Governor, the Speaker of the House of Representatives, and the 85564  
President of the Senate and post the report to the Department's 85565  
web site, regarding early childhood education programs operated 85566  
under this section and the early learning program standards. 85567

(D) After setting aside the amounts to make payments due from 85568  
the previous fiscal year, in fiscal year 2020, the Department 85569  
shall distribute funds first to recipients of funds for early 85570  
childhood education programs under Section 265.20 of Am. Sub. H.B. 85571  
49 of the 132nd General Assembly in the previous fiscal year and 85572  
the balance to new eligible providers of early childhood education 85573  
programs or to existing providers to serve more eligible children 85574  
pursuant to division (E) of this section or for purposes of 85575  
program expansion, improvement, or special projects to promote 85576  
quality and innovation. 85577

After setting aside the amounts to make payments due from the 85578  
previous fiscal year, in fiscal year 2021, the Department shall 85579  
distribute funds first to providers of early childhood education 85580  
programs under this section in the previous fiscal year and the 85581  
balance to new eligible providers or to existing providers to 85582  
serve more eligible children as outlined under division (E) of 85583  
this section or for purposes of program expansion, improvement, or 85584  
special projects to promote quality and innovation. 85585

(E)(1) The Department shall distribute any new or remaining 85586  
funding to existing providers of early childhood education 85587  
programs or any new eligible providers in an effort to invest in 85588  
high quality early childhood programs where there is a need as 85589  
determined by the Department. The Department shall distribute the 85590

new or remaining funds to existing providers of early childhood 85591  
education programs or any new eligible providers to serve 85592  
additional eligible children based on community economic 85593  
disadvantage, limited access to high quality preschool or 85594  
childcare services, and demonstration of high quality preschool 85595  
services as determined by the Department using new metrics 85596  
developed pursuant to Ohio's Race to the Top—Early Learning 85597  
Challenge Grant, awarded to the Department in December 2011. 85598

(2) Awards under divisions (D) and (E) of this section shall 85599  
be distributed on a per-pupil basis, and in accordance with 85600  
division (I) of this section. The Department may adjust the 85601  
per-pupil amount so that the per-pupil amount multiplied by the 85602  
number of eligible children enrolled and receiving services on the 85603  
first day of December or the business day closest to that date 85604  
equals the amount allocated under this section. 85605

(F) Costs for developing and administering an early childhood 85606  
education program may not exceed fifteen per cent of the total 85607  
approved costs of the program. 85608

All providers shall maintain such fiscal control and 85609  
accounting procedures as may be necessary to ensure the 85610  
disbursement of, and accounting for, these funds. The control of 85611  
funds provided in this program, and title to property obtained, 85612  
shall be under the authority of the approved provider for purposes 85613  
provided in the program unless, as described in division (K) of 85614  
this section, the program waives its right for funding or a 85615  
program's funding is eliminated or reduced due to its inability to 85616  
meet financial or early learning program standards. The approved 85617  
provider shall administer and use such property and funds for the 85618  
purposes specified. 85619

(G) The Department may examine a provider's financial and 85620  
program records. If the financial practices of the program are not 85621  
in accordance with standard accounting principles or do not meet 85622

financial standards outlined under division (F) of this section, 85623  
or if the program fails to substantially meet the early learning 85624  
program standards, meet a quality rating level in the Step Up to 85625  
Quality program established pursuant to section 5104.29 of the 85626  
Revised Code as prescribed by the Department, or exhibits below 85627  
average performance as measured against the standards, the early 85628  
childhood education program shall propose and implement a 85629  
corrective action plan that has been approved by the Department. 85630  
The approved corrective action plan shall be signed by the chief 85631  
executive officer and the executive of the official governing body 85632  
of the provider. The corrective action plan shall include a 85633  
schedule for monitoring by the Department. Such monitoring may 85634  
include monthly reports, inspections, a timeline for correction of 85635  
deficiencies, and technical assistance to be provided by the 85636  
Department or obtained by the early childhood education program. 85637  
The Department may withhold funding pending corrective action. If 85638  
an early childhood education program fails to satisfactorily 85639  
complete a corrective action plan, the Department may deny 85640  
expansion funding to the program or withdraw all or part of the 85641  
funding to the program and establish a new eligible provider 85642  
through a selection process established by the Department. 85643

(H)(1) If the early childhood education program is licensed 85644  
by the Department of Education and is not highly rated, as 85645  
determined by the Director of Job and Family Services, under the 85646  
Step Up to Quality program established pursuant to section 5104.29 85647  
of the Revised Code, the program shall do all of the following: 85648

(a) Meet teacher qualification requirements prescribed by 85649  
section 3301.311 of the Revised Code; 85650

(b) Align curriculum to the early learning content standards 85651  
developed by the Department; 85652

(c) Meet any child or program assessment requirements 85653  
prescribed by the Department; 85654

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;

(e) Document and report child progress as prescribed by the Department;

(f) Meet and report compliance with the early learning program standards as prescribed by the Department;

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services

for less time than the standard early childhood education 85686  
schedule, the Department may reduce the provider's annual 85687  
allocation proportionately. Under no circumstances shall an annual 85688  
allocation be increased because of the approval of an alternate 85689  
schedule. 85690

(J) Each provider shall develop a sliding fee scale based on 85691  
family incomes and shall charge families who earn more than two 85692  
hundred per cent of the federal poverty guidelines, as defined in 85693  
division (A)(3) of section 5101.46 of the Revised Code, for the 85694  
early childhood education program. 85695

The Department shall conduct an annual survey of each 85696  
provider to determine whether the provider charges families 85697  
tuition or fees, the amount families are charged relative to 85698  
family income levels, and the number of families and students 85699  
charged tuition and fees for the early childhood program. 85700

(K) If an early childhood education program voluntarily 85701  
waives its right for funding, or has its funding eliminated for 85702  
not meeting financial standards or the early learning program 85703  
standards, the provider shall transfer control of title to 85704  
property, equipment, and remaining supplies obtained through the 85705  
program to providers designated by the Department and return any 85706  
unexpended funds to the Department along with any reports 85707  
prescribed by the Department. The funding made available from a 85708  
program that waives its right for funding or has its funding 85709  
eliminated or reduced may be used by the Department for new grant 85710  
awards or expansion grants. The Department may award new grants or 85711  
expansion grants to eligible providers who apply. The eligible 85712  
providers who apply must do so in accordance with the selection 85713  
process established by the Department. 85714

(L) Eligible expenditures for the Early Childhood Education 85715  
Program shall be claimed each fiscal year to help meet the state's 85716  
TANF maintenance of effort requirement. The Superintendent of 85717

Public Instruction and the Director of Job and Family Services 85718  
shall enter into an interagency agreement to carry out the 85719  
requirements under this division, which shall include developing 85720  
reporting guidelines for these expenditures. 85721

(M)(1) The Department of Education and the Department of Job 85722  
and Family Services shall continue to work toward establishing the 85723  
following in common between early childhood education programs and 85724  
publicly funded child care: 85725

(a) An application; 85726

(b) Program eligibility; 85727

(c) Funding; 85728

(d) An attendance policy; 85729

(e) An attendance tracking system. 85730

(2) In accordance with section 5104.34 of the Revised Code, 85731  
eligible families may receive publicly funded child care beyond 85732  
the standard early childhood schedule defined in division (I) of 85733  
this section. 85734

(3) All providers, agencies, and school districts 85735  
participating in the early childhood education program or 85736  
providing care to eligible families beyond the standard early 85737  
childhood schedule shall follow the common policies established 85738  
under this division. 85739

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 85740**  
SUPPORT 85741

The foregoing appropriation item 200420, Information 85742  
Technology Development and Support, shall be used to support the 85743  
development and implementation of information technology solutions 85744  
designed to improve the performance and services of the Department 85745  
of Education. Funds may be used for personnel, maintenance, and 85746

equipment costs related to the development and implementation of 85747  
these technical system projects. Implementation of these systems 85748  
shall allow the Department to provide greater levels of assistance 85749  
to school districts and to provide more timely information to the 85750  
public, including school districts, administrators, and 85751  
legislators. Funds may also be used to support data-driven 85752  
decision-making and differentiated instruction, as well as to 85753  
communicate academic content standards and curriculum models to 85754  
schools through web-based applications. 85755

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 85756

The foregoing appropriation item 200422, School Management 85757  
Assistance, shall be used by the Department of Education to 85758  
provide fiscal technical assistance and inservice education for 85759  
school district management personnel and to administer, monitor, 85760  
and implement the fiscal caution, fiscal watch, and fiscal 85761  
emergency provisions under Chapter 3316. of the Revised Code. 85762

**Section 265.60. POLICY ANALYSIS** 85763

The foregoing appropriation item 200424, Policy Analysis, 85764  
shall be used by the Department of Education to support a system 85765  
of administrative, statistical, and legislative education 85766  
information to be used for policy analysis. Staff supported by 85767  
this appropriation shall administer the development of reports, 85768  
analyses, and briefings to inform education policymakers of 85769  
current trends in education practice, efficient and effective use 85770  
of resources, and evaluation of programs to improve education 85771  
results. A portion of these funds shall be used to maintain a 85772  
longitudinal database to support the assessment of the impact of 85773  
policies and programs on Ohio's education and workforce 85774  
development systems. The research efforts supported by this 85775  
appropriation item shall be used to supply information and 85776

analysis of data to and in consultation with the General Assembly 85777  
and other state policymakers, including the Office of Budget and 85778  
Management and the Legislative Service Commission. 85779

A portion of the foregoing appropriation item, 200424, Policy 85780  
Analysis, may be used by the Department to support the development 85781  
and implementation of an evidence-based clearinghouse to support 85782  
school improvement strategies as part of the Every Student 85783  
Succeeds Act. 85784

The Department may use funding from this appropriation item 85785  
to purchase or contract for the development of software systems or 85786  
contract for policy studies that will assist in the provision and 85787  
analysis of policy-related information. Funding from this 85788  
appropriation item also may be used to monitor and enhance quality 85789  
assurance for research-based policy analysis and program 85790  
evaluation to enhance the effective use of education information 85791  
to inform education policymakers. 85792

**Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 85793**

The foregoing appropriation item 200426, Ohio Educational 85794  
Computer Network, shall be used by the Department of Education to 85795  
maintain a system of information technology throughout Ohio and to 85796  
provide technical assistance for such a system. 85797

Of the foregoing appropriation item 200426, Ohio Educational 85798  
Computer Network, up to \$9,686,658 in each fiscal year shall be 85799  
used by the Department to support connection of all public school 85800  
buildings and participating chartered nonpublic schools to the 85801  
state's education network, to each other, and to the Internet. In 85802  
each fiscal year, the Department shall use these funds to assist 85803  
information technology centers or school districts with the 85804  
operational costs associated with this connectivity. The 85805  
Department shall develop a formula and guidelines for the 85806  
distribution of these funds to information technology centers or 85807

individual school districts. As used in this section, "public 85808  
school building" means a school building of any city, local, 85809  
exempted village, or joint vocational school district, any 85810  
community school established under Chapter 3314. of the Revised 85811  
Code, any college preparatory boarding school established under 85812  
Chapter 3328. of the Revised Code, any STEM school established 85813  
under Chapter 3326. of the Revised Code, any educational service 85814  
center building used for instructional purposes, the Ohio School 85815  
for the Deaf and the Ohio School for the Blind, high schools 85816  
chartered by the Ohio Department of Youth Services, or high 85817  
schools operated by Ohio Department of Rehabilitation and 85818  
Corrections' Ohio Central School System. 85819

Of the foregoing appropriation item 200426, Ohio Educational 85820  
Computer Network, up to \$4,843,329 in each fiscal year shall be 85821  
used, through a formula and guidelines devised by the Department, 85822  
to support the activities of designated information technology 85823  
centers, as defined by State Board of Education rules, to provide 85824  
school districts and chartered nonpublic schools with 85825  
computer-based student and teacher instructional and 85826  
administrative information services, including approved 85827  
computerized financial accounting, to ensure the effective 85828  
operation of local automated administrative and instructional 85829  
systems, and to monitor and support the quality of data submitted 85830  
to the Department. 85831

The remainder of appropriation item 200426, Ohio Educational 85832  
Computer Network, shall be used to support the work of the 85833  
development, maintenance, and operation of a network of uniform 85834  
and compatible computer-based information systems as well as the 85835  
teacher student linkage/roster verification process and systems to 85836  
support electronic sharing of student records and transcripts 85837  
between entities. This technical assistance shall include, but not 85838  
be restricted to, development and maintenance of adequate computer 85839

software systems to support network activities. In order to 85840  
improve the efficiency of network activities, the Department and 85841  
information technology centers may jointly purchase equipment, 85842  
materials, and services from funds provided under this 85843  
appropriation for use by the network and, when considered 85844  
practical by the Department, may utilize the services of 85845  
appropriate state purchasing agencies. 85846

**Section 265.80. ACADEMIC STANDARDS** 85847

The foregoing appropriation item 200427, Academic Standards, 85848  
shall be used by the Department of Education to develop and 85849  
communicate to school districts academic content standards and 85850  
curriculum models and to develop professional development programs 85851  
and other tools on the new content standards and model curriculum. 85852  
The Department shall use a portion of these funds in partnership 85853  
with educational service centers, consistent with requirements of 85854  
section 3312.01 of the Revised Code, in the development and 85855  
delivery of professional development programs supported under this 85856  
section. 85857

**Section 265.90. STUDENT ASSESSMENT** 85858

Of the foregoing appropriation item 200437, Student 85859  
Assessment, up to \$2,760,000 in each fiscal year may be used to 85860  
support the state's early learning assessment work and the 85861  
assessments required under section 3301.0715 of the Revised Code. 85862

Of the foregoing appropriation item 200437, Student 85863  
Assessment, up to \$543,168 in each fiscal year shall be used to 85864  
reimburse a portion of the costs associated with Advanced 85865  
Placement Tests for low-income students. 85866

The remainder of appropriation item 200437, Student 85867  
Assessment, shall be used to develop, field test, print, 85868  
distribute, score, report results, and support other associated 85869

costs for the tests required under sections 3301.0710, 3301.0711, 85870  
and 3301.0712 of the Revised Code and for similar purposes as 85871  
required by section 3301.27 of the Revised Code. The funds may 85872  
also be used to update and develop diagnostic assessments 85873  
administered under sections 3301.079, 3301.0715, and 3313.608 of 85874  
the Revised Code. 85875

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 85876  
ASSESSMENT 85877

In fiscal year 2020 and fiscal year 2021, if the 85878  
Superintendent of Public Instruction determines that additional 85879  
funds are needed to fully fund the requirements of sections 85880  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 85881  
and this act for assessments of student performance, the 85882  
Superintendent may recommend the reallocation of unexpended and 85883  
unencumbered General Revenue Fund appropriations within the 85884  
Department of Education to appropriation item 200437, Student 85885  
Assessment, to the Director of Budget and Management. If the 85886  
Director determines that such a reallocation is required, the 85887  
Director may transfer unexpended and unencumbered appropriations 85888  
within the Department of Education as necessary to appropriation 85889  
item 200437, Student Assessment. 85890

**Section 265.100.** ACCOUNTABILITY/REPORT CARDS 85891

Of the foregoing appropriation item 200439, 85892  
Accountability/Report Cards, a portion in each fiscal year shall 85893  
be used to train district and regional specialists and district 85894  
educators in the use of the value-added progress dimension and in 85895  
the use of data as it relates to improving student achievement. 85896  
This training may include teacher and administrator professional 85897  
development in the use of data to improve instruction and student 85898  
learning, and teacher and administrator training in understanding 85899  
teacher value-added reports and how they can be used as a 85900

component in measuring teacher and administrator effectiveness. A 85901  
portion of this funding shall be provided to educational service 85902  
centers to support training and professional development under 85903  
this section consistent with section 3312.01 of the Revised Code. 85904

The remainder of appropriation item 200439, 85905  
Accountability/Report Cards, shall be used by the Department of 85906  
Education to incorporate a statewide value-added progress 85907  
dimension into performance ratings for school districts and for 85908  
the development of an accountability system that includes the 85909  
preparation and distribution of school report cards, funding and 85910  
expenditure accountability reports under sections 3302.03 and 85911  
3302.031 of the Revised Code, the development and maintenance of 85912  
teacher value-added reports, the teacher student linkage/roster 85913  
verification process, and the performance management section of 85914  
the Department's web site required by section 3302.26 of the 85915  
Revised Code. 85916

CHILD CARE LICENSING 85917

The foregoing appropriation item 200442, Child Care 85918  
Licensing, shall be used by the Department of Education to license 85919  
and to inspect preschool and school-age child care programs under 85920  
sections 3301.52 to 3301.59 of the Revised Code. 85921

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 85922

The foregoing appropriation item 200446, Education Management 85923  
Information System, shall be used by the Department of Education 85924  
to improve the Education Management Information System (EMIS). 85925

Of the foregoing appropriation item 200446, Education 85926  
Management Information System, up to \$400,000 in each fiscal year 85927  
shall be used to support grants to information technology centers 85928  
to provide professional development opportunities to district and 85929  
school personnel related to the EMIS, with a focus placed on data 85930

submission and data quality. 85931

Of the foregoing appropriation item 200446, Education 85932  
Management Information System, up to \$725,000 in each fiscal year 85933  
shall be distributed to designated information technology centers 85934  
for costs relating to processing, storing, and transferring data 85935  
for the effective operation of the EMIS. These costs may include, 85936  
but are not limited to, personnel, hardware, software development, 85937  
communications connectivity, professional development, and support 85938  
services. 85939

The remainder of appropriation item 200446, Education 85940  
Management Information System, shall be used to develop and 85941  
support the data definitions and standards outlined in the EMIS 85942  
guidelines adopted under section 3301.0714 of the Revised Code, to 85943  
implement recommendations of the EMIS Advisory Council and the 85944  
Superintendent of Public Instruction, to enhance data quality 85945  
assurance practices, and to support responsibilities related to 85946  
the school report cards prescribed by section 3302.03 of the 85947  
Revised Code and value-added progress dimension calculations. 85948

**Section 265.120. EDUCATOR PREPARATION** 85949

(A) Of the foregoing appropriation item 200448, Educator 85950  
Preparation, up to \$339,783 in each fiscal year may be used by the 85951  
Department of Education to monitor and support Ohio's State System 85952  
of Support, as defined by the Every Student Succeeds Act. 85953

(B) Of the foregoing appropriation item 200448, Educator 85954  
Preparation, up to \$67,957 in each fiscal year may be used by the 85955  
Department to support the Educator Standards Board under section 85956  
3319.61 of the Revised Code and reforms under sections 3302.042, 85957  
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 85958  
Revised Code. 85959

(C) Of the foregoing appropriation item 200448, Educator 85960

Preparation, \$2,000,000 in each fiscal year shall be distributed 85961  
to Teach For America to increase recruitment of potential corps 85962  
members, to train and develop first-year and second-year teachers 85963  
in the Teach for America program in Ohio, and to support the 85964  
ongoing development and impact of Teach for America alumni working 85965  
in Ohio. 85966

(D) Of the foregoing appropriation item 200448, Educator 85967  
Preparation, \$1,000,000 in each fiscal year shall be used for the 85968  
Bright New Leaders for Ohio Schools Program administered by the 85969  
Ohio State University Fisher College of Business and College of 85970  
Education and Human Ecology pursuant to section 3319.272 of the 85971  
Revised Code to provide an alternative path for individuals to 85972  
receive training and development in the administration of primary 85973  
and secondary education and leadership, enable those individuals 85974  
to earn degrees and obtain licenses in public school 85975  
administration, and promote the placement of those individuals in 85976  
public schools that have a poverty percentage greater than fifty 85977  
per cent. 85978

(E) Of the foregoing appropriation item 200448, Educator 85979  
Preparation, \$200,000 in each fiscal year shall be used to support 85980  
training for selected school staff through the FASTER Saves Lives 85981  
Program for the purpose of stopping active shooters and treating 85982  
casualties. 85983

(F) Of the foregoing appropriation item 200448, Educator 85984  
Preparation, \$1,000,000 in each fiscal year shall be used by the 85985  
Department of Education, in consultation with the Department of 85986  
Mental Health and Addiction Services, to award professional 85987  
development grants to educational service centers to train 85988  
educators and related school personnel in the model and tenants of 85989  
prevention of risky behaviors, including substance abuse, suicide, 85990  
bullying, and other harmful behaviors. 85991

(G) Of the foregoing appropriation item 200448, Educator 85992

Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 85993  
the Department of Education, in consultation with the Department 85994  
of Higher Education, to provide awards to support coursework and 85995  
content testing fees for currently licensed teachers to receive 85996  
credentialing to teach computer science in accordance with 85997  
division (B) of section 3319.236 of the Revised Code. 85998

Awards made by the Department of Education shall be in the 85999  
form of reimbursements paid directly to educators for the cost of 86000  
the content examination or pedagogy courses required under 86001  
division (B) of section 3319.236 of the Revised Code that are 86002  
completed by the summer term of 2021. First priority shall be 86003  
given to educators who agree to teach at least one remote computer 86004  
science course at schools that lack access to computer science 86005  
educators. Second priority shall be given to educators assigned to 86006  
schools with greater than fifty per cent of students classified as 86007  
economically disadvantaged and with limited or no teachers 86008  
currently credentialed to teach computer science, both as 86009  
determined by the Department. 86010

Upon the request of the Superintendent of Public Instruction 86011  
and the approval of the Director of Budget and Management, an 86012  
amount equal to the unexpended, unencumbered balance of the amount 86013  
set aside in this division at the end of fiscal year 2020 is 86014  
hereby reappropriated to the Department for the same purpose for 86015  
fiscal year 2021. 86016

(H) Of the foregoing appropriation item 200448, Educator 86017  
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 86018  
the Department of Education, in consultation with the Department 86019  
of Higher Education, to provide awards to support graduate 86020  
coursework for high school teachers to receive credentialing to 86021  
teach College Credit Plus courses in a high school setting. 86022

The Department of Education, in consultation with the 86023  
Department of Higher Education, shall develop an application 86024

process and criteria for awards. Priority shall be given to 86025  
education consortia that include economically disadvantaged high 86026  
schools in which there are limited or no teachers currently 86027  
credentialed to teach College Credit Plus courses, as determined 86028  
by the Department of Education, and a public or private college or 86029  
university in Ohio. 86030

Awards made by the Department of Education may support 86031  
graduate coursework for high school teachers at a public or 86032  
private college or university in Ohio leading to credentialing to 86033  
teach college courses, as well as employment of teachers 86034  
credentialed to teach college courses as a bridging strategy until 86035  
a sufficient number of teachers at the high school hold the 86036  
required credentials. 86037

Upon the request of the Superintendent of Public Instruction 86038  
and the approval of the Director of Budget and Management, an 86039  
amount equal to the unexpended, unencumbered balance of the amount 86040  
set aside in this division at the end of fiscal year 2020 is 86041  
hereby reappropriated for the same purpose for fiscal year 2021. 86042

(I) Of the foregoing appropriation item 200448, Educator 86043  
Preparation, up to \$500,000 in each fiscal year shall be used to 86044  
support the SmartOhio Financial Literacy Program at the University 86045  
of Cincinnati. 86046

(J) Of the foregoing appropriation item 200448, Educator 86047  
Preparation, \$300,000 in each fiscal year shall be distributed to 86048  
the Cincinnati Zoo and Botanical Garden to support the zoo's 86049  
educational programming and scholarships for economically 86050  
disadvantaged students. 86051

(K) Of the foregoing appropriation item 200448, Educator 86052  
Preparation, \$125,000 in each fiscal year shall be distributed to 86053  
the PAST Foundation for the STEM Educator Professional Development 86054  
Collaborative to provide professional development and strategic 86055

training for teachers in STEM fields that is tailored to each 86056  
region of the state. 86057

(L) Of the foregoing appropriation item 200448, Educator 86058  
Preparation, \$100,000 in each fiscal year shall be distributed to 86059  
The Childhood League Center to provide intensive early 86060  
intervention and educational services in Franklin County, to 86061  
support the Play and Language for Autistic Youngsters (PLAY) 86062  
Project in underserved counties, and to provide services and 86063  
training for providers and families. 86064

(M) Notwithstanding any provision of law to the contrary, 86065  
awards under this section may be used by recipients for 86066  
award-related expenses incurred for a period not to exceed two 86067  
years from the date of the award according to guidelines 86068  
established by the Department of Education. 86069

(N) The remainder of the foregoing appropriation item 200448, 86070  
Educator Preparation, may be used for implementation of teacher 86071  
and principal evaluation systems, including incorporation of 86072  
student growth as a metric in those systems, and teacher 86073  
value-added reports. A portion of this funding shall be provided 86074  
to educational service centers, consistent with requirements of 86075  
section 3312.01 of the Revised Code, in the development and 86076  
delivery of professional development programs supported under this 86077  
section. 86078

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 86079

The foregoing appropriation item 200455, Community Schools 86080  
and Choice Programs, may be used by the Department of Education 86081  
for operation of the school choice programs. 86082

Of the foregoing appropriation item 200455, Community Schools 86083  
and Choice Programs, a portion in each fiscal year may be used by 86084  
the Department for developing and conducting training sessions for 86085

community schools and sponsors and prospective sponsors of 86086  
community schools as prescribed in division (A)(1) of section 86087  
3314.015 of the Revised Code, and other schools participating in 86088  
school choice programs. 86089

**Section 265.140.** EDUCATION TECHNOLOGY RESOURCES 86090

Of the foregoing appropriation item 200465, Education 86091  
Technology Resources, up to \$2,500,000 in each fiscal year shall 86092  
be used for the Union Catalog and InfOhio Network and to support 86093  
the provision of electronic resources with priority given to 86094  
resources that support the teaching of state academic content 86095  
standards in all public schools. Consideration shall be given by 86096  
the Department of Education to coordinating the allocation of 86097  
these moneys with the efforts of Libraries Connect Ohio, whose 86098  
members include OhioLINK, the Ohio Public Information Network, and 86099  
the State Library of Ohio. 86100

Of the foregoing appropriation item 200465, Education 86101  
Technology Resources, up to \$1,778,879 in each fiscal year shall 86102  
be used by the Department to provide grants to educational 86103  
television stations working with partner education technology 86104  
centers to provide Ohio public schools with instructional 86105  
resources and services, with priority given to resources and 86106  
services aligned with state academic content standards. Such 86107  
resources and services shall be based upon the advice and approval 86108  
of the Department, based on a formula developed in consultation 86109  
with Ohio's educational television stations and educational 86110  
technology centers. 86111

Of the foregoing appropriation item 200465, Education 86112  
Technology Resources, \$200,000 in each fiscal year shall be 86113  
distributed to the Ohio School Digital Literacy Program to support 86114  
digital learning tools, digital resources, technical support, and 86115  
professional development. The program shall do all of the 86116

following:	86117
(A) Provide a K-8 program of study for students to learn essential digital literacy skills including computer fundamentals, computational thinking, keyboarding, digital citizenship and online safety, web browsing, email and online communication, visual mapping, word processing, spreadsheets, databases, and presentations;	86118 86119 86120 86121 86122 86123
(B) Provide teachers with the ability to measure student digital literacy growth; and	86124 86125
(C) Allow for the integration of digital literacy instruction aligned to state standards, if applicable, into core content subjects such as mathematics, English language arts, science, and social studies.	86126 86127 86128 86129
The remainder of the foregoing appropriation item 200465, Education Technology Resources, may be used to support training, technical support, guidance, and assistance with compliance reporting to school districts and public libraries applying for federal E-Rate funds; for oversight and guidance of school district technology plans; for support to district technology personnel; and for support of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems.	86130 86131 86132 86133 86134 86135 86136 86137 86138
<b>Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL STUDENTS</b>	86139 86140
Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to \$8,000,000 in each fiscal year may be used by the Department of Education to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an	86141 86142 86143 86144 86145 86146

industry-recognized credential or receive a journeyman 86147  
certification recognized by the United States Department of Labor. 86148  
The educating entity shall be required to inform students enrolled 86149  
in career-technical education courses that lead to an 86150  
industry-recognized credential about the opportunity to earn these 86151  
credentials. The Department of Education shall work with the 86152  
Department of Higher Education and the Governor's Office of 86153  
Workforce Transformation to develop a schedule for reimbursement 86154  
based on the Department of Education's list of industry-recognized 86155  
credentials, the time it takes to earn the credential, and the 86156  
cost to obtain the credential. The educating entity shall pay for 86157  
the cost of the credential and may claim and receive 86158  
reimbursement. The educating entity may claim reimbursement based 86159  
on the Department of Education's reimbursement schedule up to six 86160  
months after the student has graduated from high school. If the 86161  
amount appropriated is not sufficient, the Department shall 86162  
prorate the amounts so that the aggregate amount appropriated is 86163  
not exceeded. 86164

Of the foregoing appropriation item 200478, 86165  
Industry-Recognized Credentials High School Students, up to 86166  
\$12,500,000 in each fiscal year may be used by the Department of 86167  
Education and the Governor's Office of Workforce Transformation to 86168  
establish and operate the Innovative Workforce Incentive Program. 86169  
In establishing the program, the Office of Workforce 86170  
Transformation shall maintain a list of credentials that qualify 86171  
for the program. The Department of Education shall pay each city, 86172  
local, and exempted village school district, community school, 86173  
STEM school, and joint vocational school district an amount equal 86174  
to \$1,250 for each qualifying credential earned by a student 86175  
attending the district or school during each fiscal year. If the 86176  
amount appropriated is not sufficient, the Department shall 86177  
prorate the amounts so that the aggregate amount appropriated is 86178  
not exceeded. 86179

Of the foregoing appropriation item 200478, 86180  
Industry-Recognized Credentials High School Students, up to 86181  
\$4,500,000 in each fiscal year may be used by the Department of 86182  
Education to establish a program to assist city, local, and 86183  
exempted village school districts, community schools, STEM 86184  
schools, and joint vocational school districts in establishing 86185  
credentialing programs that qualify for the Innovative Workforce 86186  
Incentive Program. The Department shall prioritize senior-only 86187  
credentialing programs in schools that currently do not operate 86188  
such programs. 86189

**Section 265.150. PUPIL TRANSPORTATION** 86190

Of the foregoing appropriation item 200502, Pupil 86191  
Transportation, up to \$838,930 in each fiscal year may be used by 86192  
the Department of Education for training prospective and 86193  
experienced school bus drivers in accordance with training 86194  
programs prescribed by the Department. A portion of these funds 86195  
may also be used to pay for costs associated with the enrollment 86196  
of bus drivers in the retained applicant fingerprint database. 86197

Of the foregoing appropriation item 200502, Pupil 86198  
Transportation, up to \$60,469,220 in each fiscal year may be used 86199  
by the Department for special education transportation 86200  
reimbursements to school districts and county DD boards for 86201  
transportation operating costs as provided in divisions (C) and 86202  
(F) of section 3317.024 of the Revised Code, in accordance with 86203  
the section of this act entitled "OPERATING FUNDING FOR FISCAL 86204  
YEARS 2020 and 2021." 86205

The remainder of the foregoing appropriation item 200502, 86206  
Pupil Transportation, shall be used to fund the transportation 86207  
payments included in the state funding allocation under division 86208  
(A)(2) of the section of this act entitled "FUNDING FOR CITY, 86209  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 86210

PAYMENTS IN LIEU OF TRANSPORTATION	86211
For purposes of division (D) of section 3327.02 of the Revised Code, if a parent, guardian, or other person in charge of a pupil accepts an offer from a school district of payment in lieu of providing transportation for the pupil, the school district shall pay that parent, guardian, or other person an amount that shall be not less than \$250 and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.	86212 86213 86214 86215 86216 86217 86218 86219 86220 86221
<b>Section 265.160. SCHOOL LUNCH MATCH</b>	86222
The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.	86223 86224 86225
Any remaining appropriation after providing matching funds for the school lunch program may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.	86226 86227 86228 86229 86230
<b>Section 265.170. AUXILIARY SERVICES</b>	86231
Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.	86232 86233 86234 86235 86236 86237 86238
The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the	86239 86240

purpose of implementing sections 3317.06 and 3317.062 of the Revised Code. 86241  
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**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 86243

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred fifty dollars per student for each school year. 86244  
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**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 86251

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year. 86252  
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Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs. 86263  
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Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns. 86266  
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Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,250,000 in fiscal 86269  
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year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 86271  
for Ohioans with Disabilities Agency. The transfer shall be made 86272  
via an intrastate transfer voucher. The transferred funds shall be 86273  
used by the Opportunities for Ohioans with Disabilities Agency as 86274  
state matching funds to draw down available federal funding for 86275  
vocational rehabilitation services. Total project funding shall be 86276  
used to hire dedicated vocational rehabilitation counselors who 86277  
shall work directly with school districts to provide transition 86278  
services for students with disabilities. Services shall include 86279  
vocational rehabilitation services such as person-centered career 86280  
planning, summer work experiences, job placement, and retention 86281  
services for mutually eligible students with disabilities. 86282

The Superintendent of Public Instruction and the Executive 86283  
Director of the Opportunities for Ohioans with Disabilities Agency 86284  
shall enter into an interagency agreement that shall specify the 86285  
responsibilities of each agency under the program. Under the 86286  
interagency agreement, the Opportunities for Ohioans with 86287  
Disabilities Agency shall retain responsibility for all 86288  
nondelegable functions, including eligibility and order of 86289  
selection determination, individualized plan for employment (IPE) 86290  
approval, IPE amendments, case closure, and release of vendor 86291  
payments. 86292

Of the foregoing appropriation item 200540, Special Education 86293  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 86294  
by the Department of Education to build capacity to deliver a 86295  
regional system of training, support, coordination, and direct 86296  
service for secondary transition services for students with 86297  
disabilities beginning at fourteen years of age. These special 86298  
education enhancements shall support all students with 86299  
disabilities, regardless of partner agency eligibility 86300  
requirements, to provide stand-alone direct secondary transition 86301  
services by school districts. Secondary transition services shall 86302

include, but not be limited to, job exploration counseling, 86303  
work-based learning experiences, counseling on opportunities for 86304  
enrollment in comprehensive transition or post-secondary 86305  
educational programs at institutions of higher education, 86306  
workplace readiness training to develop occupational skills, 86307  
social skills and independent living skills, and instruction in 86308  
self-advocacy. Regional training shall support the expansion of 86309  
transition to work endorsement opportunities for middle school and 86310  
secondary level special education intervention specialists in 86311  
order to develop the necessary skills and competencies to meet the 86312  
secondary transition needs of students with disabilities beginning 86313  
at fourteen years of age. 86314

The remainder of appropriation item 200540, Special Education 86315  
Enhancements, shall be distributed by the Department of Education 86316  
to school districts and institutions, as defined in section 86317  
3323.091 of the Revised Code, for preschool special education 86318  
funding under section 3317.0213 of the Revised Code, in accordance 86319  
with the section of this act entitled "OPERATING FUNDING FOR 86320  
FISCAL YEARS 2020 and 2021." 86321

The Department may reimburse school districts and 86322  
institutions for services provided by instructional assistants, 86323  
related services, as defined in rule 3301-51-11 of the 86324  
Administrative Code, physical therapy services provided by a 86325  
licensed physical therapist or physical therapist assistant under 86326  
the supervision of a licensed physical therapist, as required 86327  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 86328  
Administrative Code, and occupational therapy services provided by 86329  
a licensed occupational therapist or occupational therapy 86330  
assistant under the supervision of a licensed occupational 86331  
therapist, as required under Chapter 4755. of the Revised Code and 86332  
Chapter 4755-7 of the Administrative Code. Nothing in this section 86333  
authorizes occupational therapy assistants or physical therapist 86334

assistants to generate or manage their own caseloads. 86335

The Department shall require school districts, educational 86336  
service centers, county DD boards, and institutions serving 86337  
preschool children with disabilities to adhere to Ohio's early 86338  
learning program standards, participate in the Step Up to Quality 86339  
program established pursuant to section 5104.29 of the Revised 86340  
Code, and document child progress using research-based indicators 86341  
prescribed by the Department and report results annually. The 86342  
reporting dates and method shall be determined by the Department. 86343  
All programs shall be rated through the Step Up to Quality 86344  
program. 86345

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 86346

Of the foregoing appropriation item 200545, Career-Technical 86347  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 86348  
be used to fund secondary career-technical education at 86349  
institutions, the Ohio School for the Deaf, and the Ohio State 86350  
School for the Blind using a grant-based methodology, 86351  
notwithstanding section 3317.05 of the Revised Code. 86352

Of the foregoing appropriation item 200545, Career-Technical 86353  
Education Enhancements, up to \$2,686,474 in each fiscal year shall 86354  
be used by the Department of Education to fund competitive grants 86355  
to tech prep consortia that expand the number of students enrolled 86356  
in tech prep programs. These grant funds shall be used to directly 86357  
support expanded tech prep programs provided to students enrolled 86358  
in school districts, including joint vocational school districts, 86359  
and affiliated higher education institutions. This support may 86360  
include the purchase of equipment. 86361

Of the foregoing appropriation item 200545, Career-Technical 86362  
Education Enhancements, up to \$3,000,850 in each fiscal year shall 86363  
be used by the Department to support existing High Schools That 86364  
Work (HSTW) sites, develop and support new sites, fund technical 86365

assistance, and support regional centers and middle school 86366  
programs. The purpose of HSTW is to combine challenging academic 86367  
courses and modern career-technical studies to raise the academic 86368  
achievement of students. HSTW provides intensive technical 86369  
assistance, focused staff development, targeted assessment 86370  
services, and ongoing communications and networking opportunities. 86371

Of the foregoing appropriation item 200545, Career-Technical 86372  
Education Enhancements, up to \$600,000 in each fiscal year shall 86373  
be used by the Department to enable students in agricultural 86374  
programs to enroll in a fifth quarter of instruction based on the 86375  
agricultural education model of delivering work-based learning 86376  
through supervised agricultural experience. The Department shall 86377  
determine eligibility criteria and the reporting process for the 86378  
Agriculture 5th Quarter Project and shall fund as many programs as 86379  
possible given the set-aside. The eligibility criteria developed 86380  
by the Department shall allow these funds to support supervised 86381  
agricultural experience that occurs anytime outside of the regular 86382  
school day. 86383

Of the foregoing appropriation item 200545, Career-Technical 86384  
Education Enhancements, up to \$550,000 in each fiscal year may be 86385  
used to support career planning and reporting through the 86386  
OhioMeansJobs web site. 86387

Of the foregoing appropriation item 200545, Career-Technical 86388  
Education Enhancements, \$100,000 in each fiscal year shall be used 86389  
to support Jobs for Ohio's Graduates. 86390

Of the foregoing appropriation item 200545, Career-Technical 86391  
Education Enhancements, \$150,000 in each fiscal year shall be used 86392  
to prepare students for careers in culinary arts and restaurant 86393  
management under the Ohio ProStart school restaurant program. 86394

Of the foregoing appropriation item 200545, Career-Technical 86395  
Education Enhancements, \$100,000 in each fiscal year shall be used 86396

for a pre-apprenticeship program at Creative Builders Trades Academy. 86397  
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**Section 265.210. FOUNDATION FUNDING** 86399

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year. 86400  
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010. 86411  
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers under the section of this act entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 86419  
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and 86424  
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districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$7,000,000 in each fiscal year shall be reserved for payments under section 3317.029 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$26,400,000 in each fiscal year shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$23,501,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,500,000 in each fiscal year may be used for

payment of the College Credit Plus Program for students instructed 86460  
at home pursuant to section 3321.04 of the Revised Code. An amount 86461  
equal to the unexpended, unencumbered balance of this earmark at 86462  
the end of fiscal year 2020 is hereby reappropriated for the same 86463  
purpose for fiscal year 2021. 86464

Of the foregoing appropriation item 200550, Foundation 86465  
Funding, an amount shall be available in each fiscal year to be 86466  
paid to joint vocational school districts in accordance with the 86467  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 86468  
DISTRICTS." 86469

Of the foregoing appropriation item 200550, Foundation 86470  
Funding, up to \$700,000 in each fiscal year shall be used by the 86471  
Department for a program to pay for educational services for youth 86472  
who have been assigned by a juvenile court or other authorized 86473  
agency to any of the facilities described in division (A) of the 86474  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 86475

Of the foregoing appropriation item 200550, Foundation 86476  
Funding, a portion may be used to pay college-preparatory boarding 86477  
schools the per pupil boarding amount pursuant to section 3328.34 86478  
of the Revised Code. 86479

Of the foregoing appropriation item 200550, Foundation 86480  
Funding, a portion in each fiscal year shall be used to pay 86481  
community schools and STEM schools the amounts calculated for the 86482  
graduation and third-grade reading bonuses under sections 3314.085 86483  
and 3326.41 of the Revised Code, in accordance with the sections 86484  
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 86485  
FOR STEM SCHOOLS." 86486

Of the foregoing appropriation item 200550, Foundation 86487  
Funding, up to \$1,172,000 in fiscal year 2020 and up to \$1,760,000 86488  
in fiscal year 2021 may be used by the Department for duties and 86489  
activities related to the establishment of academic distress 86490

commissions under section 3302.10 of the Revised Code, to provide 86491  
support and assistance to academic distress commissions to further 86492  
their duties under Chapter 3302. of the Revised Code, and to 86493  
provide technical assistance and tools to support districts 86494  
subject to academic distress commissions. 86495

Of the foregoing appropriation item 200550, Foundation 86496  
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 86497  
Department of Education to conduct return on investment studies 86498  
for programming funded through student success and wellness funds 86499  
and to provide technical assistance to school districts on 86500  
implementing these strategies. 86501

Of the foregoing appropriation item 200550, Foundation 86502  
Funding, up to \$100,000 in each fiscal year shall be used to make 86503  
payments under section 3314.06 of the Revised Code to each 86504  
community school that operates a program that uses the Montessori 86505  
method endorsed by the American Montessori society, the Montessori 86506  
Accreditation Council for Teacher Education, or the Association 86507  
Montessori Internationale as its primary method of instruction for 86508  
students younger than four years of age who are enrolled in the 86509  
school. 86510

The remainder of the foregoing appropriation item 200550, 86511  
Foundation Funding, shall be used to fund the payments included in 86512  
the state funding allocation under division (A)(1) of the section 86513  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 86514  
VILLAGE SCHOOL DISTRICTS." 86515

Appropriation items 200502, Pupil Transportation, 200540, 86516  
Special Education Enhancements, and 200550, Foundation Funding, 86517  
other than specific set-asides, are collectively used in each 86518  
fiscal year to pay state formula aid obligations for school 86519  
districts, community schools, STEM schools, college preparatory 86520  
boarding schools, and joint vocational school districts under this 86521  
act. The first priority of these appropriation items, with the 86522

exception of specific set-asides, is to fund state formula aid 86523  
obligations. It may be necessary to reallocate funds among these 86524  
appropriation items or use excess funds from other general revenue 86525  
fund appropriation items in the Department of Education's budget, 86526  
including appropriation item 200903, Property Tax Reimbursement - 86527  
Education, in each fiscal year in order to meet state formula aid 86528  
obligations. If it is determined that it is necessary to transfer 86529  
funds among these appropriation items or to transfer funds from 86530  
other General Revenue Fund appropriations in the Department's 86531  
budget to meet state formula aid obligations, the Superintendent 86532  
of Public Instruction shall seek approval from the Director of 86533  
Budget and Management to transfer funds as needed. 86534

The Superintendent of Public Instruction shall make payments, 86535  
transfers, and deductions, as authorized by Title XXXIII of the 86536  
Revised Code in amounts substantially equal to those made in the 86537  
prior year, or otherwise, at the discretion of the Superintendent, 86538  
until at least the effective date of the amendments and enactments 86539  
made to Title XXXIII by this act. Any funds paid to districts or 86540  
schools under this section shall be credited toward the annual 86541  
funds calculated for the district or school after the changes made 86542  
to Title XXXIII in this act are effective. Upon the effective date 86543  
of changes made to Title XXXIII in this act, funds shall be 86544  
calculated as an annual amount. 86545

**Section 265.215.** OPERATING FUNDING FOR FISCAL YEARS 2020 and 86546  
2021 86547

(A) Notwithstanding anything to the contrary in Chapter 3317. 86548  
of the Revised Code, the Department of Education shall make no 86549  
payments under that chapter for fiscal years 2020 and 2021 except 86550  
as prescribed in this section and the sections of this act 86551  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 86552  
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 86553

(B) Each school district and educational service center shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 3317.0210, 3317.0211, and 3317.08, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," the Department shall continue to make payments or adjustments for each of fiscal years 2020 and 2021 under the following provisions of Chapter 3317. of the Revised Code:

(1) All payments or adjustments under section 3317.023 of the Revised Code;

(2) All payments or adjustments under section 3317.024 of the Revised Code;

(3) Payments under section 3317.029 of the Revised Code. Notwithstanding division (A)(2)(d) of section 3317.029, for purposes of these payments, a city, local, or exempted village school district's "state education aid" for fiscal years 2020 and 2021 shall be the payment made to the district under the section

of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	86585 86586
(4) Preschool special education payments under section 3317.0213 of the Revised Code;	86587 86588
(5) The catastrophic cost reimbursement under section 3317.0214 of the Revised Code;	86589 86590
(6) Payments under sections 3317.06, 3317.062, 3317.063, and 3317.064 of the Revised Code;	86591 86592
(7) The catastrophic cost reimbursement under division (B) of section 3317.16 of the Revised Code and excess cost reimbursements under division (C) of that section. No other payments shall be made under that section.	86593 86594 86595 86596
(8) Adjustments under section 3317.18 of the Revised Code;	86597
(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	86598 86599
(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;	86600 86601
(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.	86602 86603
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.	86604 86605 86606 86607 86608 86609 86610
(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised	86611 86612 86613 86614

Code and any other provision of law with respect to education	86615
financing:	86616
(1) The "formula amount" equals \$6,020 for fiscal years 2020	86617
and 2021.	86618
(2) The special education catastrophic cost threshold for	86619
fiscal years 2020 and 2021 is \$27,375 for students in categories	86620
two through five special education ADM and \$32,850 for students in	86621
category six special education ADM.	86622
(G) This section does not affect the provisions of sections	86623
3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035,	86624
3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09,	86625
3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161,	86626
3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27,	86627
3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code.	86628
<b>Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED</b>	86629
VILLAGE SCHOOL DISTRICTS	86630
(A) Subject to Section 265.227 of this act, for each of	86631
fiscal years 2020 and 2021, the Department of Education shall pay	86632
each city, local, and exempted village school district an amount	86633
equal to the sum of the following:	86634
(1) The district's aggregate annualized payments for fiscal	86635
year 2019 under section 3317.022 of the Revised Code and Section	86636
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of	86637
the second payment in June 2019;	86638
(2) The district's aggregate annualized payments for fiscal	86639
year 2019 under section 3317.0212 and division (D)(2) of section	86640
3314.091 of the Revised Code, as of the second payment in June	86641
2019.	86642
(B)(1) For purposes of division (B) of this section:	86643
(a) "Eligible school district" means a city, local, or	86644

exempted village school district with an enrolled ADM greater than 86645  
or equal to fifty. 86646

(b) "Enrolled ADM" has the same meaning as in section 86647  
3317.0219 of the Revised Code as enacted by this act. 86648

(2) For each of fiscal years 2020 and 2021, the Department of 86649  
Education shall pay each eligible school district an additional 86650  
amount calculated as follows: 86651

(a) Determine the district's percentage of change in enrolled 86652  
ADM between fiscal years 2016 and 2017, fiscal years 2017 and 86653  
2018, and fiscal years 2018 and 2019; 86654

(b) Calculate the average of the percentage of changes in 86655  
enrolled ADM determined for the district under division (B)(2)(a) 86656  
of this section; 86657

(c) Compute the district's payment as follows: 86658

The district's average percentage calculated under division 86659  
(B)(2)(b) of this section X 100 X the district's enrolled ADM that 86660  
was used for the second payment under Chapter 3317. of the Revised 86661  
Code in June 2019 X \$20, for fiscal year 2020, or \$30, for fiscal 86662  
year 2021 86663

If the result of the calculation for a district under 86664  
division (B)(2)(c) of this section is less than zero, the district 86665  
shall not receive a payment under division (B) of this section. 86666

**Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL 86667**  
DISTRICTS 86668

Subject to Section 265.227 of this act, for each of fiscal 86669  
years 2020 and 2021, the Department of Education shall pay each 86670  
joint vocational school district an amount equal to the district's 86671  
aggregate annualized payments for fiscal year 2019 under section 86672  
3317.16 of the Revised Code and Section 265.230 of Am. Sub. H.B. 86673  
49 of the 132nd General Assembly, as of the second payment in June 86674

2019. 86675

**Section 265.227.** If a city, local, or exempted village school district provided career-technical education pursuant to division (A)(1) of section 3313.90 of the Revised Code in fiscal year 2019 but the district enters into an agreement pursuant to division (A)(2) of section 3313.90 of the Revised Code with a joint vocational school district to provide that career-technical education beginning in fiscal year 2020, the Department of Education shall adjust the amounts paid to those districts for fiscal years 2020 and 2021 under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" to account for the decrease in students served by the city, local, or exempted village school district and the increase in students served by the joint vocational school district. This adjustment shall be equal to the following amount:

(The aggregate amount paid to the city, local, or exempted village school district under divisions (A)(8) and (9) of section 3317.022 of the Revised Code as of the second payment in June 2019 + the aggregate amount paid to the city, local, or exempted village school district under division (C) of Section 265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly as of the second payment in June 2019) - (the aggregate amount deducted from the district under division (C)(1)(g) of section 3314.08 of the Revised Code and division (G) of section 3326.33 of the Revised Code as of the June 2019 payment)

In doing so, the Department shall not, however, increase the aggregate amount of foundation aid paid under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

**Section 265.230. FUNDING FOR COMMUNITY SCHOOLS** 86707

(A) For each of fiscal years 2020 and 2021, the Department of 86708  
Education shall make the deductions and payments for each student 86709  
enrolled in a community school, established under Chapter 3314. of 86710  
the Revised Code, in the manner prescribed by division (C) of 86711  
section 3314.08 of the Revised Code, except that, for each of 86712  
those fiscal years: 86713

(1) The "formula amount" shall equal the amount specified in 86714  
division (F)(1) of the section of this act entitled "OPERATING 86715  
FUNDING FOR FISCAL YEARS 2020 and 2021." 86716

(2) "State education aid" for a school district from which a 86717  
deduction is made shall mean the amount paid to the district for 86718  
that fiscal year under the section of this act entitled "FUNDING 86719  
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 86720

(3) The per pupil amount deducted from a district and paid to 86721  
a community school under divisions (C)(1)(b) and (e) of section 86722  
3314.08 of the Revised Code shall be the same respective per pupil 86723  
amounts deducted and paid under those divisions for fiscal year 86724  
2019. 86725

(B) Notwithstanding section 3314.085 of the Revised Code, for 86726  
each of fiscal years 2020 and 2021, the Department shall pay each 86727  
community school an amount equal to the school's payment under 86728  
section 3314.085 of the Revised Code for fiscal year 2019. 86729

**Section 265.235. FUNDING FOR STEM SCHOOLS** 86730

(A) For each of fiscal years 2020 and 2021, the Department of 86731  
Education shall make the deductions and payments for each student 86732  
enrolled in a STEM school, established under Chapter 3326. of the 86733  
Revised Code, in the manner prescribed by section 3326.33 of the 86734  
Revised Code, except that, for each of those fiscal years: 86735

(1) The "formula amount" shall equal the amount specified in 86736  
division (F)(1) of the section of this act entitled "OPERATING 86737  
FUNDING FOR FISCAL YEARS 2020 and 2021." 86738

(2) "State education aid" for a school district from which a 86739  
deduction is made shall mean the amount paid to the district for 86740  
that fiscal year under the section of this act entitled "FUNDING 86741  
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 86742

(3) The per pupil amount deducted from a district and paid to 86743  
a STEM school under divisions (B) and (E) of section 3326.33 of 86744  
the Revised Code shall be the same respective per pupil amount 86745  
deducted and paid under those divisions for fiscal year 2019. 86746

(B) Notwithstanding section 3326.41 of the Revised Code, for 86747  
each of fiscal years 2020 and 2021, the Department shall pay each 86748  
STEM school an amount equal to the school's payment under section 86749  
3326.41 of the Revised Code for fiscal year 2019. 86750

**Section 265.240. LITERACY IMPROVEMENT** 86751

Of the foregoing appropriation item 200566, Literacy 86752  
Improvement, up to \$100,000 in each fiscal year shall be used to 86753  
support the Read, Baby, Read! Program. 86754

The remainder of the foregoing appropriation item 200566, 86755  
Literacy Improvement, shall be used by the Department of Education 86756  
to support early literacy activities to align state, local, and 86757  
federal efforts in order to bolster all students' reading success. 86758  
Funds shall be distributed to educational service centers to 86759  
establish and support regional literacy professional development 86760  
teams consistent with section 3312.01 of the Revised Code. A 86761  
portion of the funds may be used by the Department for program 86762  
administration, monitoring, technical assistance, support, 86763  
research, and evaluation. 86764

**Section 265.250. ADULT EDUCATION PROGRAMS** 86765

Of the foregoing appropriation item 200572, Adult Education Programs, up to \$6,900,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code.

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be reimbursed to the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a

period not to exceed two years from the end of each fiscal year in 86798  
which the funds were originally appropriated, in accordance with 86799  
guidelines established by the Superintendent of Public 86800  
Instruction. 86801

A portion of the foregoing appropriation item 200572, Adult 86802  
Education Programs, may be used for program administration, 86803  
technical assistance, support, research, and evaluation of adult 86804  
education programs, including high school equivalency examinations 86805  
approved by the Department of Education. 86806

**Section 265.260. EDCHOICE EXPANSION** 86807

The foregoing appropriation item 200573, EdChoice Expansion, 86808  
shall be used to provide for the scholarships awarded under the 86809  
expansion of the educational choice program established under 86810  
section 3310.032 of the Revised Code. The number of scholarships 86811  
awarded under the expansion of the educational choice program 86812  
shall not exceed the number that can be funded with the 86813  
appropriations made by the General Assembly for this purpose. 86814

**HALF-MILL MAINTENANCE EQUALIZATION** 86815

The foregoing appropriation item 200574, Half-Mill 86816  
Maintenance Equalization, shall be used to make payments pursuant 86817  
to section 3318.18 of the Revised Code. 86818

**ADAPTIVE SPORTS PROGRAM** 86819

The foregoing appropriation item 200576, Adaptive Sports 86820  
Program, shall be used by the Department of Education, in 86821  
collaboration with the Adaptive Sports Program of Ohio, to fund 86822  
adaptive sports programs in school districts across the state. 86823

**PROGRAM AND PROJECT SUPPORT** 86824

Of the foregoing appropriation item 200597, Program and 86825  
Project Support, \$500,000 in fiscal year 2020 shall be distributed 86826  
to Tri-State Early College STEM School to provide additional 86827

support for facility renovations and operations, including 86828  
professional development, educational materials, equipment, 86829  
marketing, and recruitment. 86830

Of the foregoing appropriation item 200597, Program and 86831  
Project Support, \$500,000 in each fiscal year shall be distributed 86832  
to Ohio Adolescent Health Centers to support risk avoidance 86833  
education. 86834

Of the foregoing appropriation item 200597, Program and 86835  
Project Support, \$125,000 in each fiscal year shall be used to 86836  
support Ruling Our eXperiences (ROX) programming in schools. 86837

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM 86838**

The foregoing appropriation item, 657401, Medicaid in Schools 86839  
Program, shall be used by the Department of Education to support 86840  
the Medicaid in Schools Program. 86841

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE 86842**

The foregoing appropriation item 200681, Teacher 86843  
Certification and Licensure, shall be used by the Department of 86844  
Education in each year of the biennium to administer and support 86845  
teacher certification and licensure activities. Notwithstanding 86846  
section 3319.51 of the Revised Code, a portion of the foregoing 86847  
appropriation may also be used for implementation of teacher and 86848  
principal evaluation systems, including incorporation of student 86849  
growth as a metric in those systems, and teacher value-added 86850  
reports. 86851

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 86852**

(A) The foregoing appropriation item 200687, School District 86853  
Solvency Assistance, shall be allocated to the School District 86854  
Shared Resource Account and the Catastrophic Expenditures Account 86855  
in amounts determined by the Superintendent of Public Instruction. 86856

These funds shall be used to provide assistance and grants to 86857  
school districts to enable them to remain solvent under section 86858  
3316.20 of the Revised Code. Assistance and grants shall be 86859  
subject to approval by the Controlling Board. Except as provided 86860  
under division (C) of this section, any required reimbursements 86861  
from school districts for solvency assistance shall be made to the 86862  
appropriate account in the School District Solvency Assistance 86863  
Fund (Fund 5H30). 86864

(B) Notwithstanding any provision of law to the contrary, 86865  
upon the request of the Superintendent of Public Instruction, the 86866  
Director of Budget and Management may make transfers to the School 86867  
District Solvency Assistance Fund (Fund 5H30) from any fund used 86868  
by the Department of Education or the General Revenue Fund to 86869  
maintain sufficient cash balances in Fund 5H30 in fiscal years 86870  
2020 and 2021. Any cash transferred is hereby appropriated. The 86871  
transferred cash may be used by the Department to provide 86872  
assistance and grants to school districts to enable them to remain 86873  
solvent and to pay unforeseeable expenses of a temporary or 86874  
emergency nature that the school district is unable to pay from 86875  
existing resources. The Director shall notify the members of the 86876  
Controlling Board of any such transfers. 86877

(C) If the cash balance of the School District Solvency 86878  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 86879  
assistance in fiscal years 2020 and 2021, at the request of the 86880  
Superintendent of Public Instruction, and with the approval of the 86881  
Controlling Board, the Director of Budget and Management may 86882  
transfer cash from the Lottery Profits Education Reserve Fund 86883  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 86884  
school districts to enable them to remain solvent and to pay 86885  
unforeseeable expenses of a temporary nature that they are unable 86886  
to pay from existing resources under section 3316.20 of the 86887  
Revised Code. Such transfers are hereby appropriated to 86888

appropriation item 200670, School District Solvency Assistance - 86889  
Lottery. Any required reimbursements from school districts for 86890  
solvency assistance granted from appropriation item 200670, School 86891  
District Solvency Assistance - Lottery, shall be made to Fund 86892  
7018. 86893

**Section 265.323. STUDENT WELLNESS AND SUCCESS** 86894

The foregoing appropriation item 200604, Student Wellness and 86895  
Success, shall be used to distribute the amounts calculated for 86896  
student wellness and success funds under sections 3314.088, 86897  
3317.0219, 3317.163, and 3326.42 of the Revised Code. 86898

**Section 265.324. SCHOOL BUS PURCHASE** 86899

The foregoing appropriation item 200663, School Bus Purchase, 86900  
shall be used by the Department of Education to assist school 86901  
districts in purchasing school buses in accordance with the 86902  
program developed under this section. 86903

The Department of Education, in partnership with the 86904  
Department of Public Safety, shall develop a program to provide 86905  
school bus purchase assistance. Not later than January 31, 2020, 86906  
the departments of Education and Public Safety shall submit a 86907  
report to the General Assembly in accordance with section 101.68 86908  
of the Revised Code that describes how the program will operate. 86909

**Section 265.325. SCHOOL CLIMATE GRANTS** 86910

(A) The foregoing appropriation item 200602, School Climate 86911  
Grants, shall be used to provide competitive grants to eligible 86912  
applicants to implement positive behavior intervention and 86913  
supports frameworks, evidence- or research-based social and 86914  
emotional learning initiatives, or both, in eligible school 86915  
buildings. 86916

(B) The Superintendent of Public Instruction shall administer 86917

and award the grants. The Superintendent shall prescribe an 86918  
application form, establish procedures for the consideration and 86919  
approval of grant applications, and determine the amount of the 86920  
grant awards. 86921

(C)(1) Subject to division (C)(2) of this section, the 86922  
Superintendent shall award the grants in the following order of 86923  
priority: 86924

(a) First, to eligible applicants whose grant proposal serves 86925  
one or more eligible school buildings whose percentage of students 86926  
who are identified as economically disadvantaged is greater than 86927  
the statewide average percentage of students who are identified as 86928  
economically disadvantaged, as determined by the Superintendent; 86929

(b) Second, to eligible applicants whose grant proposal 86930  
serves one or more eligible school buildings with high suspension 86931  
rates, as determined by the Superintendent; 86932

(c) Third, to eligible applicants who were not awarded a 86933  
grant under either division (C)(1)(a) or (b) of this section in 86934  
the order in which the applications were received. 86935

(2) If, for a fiscal year, the amount appropriated for the 86936  
grants awarded under this section is insufficient to provide 86937  
grants to all eligible applicants within a priority level 86938  
specified in division (C)(1) of this section, the Superintendent 86939  
shall first award grants within that priority level to eligible 86940  
applicants whose grant proposal serves one or more eligible school 86941  
buildings that previously have not been served through a grant 86942  
disbursed from the foregoing appropriation item 200602, School 86943  
Climate Grants. 86944

(D) The Superintendent may enter into a written grant 86945  
agreement with each eligible applicant awarded a grant under this 86946  
section that includes the terms and conditions governing the use 86947  
of the funds. The Superintendent may monitor a recipient's use of 86948

the funds to ensure that the funds are used in accordance with the 86949  
grant agreement. 86950

(E) A grant awarded to an eligible applicant under this 86951  
section shall not exceed \$5,000 per eligible school building 86952  
served in the eligible applicant's grant proposal, up to a maximum 86953  
of \$50,000. 86954

(F) Notwithstanding any provision of law to the contrary, 86955  
grants awarded under this section may be used by grant recipients 86956  
for grant-related expenses for a period not to exceed two years 86957  
from the date of the award, according to guidelines established by 86958  
the Superintendent. 86959

(G) As used in this section: 86960

(1) "Eligible applicant" means a city, local, or exempted 86961  
village school district or a community school established under 86962  
Chapter 3314. of the Revised Code. 86963

(2) "Eligible school building" means a building of an 86964  
eligible applicant that serves any of grades kindergarten through 86965  
three. 86966

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 86967

The foregoing appropriation item 200612, Foundation Funding, 86968  
shall be used in conjunction with appropriation item 200550, 86969  
Foundation Funding, to provide state foundation payments to school 86970  
districts. 86971

The Department of Education, with the approval of the 86972  
Director of Budget and Management, shall determine the monthly 86973  
distribution schedules of appropriation item 200550, Foundation 86974  
Funding, and appropriation item 200612, Foundation Funding. If 86975  
adjustments to the monthly distribution schedule are necessary, 86976  
the Department shall make such adjustments with the approval of 86977  
the Director. 86978

**Section 265.331. ACCELERATE GREAT SCHOOLS** 86979

The foregoing appropriation item 200614, Accelerate Great 86980  
Schools, shall be used to support the Accelerate Great Schools 86981  
public-private partnership. 86982

**Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT** 86983

(A) The foregoing appropriation item 200631, Quality 86984  
Community Schools Support, shall be used for the Quality Community 86985  
School Support Program. Under the program, the Department of 86986  
Education shall pay each community school established under 86987  
Chapter 3314. of the Revised Code and designated as a Community 86988  
School of Quality under this section an amount equal to \$1,150 in 86989  
each fiscal year for each pupil identified as economically 86990  
disadvantaged and \$650 in each fiscal year for each pupil that is 86991  
not identified as economically disadvantaged. The payment for the 86992  
current fiscal year shall be calculated using the final adjusted 86993  
full-time equivalent number of students enrolled in a community 86994  
school for the prior fiscal year, except that if a school is in 86995  
its first year of operation the payment for the current fiscal 86996  
year shall be calculated using the adjusted full-time equivalent 86997  
number of students enrolled in the school for the current fiscal 86998  
year as of the date the payment is made, as reported by the school 86999  
under section 3314.08 of the Revised Code. The Department shall 87000  
make the payment to each Community School of Quality not later 87001  
than January 31 of each fiscal year. 87002

(B) To be designated as a Community School of Quality, a 87003  
community school shall satisfy at least one of the following 87004  
conditions: 87005

(1) The community school meets all of the following criteria: 87006

(a) The school's sponsor was rated "exemplary" or "effective" 87007  
on the sponsor's most recent evaluation conducted under section 87008

3314.016 of the Revised Code. 87009

(b) The school received a higher performance index score than 87010  
the school district in which the school is located on the two most 87011  
recent report cards issued for the school under section 3302.03 of 87012  
the Revised Code. 87013

(c) The school received an overall grade of "A" or "B" for 87014  
the value-added progress dimension on the most recent report card 87015  
issued for the school under section 3302.03 of the Revised Code or 87016  
is a school described under division (A)(4) of section 3314.35 of 87017  
the Revised Code and did not receive a grade for the value-added 87018  
progress dimension on the most recent report card. 87019

(d) At least fifty per cent of the students enrolled in the 87020  
school are economically disadvantaged, as determined by the 87021  
Department. 87022

(2) The community school meets all of the following criteria: 87023

(a) The school's sponsor was rated "exemplary" or "effective" 87024  
on the sponsor's most recent evaluation conducted under section 87025  
3314.016 of the Revised Code. 87026

(b) The school is in its first year of operation. 87027

(c) The school is replicating an operational and 87028  
instructional model used by a community school described in 87029  
division (B)(1) of this section. 87030

(3) The community school meets all of the following criteria: 87031

(a) The school's sponsor was rated "exemplary" or "effective" 87032  
on the sponsor's most recent evaluation conducted under section 87033  
3314.016 of the Revised Code. 87034

(b) The school contracts with an operator that operates 87035  
schools in other states and meets at least one of the following 87036  
criteria: 87037

(i) Has operated a school that received a grant funded 87038

through the federal Charter School Program established under 20 87039  
U.S.C. 7221 or received funding from the Charter School Growth 87040  
Fund; 87041

(ii) Meets all of the following criteria: 87042

(I) One of the operator's schools in another state performed 87043  
better than the school district in which the school is located, as 87044  
determined by the Department. 87045

(II) At least fifty per cent of the total number of students 87046  
enrolled in all of the operator's schools are economically 87047  
disadvantaged, as determined by the Department. 87048

(III) The operator is in good standing in all states where it 87049  
operates schools. 87050

(IV) The Department has determined that the operator does not 87051  
have any financial viability issues that would prevent it from 87052  
effectively operating a community school in Ohio. 87053

(C) A school that is designated as a Community School of 87054  
Quality under division (B) of this section shall maintain that 87055  
designation for the two fiscal years following the fiscal year in 87056  
which the school was initially designated as a Community School of 87057  
Quality. 87058

**Section 265.337. ENROLLMENT GROWTH SUPPLEMENT** 87059

The foregoing appropriation item 200636, Enrollment Growth 87060  
Supplement, shall be used to fund the payments included in the 87061  
state funding allocation under division (B) of the section of this 87062  
act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 87063  
DISTRICTS." 87064

**Section 265.340. COMMUNITY SCHOOL FACILITIES** 87065

The foregoing appropriation item 200684, Community School 87066  
Facilities, shall be used to pay each community school established 87067

under Chapter 3314. of the Revised Code and each STEM school 87068  
established under Chapter 3326. of the Revised Code an amount 87069  
equal to \$25 in each fiscal year for each full-time equivalent 87070  
pupil in an internet- or computer-based community school and \$250 87071  
in each fiscal year for each full-time equivalent pupil in all 87072  
other community or STEM schools for assistance with the cost 87073  
associated with facilities. If the amount appropriated is not 87074  
sufficient, the Department shall prorate the amounts so that the 87075  
aggregate amount appropriated is not exceeded. 87076

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 87077

(A) There is hereby created the Lottery Profits Education 87078  
Reserve Fund (Fund 7018) in the State Treasury. Investment 87079  
earnings of the Lottery Profits Education Reserve Fund shall be 87080  
credited to the fund. 87081

(B) Notwithstanding any other provision of law to the 87082  
contrary, the Director of Budget and Management may transfer cash 87083  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 87084  
in fiscal year 2020 and fiscal year 2021. 87085

(C) On July 15, 2019, or as soon as possible thereafter, the 87086  
Director of the Ohio Lottery Commission shall certify to the 87087  
Director of Budget and Management the amount by which lottery 87088  
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 87089  
fiscal year 2019. 87090

(D) On July 15, 2020, or as soon as possible thereafter, the 87091  
Director of the Ohio Lottery Commission shall certify to the 87092  
Director of Budget and Management the amount by which lottery 87093  
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 87094  
fiscal year 2020. 87095

(E) Notwithstanding any provision of law to the contrary, in 87096  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 87097

Management may transfer cash in excess of the amounts necessary to 87098  
support appropriations in Fund 7017 from that fund to Fund 7018. 87099

**Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING** 87100

As used in this section, "high-performing educational service 87101  
center" means an educational service center designated as such 87102  
pursuant to rule 3301-105-01 of the Administrative Code. 87103

As used in this section, "student count" means the count 87104  
calculated under division (G)(1) of section 3313.843 of the 87105  
Revised Code. 87106

In each fiscal year, the Department of Education shall pay 87107  
the governing board of each high-performing educational service 87108  
center state funds equal to twenty-six dollars times its student 87109  
count, and to the governing board of each other center, state 87110  
funds equal to twenty-four dollars times its student count. 87111

If the amount earmarked for the state reimbursement of 87112  
educational service centers in appropriation item 200550, 87113  
Foundation Funding, is not sufficient, the Department shall 87114  
prorate the payment amounts so that the appropriation is not 87115  
exceeded. 87116

Notwithstanding any provision of law to the contrary, a 87117  
school district that has not entered into an agreement for 87118  
services with an educational service center as of June 30, 2019, 87119  
shall be prohibited from entering into such an agreement during 87120  
the period from July 1, 2019, through June 30, 2021. 87121

**Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 87122  
ASSESSMENT OF EDUCATION PROGRESS** 87123

The General Assembly intends for the Superintendent of Public 87124  
Instruction to provide for school district participation in the 87125  
administration of the National Assessment of Education Progress in 87126

accordance with section 3301.27 of the Revised Code. Each school 87127  
and school district selected for participation by the 87128  
Superintendent shall participate. 87129

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 87130  
STUDENTS 87131

(A) As used in this section: 87132

(1) "IEP" has the same meaning as in section 3323.01 of the 87133  
Revised Code. 87134

(2) "SBH student" means a student receiving special education 87135  
and related services for severe behavior disabilities pursuant to 87136  
an IEP. 87137

(B) This section applies only to a community school 87138  
established under Chapter 3314. of the Revised Code that in each 87139  
of fiscal years 2020 and 2021 enrolls a number of SBH students 87140  
equal to at least fifty per cent of the total number of students 87141  
enrolled in the school in the applicable fiscal year. 87142

(C) In addition to any state foundation payments made, in 87143  
each of fiscal years 2020 and 2021, the Department of Education 87144  
shall pay to a community school to which this section applies a 87145  
subsidy equal to the difference between the aggregate amount 87146  
calculated and paid in that fiscal year to the community school 87147  
for special education and related services additional weighted 87148  
costs for the SBH students enrolled in the school and the 87149  
aggregate amount that would have been calculated for the school 87150  
for special education and related services additional weighted 87151  
costs for those same students in fiscal year 2001. If the 87152  
difference is a negative number, the amount of the subsidy shall 87153  
be zero. 87154

(D) The amount of any subsidy paid to a community school 87155  
under this section shall not be deducted from the school district 87156

in which any of the students enrolled in the community school are 87157  
entitled to attend school under section 3313.64 or 3313.65 of the 87158  
Revised Code. The amount of any subsidy paid to a community school 87159  
under this section shall be paid from funds appropriated to the 87160  
Department in appropriation item 200550, Foundation Funding. 87161

**Section 265.400. EARMARK ACCOUNTABILITY** 87162

At the request of the Superintendent of Public Instruction, 87163  
any entity that receives a budget earmark under the Department of 87164  
Education shall submit annually to the chairpersons of the 87165  
committees of the House of Representatives and the Senate 87166  
primarily concerned with education and education funding and to 87167  
the Department a report that includes a description of the 87168  
services supported by the funds, a description of the results 87169  
achieved by those services, an analysis of the effectiveness of 87170  
the program, and an opinion as to the program's applicability to 87171  
other school districts. For an earmarked entity that received 87172  
state funds from an earmark in the prior fiscal year, no funds 87173  
shall be provided by the Department to an earmarked entity for a 87174  
fiscal year until its report for the prior fiscal year has been 87175  
submitted. 87176

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 87177

A community school established under Chapter 3314. of the 87178  
Revised Code that was open for operation as a community school as 87179  
of May 1, 2005, may operate from or in any home, as defined in 87180  
section 3313.64 of the Revised Code, located in the state, 87181  
regardless of when the community school's operations from or in a 87182  
particular home began. 87183

**Section 265.420. USE OF VOLUNTEERS** 87184

The Department of Education may utilize the services of 87185

volunteers to accomplish any of the purposes of the Department. 87186  
The Superintendent of Public Instruction shall approve for what 87187  
purposes volunteers may be used and for these purposes may 87188  
recruit, train, and oversee the services of volunteers. The 87189  
Superintendent may reimburse volunteers for necessary and 87190  
appropriate expenses in accordance with state guidelines and may 87191  
designate volunteers as state employees for the purpose of motor 87192  
vehicle accident liability insurance under section 9.83 of the 87193  
Revised Code, for immunity under section 9.86 of the Revised Code, 87194  
and for indemnification from liability incurred in the performance 87195  
of their duties under section 9.87 of the Revised Code. 87196

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN** 87197  
**REIMBURSEMENTS** 87198

(A) Except as expressly required under a court judgment not 87199  
subject to further appeals, or a settlement agreement with a 87200  
school district executed on or before June 1, 2009, in the case of 87201  
a school district for which the formula ADM for fiscal year 2005, 87202  
as reported for that fiscal year under division (A) of section 87203  
3317.03 of the Revised Code, was reduced based on enrollment 87204  
reports for community schools, made under section 3314.08 of the 87205  
Revised Code, regarding students entitled to attend school in the 87206  
district, which reduction of formula ADM resulted in a reduction 87207  
of foundation funding or transitional aid funding for fiscal year 87208  
2005, 2006, or 2007, no school district, except a district named 87209  
in the court's judgment or the settlement agreement, shall have a 87210  
legal claim for reimbursement of the amount of such reduction in 87211  
foundation funding or transitional aid funding, and the state 87212  
shall not have liability for reimbursement of the amount of such 87213  
reduction in foundation funding or transitional aid funding. 87214

(B) As used in this section: 87215

(1) "Community school" means a community school established 87216

under Chapter 3314. of the Revised Code.	87217
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	87218 87219 87220
(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.	87221 87222
(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.	87223 87224 87225 87226 87227 87228
<b>Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN</b>	87229
In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.	87230 87231 87232 87233 87234 87235 87236 87237 87238 87239 87240 87241 87242
<b>Section 265.450. PRIVATE TREATMENT FACILITY PROJECT</b>	87243
(A) As used in this section:	87244
(1) The following are "participating residential treatment	87245

centers":	87246
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2020 or fiscal year 2021 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	87247 87248 87249 87250 87251 87252
(b) Abraxas, in Shelby;	87253
(c) Paint Creek, in Bainbridge;	87254
(d) F.I.R.S.T., in Mansfield.	87255
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	87256 87257 87258
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	87259 87260
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	87261 87262 87263 87264 87265
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	87266 87267 87268
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The	87269 87270 87271 87272 87273 87274 87275

educational program shall be provided by a school district or 87276  
educational service center, or by the residential facility itself. 87277  
Maximum flexibility shall be given to the residential treatment 87278  
facility to determine the provider. In the event that a voluntary 87279  
agreement cannot be reached and the residential facility does not 87280  
choose to provide the educational program, the educational service 87281  
center in the county in which the facility is located shall 87282  
provide the educational program at the treatment center to 87283  
children under twenty-two years of age residing in the treatment 87284  
center. 87285

(C) Any school district responsible for tuition for a 87286  
residential child shall, notwithstanding any conflicting provision 87287  
of the Revised Code regarding tuition payment, pay tuition for the 87288  
child for fiscal year 2020 and fiscal year 2021 to the education 87289  
program provider and in the amount specified in this division. If 87290  
there is no school district responsible for tuition for a 87291  
residential child and if the participating residential treatment 87292  
center to which the child is assigned is located in the city, 87293  
exempted village, or local school district that, if the child were 87294  
not a resident of that treatment center, would be the school 87295  
district where the child is entitled to attend school under 87296  
sections 3313.64 and 3313.65 of the Revised Code, that school 87297  
district, notwithstanding any conflicting provision of the Revised 87298  
Code, shall pay tuition for the child for fiscal year 2020 and 87299  
fiscal year 2021 under this division unless that school district 87300  
is providing the educational program to the child under division 87301  
(B) of this section. 87302

A tuition payment under this division shall be made to the 87303  
school district, educational service center, or residential 87304  
treatment facility providing the educational program to the child. 87305

The amount of tuition paid shall be: 87306

(1) The amount of tuition determined for the district under 87307

division (A) of section 3317.08 of the Revised Code; 87308

(2) In addition, for any student receiving special education 87309  
pursuant to an individualized education program as defined in 87310  
section 3323.01 of the Revised Code, a payment for excess costs. 87311  
This payment shall equal the actual cost to the school district, 87312  
educational service center, or residential treatment facility of 87313  
providing special education and related services to the student 87314  
pursuant to the student's individualized education program, minus 87315  
the tuition paid for the child under division (C)(1) of this 87316  
section. 87317

A school district paying tuition under this division shall 87318  
not include the child for whom tuition is paid in the district's 87319  
average daily membership certified under division (A) of section 87320  
3317.03 of the Revised Code. 87321

(D) In each of fiscal years 2020 and 2021, the Department of 87322  
Education shall reimburse, from appropriations made for the 87323  
purpose, a school district, educational service center, or 87324  
residential treatment facility, whichever is providing the 87325  
service, that has demonstrated that it is in compliance with the 87326  
funding criteria for each served child for whom a school district 87327  
must pay tuition under division (C) of this section. The amount of 87328  
the reimbursement shall be the amount appropriated for this 87329  
purpose divided by the full-time equivalent number of children for 87330  
whom reimbursement is to be made. 87331

(E) Funds provided to a school district, educational service 87332  
center, or residential treatment facility under this section shall 87333  
be used to supplement, not supplant, funds from other public 87334  
sources for which the school district, service center, or 87335  
residential treatment facility is entitled or eligible. 87336

(F) The Department of Education shall track the utilization 87337  
of funds provided to school districts, educational service 87338

centers, and residential treatment facilities under this section 87339  
and monitor the effect of the funding on the educational programs 87340  
they provide in participating residential treatment facilities. 87341  
The Department shall monitor the programs for educational 87342  
accountability. 87343

**Section 265.460.** (A) The Superintendent of Public Instruction 87344  
may form partnerships with Ohio's business community, including 87345  
the Ohio Business Roundtable, to create and implement initiatives 87346  
that connect students with the business community in an effort to 87347  
increase student engagement and job readiness through internships, 87348  
work study, and site-based learning experiences. 87349

(B) If the Superintendent forms a partnership pursuant to 87350  
division (A) of this section, the initiatives created and 87351  
implemented through that partnership shall do all of the 87352  
following: 87353

(1) Support the career connection learning strategies 87354  
described in division (B)(2) of section 3301.079 of the Revised 87355  
Code; 87356

(2) Provide an opportunity for students to earn high school 87357  
credit toward graduation or to meet curriculum requirements in 87358  
accordance with divisions (J)(1) and (2) of section 3313.603 of 87359  
the Revised Code; 87360

(3) Inform the development of student success plans pursuant 87361  
to division (C) of section 3313.6020 of the Revised Code. 87362

**Section 265.470.** The Department of Education shall study the 87363  
feasibility of new funding models for internet- or computer-based 87364  
community schools. In conducting the study, the department shall 87365  
do all of the following: 87366

(A) Consider models of funding based on competency and course 87367  
completion; 87368

(B) Consider models of funding used in other states, 87369  
including Florida and New Hampshire; 87370

(C) Make recommendations on the feasibility of new funding 87371  
models for internet- or computer-based community schools. 87372

Upon completion of the study, and not later than December 31, 87373  
2019, the department shall submit copies of the study to the 87374  
Governor, the President and Minority Leader of the Senate, the 87375  
Speaker and Minority Leader of the House of Representatives, and 87376  
the chairpersons of the standing committees on education of the 87377  
Senate and the House of Representatives. 87378

**Section 265.490.** Upon receipt of federal funds under Title 87379  
IV, Part A, Student Support and Academic Enrichment Grants, and 87380  
after payments are made pursuant to education programs included in 87381  
this block grant program, the Department shall direct any unused 87382  
funds to cover all or part of the cost of Advanced Placement tests 87383  
and International Baccalaureate registration and exam fees for 87384  
low-income students. 87385

**Section 265.505.** Not later than December 31, 2020, and 87386  
December 31, 2021, the Department of Education shall submit an 87387  
annual report to the General Assembly in accordance with section 87388  
101.68 of the Revised Code describing the manner in which the 87389  
Department partnered with educational service centers in the 87390  
delivery of services consistent with Chapter 3312. of the Revised 87391  
Code, as specified in the sections of this act entitled "ACADEMIC 87392  
STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," 87393  
"EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the 87394  
previous fiscal year. 87395

**Section 265.510.** (A) There is hereby established a committee 87396  
to study the state report card prescribed under section 3302.03 of 87397  
the Revised Code, including how performance measures, components, 87398

and the overall grade under division (C) of that section are 87399  
calculated and weighted. The committee also shall consider design 87400  
principles for the state report card, the state report card's 87401  
primary audience, and how state report cards address student 87402  
academic achievement, including whether the measures are 87403  
appropriately graded to reflect student academic achievement. 87404

(B) The committee shall consist of the following members: 87405

(1) The Superintendent of Public Instruction or designee; 87406

(2) The chairperson of the standing committee of the House of 87407  
Representatives that considers primary and secondary education 87408  
legislation; 87409

(3) The chairperson of the standing committee of the Senate 87410  
that considers primary and secondary education legislation; 87411

(4) Two members of the House of Representatives appointed by 87412  
the Speaker of the House of Representatives; 87413

(5) Two members of the Senate appointed by the President of 87414  
the Senate; 87415

(6) Three superintendents, one from a rural district, one 87416  
from a suburban district, and one from an urban district, 87417  
appointed by the buckeye association of school administrators. 87418

(C) Not later than thirty days after the effective date of 87419  
this section, all appointments to the committee under division (B) 87420  
of this section shall be made and the committee shall convene to 87421  
elect a chairperson. 87422

(D) In conducting its study, the committee shall investigate 87423  
at least all of the following: 87424

(1) How many years of data should be included in, and how 87425  
grades are assigned to, the progress component prescribed under 87426  
division (C)(3)(c) of section 3302.03 of the Revised Code; 87427

(2) How to structure the prepared for success component 87428

prescribed under division (C)(3)(f) of section 3302.03 of the Revised Code, including considering additional ways to earn points;

(3) How the gap closing component prescribed under division (C)(3)(a) of section 3302.03 of the Revised Code meets requirements established under federal law and applies to all schools;

(4) How the graduation component prescribed under division (C)(3)(d) of section 3302.03 of the Revised Code includes students with disabilities and mobile students;

(5) If the overall grades should be a letter grade or some other rating system that clearly communicate the performance of school districts and other public schools to families and communities.

(E) Not later than December 15, 2019, the committee shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code. In addition to addressing the topics prescribed under division (D) of this section, the report shall make recommendations, including any necessary changes to the Revised Code or Administrative Code, about at least all of the following:

(1) How to calculate each graded measure included in the state report card;

(2) How to assign a grade to each graded measure, including ranges of scores associated with letter grades or any other rating system determined appropriate by the committee;

(3) How to weight the graded measures for school buildings that do not have all measures;

(4) Which state report card calculations should be prescribed in statute and which should be prescribed in administrative rule;

(5) What additional, non-graded information families and communities want to see on the state report card;	87459
	87460
(6) What additional items can be used for bonus points in the prepared for success component.	87461
	87462
(F) For assistance in conducting its study and preparing its report, the committee shall both consult with independent experts and convene a group of stakeholders, including all of the following:	87463
	87464
	87465
	87466
(1) Educators;	87467
(2) Advocates;	87468
(3) Parents;	87469
(4) The business community.	87470
 <b>Section 267.10.</b> ELC OHIO ELECTIONS COMMISSION	87471
General Revenue Fund	87472
GRF 051321 Operating Expenses \$ 435,221 \$ 435,221	87473
TOTAL GRF General Revenue Fund \$ 435,221 \$ 435,221	87474
Dedicated Purpose Fund Group	87475
4P20 051601 Operating Support \$ 199,460 \$ 199,460	87476
TOTAL DPF Dedicated Purpose Fund \$ 199,460 \$ 199,460	87477
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 634,681 \$ 634,681	87478
 <b>Section 269.10.</b> FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS	87480
	87481
General Revenue Fund	87482
GRF 881500 Indigent Burial and Cremation Support \$ 1,000,000 \$ 1,000,000	87483
TOTAL GRF General Revenue Fund \$ 1,000,000 \$ 1,000,000	87484
Dedicated Purpose Fund Group	87485

4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281	87486
TOTAL DPF	Dedicated Purpose Fund	\$	949,667	\$	1,033,281	87487
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,949,667	\$	2,033,281	87488

**Section 269.20.** INDIGENT BURIAL AND CREMATION SUPPORT 87490

The foregoing appropriation item 881500, Indigent Burial and 87491  
 Cremation Support, shall be used to reimburse local government 87492  
 entities for the cost of providing burials or cremations to 87493  
 indigent deceased persons. Reimbursements shall not exceed one 87494  
 thousand dollars for an adult or seven hundred fifty dollars for a 87495  
 child. 87496

The State Board of Embalmers and Funeral Directors may adopt 87497  
 rules in accordance with Chapter 119 of the Revised Code as 87498  
 necessary to carry out the purposes of this section. 87499

**Section 271.10.** PAY EMPLOYEE BENEFITS FUNDS 87500

Fiduciary Fund Group						87501
1240 995673	Payroll Deductions	\$	832,466,424	\$	824,291,520	87502
8060 995666	Accrued Leave Fund	\$	88,203,046	\$	90,830,634	87503
8070 995667	Disability Fund	\$	24,790,268	\$	25,839,844	87504
8080 995668	State Employee Health	\$	926,211,020	\$	989,360,953	87505
Benefit Fund						
8090 995669	Dependent Care	\$	4,100,000	\$	4,477,000	87506
Spending Account						
8100 995670	Life Insurance	\$	1,757,422	\$	1,810,144	87507
Investment Fund						
8110 995671	Parental Leave	\$	4,867,791	\$	5,308,830	87508
Benefit Fund						
8130 995672	Health Care Spending	\$	15,206,162	\$	16,806,372	87509
Account						
TOTAL FID	Fiduciary Fund Group	\$	1,897,602,133	\$	1,958,725,297	87510



The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are

hereby appropriated. 87573

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 87574

General Revenue Fund 87575

GRF 125321 Operating Expenses \$ 3,998,046 \$ 4,136,626 87576

TOTAL GRF General Revenue Fund \$ 3,998,046 \$ 4,136,626 87577

Dedicated Purpose Fund Group 87578

5720 125603 Training and \$ 227,193 \$ 227,760 87579

Publications

TOTAL DPF Dedicated Purpose Fund \$ 227,193 \$ 227,760 87580

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,225,239 \$ 4,364,386 87581

**Section 275.10.** ENG STATE BOARD OF ENGINEERS AND SURVEYORS 87583

Dedicated Purpose Fund Group 87584

4K90 892609 Operating Expenses \$ 1,263,151 \$ 1,312,259 87585

TOTAL DPF Dedicated Purpose Fund \$ 1,263,151 \$ 1,312,259 87586

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,263,151 \$ 1,312,259 87587

**Section 277.10.** EPA ENVIRONMENTAL PROTECTION AGENCY 87589

General Revenue Fund 87590

GRF 715502 Auto Emissions \$ 11,186,610 \$ 11,046,610 87591

E-Check Program

GRF 715506 Environmental Program \$ 125,000 \$ 0 87592

Support

GRF 715507 Water and Sewer \$ 1,500,000 \$ 1,500,000 87593

System Grants

TOTAL GRF General Revenue Fund \$ 12,811,610 \$ 12,546,610 87594

Dedicated Purpose Fund Group 87595

4D50 715618 Recycled State \$ 50,000 \$ 50,000 87596

		Materials					
4J00	715638	Underground Injection Control	\$	429,000	\$	429,000	87597
4K20	715648	Clean Air - Non Title V	\$	5,101,448	\$	5,317,000	87598
4K30	715649	Solid Waste	\$	14,747,770	\$	15,449,000	87599
4K40	715650	Surface Water Protection	\$	10,114,999	\$	10,742,000	87600
4K50	715651	Drinking Water Protection	\$	8,062,598	\$	8,370,000	87601
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	87602
4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	87603
4R90	715658	Voluntary Action Program	\$	979,348	\$	1,094,800	87604
4T30	715659	Clean Air - Title V Permit Program	\$	9,687,591	\$	9,944,000	87605
5000	715608	Immediate Removal Special Account	\$	718,000	\$	722,000	87606
5030	715621	Hazardous Waste Facility Management	\$	4,780,000	\$	5,118,000	87607
5050	715623	Hazardous Waste Cleanup	\$	11,540,322	\$	12,087,200	87608
5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	87609
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	87610
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	87611
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	87612
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	87613
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	87614

5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	87615
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	87616
5BC0	715673	Drinking and Ground Water	\$	3,703,543	\$	3,840,300	87617
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	87618
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	87619
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	87620
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	87621
5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	87622
5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	87623
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	87624
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	87625
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	87626
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	87627
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	87628
6440	715631	Emergency Response Radiological Safety	\$	276,500	\$	278,500	87629
6760	715642	Water Pollution Control Loan Administration	\$	4,606,024	\$	4,675,000	87630
6760	715699	Water Quality Administration	\$	3,837,987	\$	3,975,000	87631
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	87632
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	87633
6960	715643	Air Pollution Control Administration	\$	987,855	\$	1,002,000	87634
6990	715644	Water Pollution	\$	287,060	\$	300,000	87635

		Control				
		Administration				
6A10	715645	Environmental	\$	1,087,749	\$	1,100,000 87636
		Education				
6H20	715695	H2Ohio	\$	8,675,000	\$	0 87637
TOTAL DPF		Dedicated Purpose Fund	\$	146,171,513	\$	142,291,450 87638
Group						
Internal Service Activity Fund Group						87639
1990	715602	Laboratory Services	\$	519,950	\$	533,000 87640
2190	715604	Central Support	\$	7,663,284	\$	8,055,000 87641
		Indirect				
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000 87642
TOTAL ISA		Internal Service Activity	\$	9,490,234	\$	9,897,000 87643
Fund Group						
Federal Fund Group						87644
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000 87645
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000 87646
		- Federal				
3620	715605	Underground Injection	\$	131,262	\$	133,000 87647
		Control - Federal				
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000 87648
		Protection				
3CS0	715688	Federal NRD	\$	201,000	\$	201,000 87649
		Settlements				
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300 87650
		Cleanup and Response				
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000 87651
		Act Settlement				
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000 87652
		Revolving Fund				
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000 87653
TOTAL FED		Federal Fund Group	\$	53,104,336	\$	57,566,300 87654



areawide planning agencies engaged in areawide water quality 87686  
management and planning activities in accordance with Section 208 87687  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 87688

CASH TRANSFERS TO THE MARSH RESTORATION FUND 87689

On July 1, 2019, or as soon as possible thereafter, the 87690  
Director of Budget and Management, in consultation with the 87691  
Director of Environmental Protection, may transfer up to 87692  
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 87693  
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 87694  
created in the state treasury. All moneys credited to Fund 5VA0 87695  
are to be used for the remediation and restoration of the Mentor 87696  
Marsh site in Mentor, Ohio. 87697

On July 1, 2019, or as soon as possible thereafter, the 87698  
Director of Budget and Management, in consultation with the 87699  
Director of Environmental Protection, may transfer up to 87700  
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 87701  
Fund 5VA0. 87702

H2OHIO FUND 87703

The foregoing appropriation item 715695, H2Ohio, shall be 87704  
used by the Environmental Protection Agency to support watershed 87705  
planning, scientific research, and data collection. In addition, 87706  
the foregoing appropriation item 715695, H2Ohio, may be used to 87707  
fund waterway improvement and protection of all state waterways in 87708  
support of water quality priorities and management in accordance 87709  
with section 126.60 of the Revised Code. 87710

On July 1, 2020, or as soon as possible thereafter, the 87711  
Director of Environmental Protection may certify to the Director 87712  
of Budget and Management an amount up to the unexpended, 87713  
unencumbered balance of the foregoing appropriation item, 715695, 87714  
H2Ohio, at the end of fiscal year 2020 to be reappropriated in 87715  
fiscal year 2021. The amount certified is hereby reappropriated to 87716

the same appropriation item for fiscal year 2021. 87717

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 87718

General Revenue Fund 87719

GRF 172321 Operating Expenses \$ 634,000 \$ 651,000 87720

TOTAL GRF General Revenue Fund \$ 634,000 \$ 651,000 87721

TOTAL ALL BUDGET FUND GROUPS \$ 634,000 \$ 651,000 87722

**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 87724

General Revenue Fund 87725

GRF 935401 Statehouse News \$ 355,000 \$ 355,000 87726

Bureau

GRF 935402 Ohio Government \$ 1,783,526 \$ 1,708,526 87727

Telecommunications

Services

GRF 935410 Content Development, \$ 3,963,381 \$ 3,963,381 87728

Acquisition, and

Distribution

GRF 935430 Broadcast Education \$ 3,699,224 \$ 3,699,224 87729

Operating

TOTAL GRF General Revenue Fund \$ 9,801,131 \$ 9,726,131 87730

Dedicated Purpose Fund Group 87731

5FK0 935608 Media Services \$ 95,000 \$ 95,000 87732

5VB0 935650 Facility Rental \$ 30,000 \$ 32,000 87733

TOTAL DPF Dedicated Purpose Fund \$ 125,000 \$ 127,000 87734

Group

Internal Service Activity Fund Group 87735

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 87736

TOTAL ISA Internal Service Activity 87737

Fund Group \$ 4,000 \$ 4,000 87738

TOTAL ALL BUDGET FUND GROUPS \$ 9,930,131 \$ 9,857,131 87739

Section 281.20. STATEHOUSE NEWS BUREAU 87741

The foregoing appropriation item 935401, Statehouse News 87742  
Bureau, shall be used solely to support the operations of the Ohio 87743  
Statehouse News Bureau. 87744

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 87745

The foregoing appropriation item 935402, Ohio Government 87746  
Telecommunications Services, shall be used solely to support the 87747  
operations of Ohio Government Telecommunications Services which 87748  
include providing multimedia support to the state government and 87749  
its affiliated organizations and broadcasting the activities of 87750  
the legislative, judicial, and executive branches of state 87751  
government, among its other functions. 87752

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 87753

The foregoing appropriation item 935410, Content Development, 87754  
Acquisition, and Distribution, shall be used for the development, 87755  
acquisition, and distribution of information resources by public 87756  
media and radio reading services and for educational use in the 87757  
classroom and online. 87758

Of the foregoing appropriation item 935410, Content 87759  
Development, Acquisition, and Distribution, up to \$977,856 in each 87760  
fiscal year shall be allocated equally among the Ohio educational 87761  
television stations. Funds shall be used for the production of 87762  
interactive instructional programming series with priority given 87763  
to resources aligned with state academic content standards. The 87764  
programming shall be targeted to the needs of the one-third lowest 87765  
capacity school districts as determined by the district's state 87766  
share index calculated by the Department of Education. 87767

Of the foregoing appropriation item 935410, Content 87768  
Development, Acquisition, and Distribution, up to \$2,699,472 in 87769  
each fiscal year shall be distributed by the Broadcast Educational 87770

Media Commission to Ohio's qualified public educational television 87771  
stations and educational radio stations to support their 87772  
operations. The funds shall be distributed pursuant to an 87773  
allocation formula used by the Ohio Educational Telecommunications 87774  
Network Commission unless a substitute formula is developed by the 87775  
Broadcast Educational Media Commission in consultation with Ohio's 87776  
qualified public educational television stations and educational 87777  
radio stations. 87778

Of the foregoing appropriation item 935410, Content 87779  
Development, Acquisition, and Distribution, up to \$286,053 in each 87780  
fiscal year shall be distributed by the Broadcast Educational 87781  
Media Commission to Ohio's qualified radio reading services to 87782  
support their operations. The funds shall be distributed pursuant 87783  
to an allocation formula used by the Ohio Educational 87784  
Telecommunications Network Commission unless a substitute formula 87785  
is developed by the Broadcast Educational Media Commission in 87786  
consultation with Ohio's qualified radio reading services. 87787

**Section 283.10. ETH OHIO ETHICS COMMISSION** 87788

General Revenue Fund 87789

GRF 146321 Operating Expenses	\$	1,821,515	\$	2,068,492	87790
TOTAL GRF General Revenue Fund	\$	1,821,515	\$	2,068,492	87791

Dedicated Purpose Fund Group 87792

4M60 146601 Operating Support	\$	652,578	\$	536,516	87793
TOTAL DPF Dedicated Purpose Fund	\$	652,578	\$	536,516	87794

Group

TOTAL ALL BUDGET FUND GROUPS	\$	2,474,093	\$	2,605,008	87795
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**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 87797

General Revenue Fund 87798

GRF 723403 Junior Fair Subsidy	\$	363,750	\$	363,750	87799
TOTAL GRF General Revenue Fund	\$	363,750	\$	363,750	87800

Dedicated Purpose Fund Group					87801
4N20 723602 Ohio State Fair	\$	375,000	\$	375,000	87802
Harness Racing					
5060 723601 Operating Expenses	\$	15,100,897	\$	15,363,166	87803
5060 723604 Grounds Maintenance	\$	300,000	\$	300,000	87804
and Repairs					
TOTAL DPF Dedicated Purpose Fund	\$	15,775,897	\$	16,038,166	87805
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	16,139,647	\$	16,401,916	87806
STATE FAIR RESERVE					87807
The General Manager of the Expositions Commission, in					87808
consultation with the Director of Budget and Management, may					87809
submit a request to the Controlling Board to use available amounts					87810
in the State Fair Reserve Fund (Fund 6400) if revenues from either					87811
the 2019 or the 2020 Ohio State Fair are unexpectedly low.					87812
On July 1 of each fiscal year, or as soon as possible					87813
thereafter, the Director of Budget and Management, in consultation					87814
with the General Manager of the Expositions Commission, may					87815
determine that the Ohio Expositions Fund (Fund 5060) has a cash					87816
balance in excess of the anticipated operating costs of the					87817
Exposition Commission in that fiscal year. Notwithstanding section					87818
991.04 of the Revised Code, the Director of Budget and Management					87819
may transfer an amount up to the excess cash from Fund 5060 to					87820
Fund 6400 in each fiscal year.					87821
<b>Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b>					87822
General Revenue Fund					87823
GRF 230321 Operating Expenses	\$	6,662,729	\$	6,660,461	87824
GRF 230401 Cultural Facilities	\$	33,102,800	\$	28,670,300	87825
Lease Rental Bond					
Payments					

GRF	230458	State Construction	\$	1,773,454	\$	1,922,473	87826
		Management Services					
GRF	230500	Program and Project	\$	1,122,050	\$	0	87827
		Support					
GRF	230908	Common Schools	\$	410,259,800	\$	424,825,900	87828
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	452,920,833	\$	462,079,134	87829
		Internal Service Activity Fund Group					87830
1310	230639	State Construction	\$	16,152,778	\$	16,356,157	87831
		Management Operations					
TOTAL ISA		Internal Service Activity	\$	16,152,778	\$	16,356,157	87832
		Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	469,073,611	\$	478,435,291	87833

**Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND** 87835

PAYMENTS 87836

The foregoing appropriation item 230401, Cultural Facilities 87837  
 Lease Rental Bond Payments, shall be used to meet all payments 87838  
 during the period from July 1, 2019, through June 30, 2021, by the 87839  
 Ohio Facilities Construction Commission pursuant to leases and 87840  
 agreements for cultural and sports facilities made under section 87841  
 154.23 of the Revised Code. These appropriations are the source of 87842  
 funds pledged for bond service charges on related obligations 87843  
 issued under Chapter 154. of the Revised Code. 87844

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 87845

The foregoing appropriation item 230908, Common Schools 87846  
 General Obligation Bond Debt Service, shall be used to pay all 87847  
 debt service and related financing costs during the period from 87848  
 July 1, 2019, through June 30, 2021, on obligations issued under 87849  
 sections 151.01 and 151.03 of the Revised Code. 87850

**Section 287.30.** COMMUNITY PROJECT ADMINISTRATION 87851

The foregoing appropriation item 230458, State Construction 87852  
Management Services, shall be used by the Ohio Facilities 87853  
Construction Commission in administering Cultural and Sports 87854  
Facilities Building Fund (Fund 7030) projects pursuant to section 87855  
123.201 of the Revised Code. 87856

PROGRAM AND PROJECT SUPPORT 87857

The forgoing appropriation item 230500, Program and Project 87858  
Support, shall be distributed to the Manchester Local School 87859  
District in Adams County to reduce the amount of debt owed on 87860  
bonds issued or assumed by the district. 87861

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 87862

At the request of the Executive Director of the Ohio 87863  
Facilities Construction Commission, the Director of Budget and 87864  
Management may cancel encumbrances for school district projects 87865  
from a previous biennium if the district has not raised its local 87866  
share of project costs within thirteen months of receiving 87867  
Controlling Board approval under section 3318.05 or 3318.41 of the 87868  
Revised Code. The Executive Director of the Ohio Facilities 87869  
Construction Commission shall certify the amounts of the canceled 87870  
encumbrances to the Director of Budget and Management on a 87871  
quarterly basis. The amounts of the canceled encumbrances are 87872  
hereby appropriated. 87873

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 87874  
APPROPRIATIONS 87875

On July 1, 2019, or as soon as possible thereafter, the 87876  
Executive Director of the Ohio Facilities Construction Commission 87877  
shall certify to the Director of Budget and Management the amount 87878  
of cash receipts and related investment income, irrevocable 87879  
letters of credit from a bank, or certification of the 87880

availability of funds that have been received from a county or a 87881  
municipal corporation for deposit into the Capital Donations Fund 87882  
(Fund 5A10) and that are related to an anticipated project. These 87883  
amounts are hereby appropriated to appropriation item C37146, 87884  
Capital Donations. Prior to certifying these amounts to the 87885  
Director, the Executive Director shall make a written agreement 87886  
with the participating entity on the necessary cash flows required 87887  
for the anticipated construction or equipment acquisition project. 87888

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 87889  
MAINTENANCE LEVY 87890

The Ohio Facilities Construction Commission shall amend the 87891  
project agreement between the Commission and a school district 87892  
that is participating in the Accelerated Urban School Building 87893  
Assistance Program on the effective date of this section, if the 87894  
Commission determines that it is necessary to do so in order to 87895  
comply with division (B)(3)(c) of section 3318.38 of the Revised 87896  
Code. 87897

**Section 287.60.** Notwithstanding any other provision of law to 87898  
the contrary, the Ohio Facilities Construction Commission may 87899  
determine the amount of funding available for disbursement in a 87900  
given fiscal year for any project approved under sections 3318.01 87901  
to 3318.20 of the Revised Code in order to keep aggregate state 87902  
capital spending within approved limits and may take actions 87903  
including, but not limited to, determining the schedule for design 87904  
or bidding of approved projects, to ensure appropriate and 87905  
supportable cash flow. 87906

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 87907  
DISTRICT 87908

Notwithstanding division (B) of section 3318.40 of the 87909  
Revised Code, the Ohio Facilities Construction Commission shall 87910

provide assistance to at least one joint vocational school 87911  
district each fiscal year for the acquisition or improvement of 87912  
classroom facilities in accordance with sections 3318.40 to 87913  
3318.45 of the Revised Code. 87914

**Section 287.80. RETURNED OR RECOVERED FUNDS** 87915

Notwithstanding any provision of law to the contrary, any 87916  
moneys a school district transfers to the Ohio Facilities 87917  
Construction Commission under division (C)(2) or (3) of section 87918  
3318.12 of the Revised Code as well as any moneys recovered from 87919  
settlements with or judgments against parties relating to their 87920  
involvement in a classroom facilities project shall be deposited 87921  
into the fund from which the capital appropriation for the project 87922  
was made. In fiscal year 2020, the Executive Director of the Ohio 87923  
Facilities Construction Commission may request the Director of 87924  
Budget and Management to authorize expenditures from those funds 87925  
and specified appropriation items in excess of the amounts 87926  
appropriated in an amount equal to the amount of the funds 87927  
deposited under this section. The additional amounts, if 87928  
authorized, shall be used in accordance with the purposes of 87929  
Chapter 3318. of the Revised Code for projects pursuant to 87930  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 87931  
Revised Code. Upon approval of the Director of Budget and 87932  
Management, the additional amounts are hereby appropriated. 87933

**Section 289.10. GOV OFFICE OF THE GOVERNOR** 87934

General Revenue Fund 87935  
GRF 040321 Operating Expenses \$ 2,914,740 \$ 2,973,034 87936  
TOTAL GRF General Revenue Fund \$ 2,914,740 \$ 2,973,034 87937  
Internal Service Activity Fund Group 87938  
5AK0 040607 Government Relations \$ 613,870 \$ 619,988 87939  
TOTAL ISA Internal Service Activity 87940

Fund Group		\$	613,870	\$	619,988	87941
TOTAL ALL BUDGET FUND GROUPS		\$	3,528,610	\$	3,593,022	87942
GOVERNMENT RELATIONS						87943
The Office of the Governor may issue an intrastate transfer						87944
voucher to charge any state agency of the executive branch such						87945
amounts necessary to represent the interests of Ohio to federal,						87946
state, and local government units and to cover the costs or						87947
membership dues related to Ohio's participation in national and						87948
regional associations. Amounts collected shall be deposited in the						87949
Government Relations Fund (Fund 5AK0).						87950
 <b>Section 291.10. DOH DEPARTMENT OF HEALTH</b>						87951
General Revenue Fund						87952
GRF 440416	Mothers and Children	\$	4,303,612	\$	4,303,612	87953
Safety Net Services						
GRF 440431	Free Clinic Safety Net	\$	1,500,000	\$	1,500,000	87954
Services						
GRF 440438	Breast and Cervical	\$	671,131	\$	671,131	87955
Cancer Screening						
GRF 440444	AIDS Prevention and	\$	3,493,468	\$	3,493,468	87956
Treatment						
GRF 440451	Public Health	\$	3,672,005	\$	3,672,005	87957
Laboratory						
GRF 440452	Child and Family	\$	589,482	\$	589,482	87958
Health Services Match						
GRF 440453	Health Care Quality	\$	5,083,225	\$	5,084,936	87959
Assurance						
GRF 440454	Environmental	\$	2,783,438	\$	2,779,841	87960
Health/Radiation						
Protection						
GRF 440459	Help Me Grow	\$	30,289,149	\$	39,292,281	87961
GRF 440465	FQHC Primary Care	\$	2,686,688	\$	2,686,688	87962

	Workforce Initiative			
GRF 440472	Alcohol Testing	\$	1,232,732	\$ 1,210,805 87963
GRF 440474	Infant Vitality	\$	7,137,292	\$ 7,137,292 87964
GRF 440477	Emergency Preparedness and Response	\$	1,431,677	\$ 1,431,954 87965
GRF 440481	Lupus Awareness	\$	93,120	\$ 93,120 87966
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	7,420,089	\$ 7,648,480 87967
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$ 4,522,054 87968
GRF 440484	Public Health Technology Innovation	\$	543,369	\$ 313,760 87969
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$ 11,262,451 87970
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$ 2,000,000 87971
GRF 440529	Harm Reduction	\$	50,000	\$ 50,000 87972
GRF 440530	Lead-Safe Home Fund Pilot Program	\$	1,000,000	\$ 1,000,000 87973
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,227,961	\$ 4,246,250 87974
TOTAL GRF	General Revenue Fund	\$	95,992,943	\$ 104,989,610 87975
	Highway Safety Fund Group 87976			
4T40 440603	Child Highway Safety	\$	200,000	\$ 200,000 87977
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$ 200,000 87978
	Dedicated Purpose Fund Group 87979			
4700 440647	Fee Supported Programs	\$	29,178,120	\$ 29,178,120 87980
4710 440619	Certificate of Need	\$	878,433	\$ 878,433 87981
4730 440622	Lab Operating Expenses	\$	8,826,132	\$ 8,900,000 87982

4770	440627	Medically Handicapped Children Audit	\$	4,472,562	\$	4,500,000	87983
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	87984
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	87985
4G00	440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	87986
4G00	440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	87987
4L30	440609	HIV Care and Miscellaneous Expenses	\$	26,935,756	\$	27,000,000	87988
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	87989
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	87990
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	87991
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	87992
5CN0	440645	Choose Life	\$	80,000	\$	80,000	87993
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	87994
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	87995
5G40	440639	Adoption Services	\$	150,000	\$	150,000	87996
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	87997
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	87998
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	87999
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	88000

5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	88001
5Z70	440624	Ohio Dentist Loan	\$	200,000	\$	200,000	88002
		Repayment					
6100	440626	Radiation Emergency	\$	1,269,262	\$	1,300,000	88003
		Response					
6660	440607	Medically Handicapped	\$	23,948,173	\$	24,000,000	88004
		Children - County					
		Assessments					
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	88005
TOTAL DPF		Dedicated Purpose Fund	\$	120,236,564	\$	120,521,610	88006
		Group					
		Internal Service Activity Fund Group					88007
1420	440646	Agency Health	\$	4,984,080	\$	5,000,000	88008
		Services					
2110	440613	Central Support	\$	28,897,875	\$	29,500,000	88009
		Indirect Costs					
TOTAL ISA		Internal Service Activity	\$	33,881,955	\$	34,500,000	88010
		Fund Group					
		Holding Account Fund Group					88011
R014	440631	Vital Statistics	\$	44,986	\$	44,986	88012
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	88013
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	88014
		Group					
		Federal Fund Group					88015
3200	440601	Maternal Child Health	\$	24,673,419	\$	25,000,000	88016
		Block Grant					
3870	440602	Preventive Health	\$	9,681,749	\$	9,750,000	88017
		Block Grant					
3890	440604	Women, Infants, and	\$	219,839,807	\$	220,000,000	88018
		Children					

3910	440606	Medicare Survey and Certification	\$	17,049,993	\$	17,500,000	88019
3920	440618	Federal Public Health Programs	\$	94,344,493	\$	95,000,000	88020
3GD0	654601	Medicaid Program Support	\$	28,161,187	\$	28,540,949	88021
3GN0	440660	Public Health Emergency Preparedness	\$	26,347,943	\$	26,500,000	88022
TOTAL FED	Federal Fund Group		\$	420,098,591	\$	422,290,949	88023
TOTAL ALL BUDGET FUND GROUPS			\$	670,475,039	\$	682,567,155	88024

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 88026

Of the foregoing appropriation item 440416, Mothers and 88027  
 Children Safety Net Services, up to \$200,000 in each fiscal year 88028  
 may be used to assist families with hearing impaired children 88029  
 under twenty-one years of age in purchasing hearing aids and 88030  
 hearing assistive technology. The Director of Health shall adopt 88031  
 rules governing the distribution of these funds, including rules 88032  
 that do both of the following: (1) establish eligibility criteria 88033  
 to include families with incomes at or below four hundred per cent 88034  
 of the federal poverty guidelines as defined in section 5101.46 of 88035  
 the Revised Code, and (2) develop a sliding scale of disbursements 88036  
 under this section based on family income. The Director may adopt 88037  
 other rules as necessary to implement this section. Rules adopted 88038  
 under this section shall be adopted in accordance with Chapter 88039  
 119. of the Revised Code. 88040

**FREE CLINIC SAFETY NET SERVICES** 88041

The foregoing appropriation item 440431, Free Clinic Safety 88042  
 Net Services, shall be provided to the Ohio Association of Free 88043  
 Clinics. Funds may be used to reimburse free clinics for health 88044  
 care services provided, as well as for administrative services, 88045

information technology costs, infrastructure repair, or other 88046  
clinic necessities. 88047

AIDS PREVENTION AND TREATMENT 88048

The foregoing appropriation item 440444, AIDS Prevention and 88049  
Treatment, shall be used to administer educational and other 88050  
prevention initiatives. 88051

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 88052

Of the foregoing appropriation item 440454, Environmental 88053  
Health/Radiation protection, \$150,000 in each fiscal year shall be 88054  
used by the Department of Health to distribute funds to the city 88055  
of Toledo for lead-based paint abatement, containment, and housing 88056  
rehabilitation projects in the historic south neighborhoods of 88057  
Toledo. In order to receive funding, the city of Toledo shall 88058  
provide documentation showing the amount of nonprofit or private 88059  
sector dollars the city has collected for each project. These 88060  
nonprofit or private sector dollars must be collected during the 88061  
same state fiscal year that funds are to be awarded. The amount 88062  
distributed by the Department of Health for each project shall be 88063  
equal to the amount documented. The total amount distributed by 88064  
the Department of Health shall not exceed \$150,000 in each fiscal 88065  
year. The city may use these funds to provide grants to 88066  
owner-occupied or rental properties. Grants shall be awarded by 88067  
the city in consultation with the Historic South Initiative. 88068

Not later than July 1 each year, the city of Toledo shall 88069  
issue a report to the Department of Health providing information 88070  
regarding the effectiveness of the funds distributed and any other 88071  
information requested by the Department. 88072

FQHC PRIMARY CARE WORKFORCE INITIATIVE 88073

The foregoing appropriation item 440465, FQHC Primary Care 88074  
Workforce Initiative, shall be provided to the Ohio Association of 88075  
Community Health Centers to administer the FQHC Primary Care 88076

Workforce Initiative. The Initiative shall provide medical, 88077  
dental, behavioral health, physician assistant, and advanced 88078  
practice nursing students with clinical rotations through 88079  
federally qualified health centers. 88080

INFANT VITALITY 88081

Of the foregoing appropriation item 440474, Infant Vitality, 88082  
\$175,000 in each fiscal year shall be provided to Produce Perks 88083  
Midwest, Inc., for the Prescription Produce Intervention for 88084  
Maternal Health Program to improve maternal health, nutrition, and 88085  
infant mortality rates in Ohio. 88086

The remainder of appropriation item 440474, Infant Vitality, 88087  
shall be used to fund a multi-pronged population health approach 88088  
to address infant mortality. This approach may include the 88089  
following: increasing awareness; supporting data collection; 88090  
analysis and interpretation to inform decision-making and ensure 88091  
accountability; targeting resources where the need is greatest; 88092  
and implementing quality improvement science and programming that 88093  
is evidence-based or based on emerging practices. Measurable 88094  
interventions may include activities related to safe sleep, 88095  
community engagement, Centering Pregnancy, newborn screening, safe 88096  
birth spacing, gestational diabetes, smoking cessation, 88097  
breastfeeding, care coordination, and progesterone. 88098

EMERGENCY PREPAREDNESS AND RESPONSE 88099

The foregoing appropriation item 440477, Emergency 88100  
Preparedness and Response, shall be used to support public health 88101  
emergency preparedness and response efforts at the state level or 88102  
at a regional sub-level within the state, and may also be used to 88103  
support data infrastructure projects. 88104

LUPUS AWARENESS 88105

The foregoing appropriation item 440481, Lupus Awareness, 88106  
shall be distributed to the Lupus Foundation of America, Greater 88107

Ohio Chapter, Inc., to operate a lupus education and awareness 88108  
program. 88109

TARGETED HEALTH CARE SERVICES-OVER 21 88110

The foregoing appropriation item 440507, Targeted Health Care 88111  
Services-Over 21, shall be used to administer the Cystic Fibrosis 88112  
Program and to implement the Hemophilia Insurance Premium Payment 88113  
Program. The Department of Health shall expend \$100,000 in each 88114  
fiscal year to implement the Hemophilia Insurance Premium Payment 88115  
Program. 88116

The foregoing appropriation item 440507, Targeted Health Care 88117  
Services-Over 21, shall also be used to provide essential 88118  
medications and to pay the copayments for drugs approved by the 88119  
Department of Health and covered by Medicare Part D that are 88120  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 88121  
participants for the Cystic Fibrosis Program. 88122

The Department shall expend all of these funds. 88123

HARM REDUCTION 88124

The foregoing appropriation item 440529, Harm Reduction, 88125  
shall be used to distribute funding of up to \$15,000 per program 88126  
per fiscal year to local health departments that operate harm 88127  
reduction programs, including syringe services. Local health 88128  
departments eligible for funding shall be accredited or in the 88129  
process of becoming accredited through the Public Health 88130  
Accreditation Board. 88131

LEAD-SAFE HOME FUND PILOT PROGRAM 88132

The foregoing appropriation item 440530, Lead-Safe Home Fund 88133  
Pilot Program, shall be used by the Department of Health to make 88134  
distributions on a quarterly basis to the Lead Safe Cleveland 88135  
Coalition for the Lead-Safe Home Fund Pilot Program, in accordance 88136  
with Section 737.15 of this act. Before any funds are distributed, 88137

the Coalition shall provide the Department with documentation 88138  
showing the amount of private sector dollars the Coalition has 88139  
collected. The amount of each distribution provided by the 88140  
Department shall be equal to the amount documented, but shall not 88141  
exceed \$1,000,000 in total in each fiscal year. 88142

FEE SUPPORTED PROGRAMS 88143

Of the foregoing appropriation item 440647, Fee Supported 88144  
Programs, \$2,160,000 in each fiscal year shall be used to 88145  
distribute subsidies to local health departments on a per capita 88146  
basis. 88147

Of the foregoing appropriation item 440647, Fee Supported 88148  
Programs, \$1,500,000 in each fiscal year shall be used to 88149  
distribute subsidies to local health departments accredited 88150  
through the Public Health Accreditation Board on a per capita 88151  
basis. 88152

MEDICALLY HANDICAPPED CHILDREN AUDIT 88153

The Medically Handicapped Children Audit Fund (Fund 4770) 88154  
shall receive revenue from audits of hospitals and recoveries from 88155  
third-party payers. Moneys may be expended for payment of audit 88156  
settlements and for costs directly related to obtaining recoveries 88157  
from third-party payers and for encouraging Medically Handicapped 88158  
Children's Program recipients to apply for third-party benefits. 88159  
Moneys also may be expended for payments for diagnostic and 88160  
treatment services on behalf of medically handicapped children, as 88161  
defined in division (A) of section 3701.022 of the Revised Code, 88162  
and Ohio residents who are twenty-one or more years of age and who 88163  
are suffering from cystic fibrosis or hemophilia. Moneys may also 88164  
be expended for administrative expenses incurred in operating the 88165  
Medically Handicapped Children's Program. 88166

GENETICS SERVICES 88167

The foregoing appropriation item 440608, Genetics Services, 88168

shall be used by the Department of Health to administer programs 88169  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 88170  
None of these funds shall be used to counsel or refer for 88171  
abortion, except in the case of a medical emergency. 88172

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 88173

Of the foregoing appropriation item 440656, Tobacco Use 88174  
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 88175  
year shall be used to award grants in accordance with the section 88176  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 88177

Of the foregoing appropriation item 440656, Tobacco Use 88178  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 88179  
year shall be distributed to boards of health for the Baby and Me 88180  
Tobacco Free Program. The Director of Health shall determine how 88181  
the funds are to be distributed, but shall prioritize awards to 88182  
boards that serve women who reside in communities that have the 88183  
highest infant mortality rates in this state, as identified under 88184  
section 3701.142 of the Revised Code. 88185

The remainder of appropriation item 440656, Tobacco Use 88186  
Prevention, Cessation, and Enforcement, shall be used to 88187  
administer tobacco use prevention and cessation activities and 88188  
programs, to administer compliance checks, retailer education, and 88189  
programs related to legal age restrictions, and to enforce the 88190  
Ohio Smoke-Free Workplace Act. 88191

TOXICOLOGY SCREENINGS 88192

The foregoing appropriation item 440621, Toxicology 88193  
Screenings, shall be used to reimburse county coroners in counties 88194  
in which the coroner has performed toxicology screenings on 88195  
victims of a drug overdose. The Director of Health shall transfer 88196  
the funds to the counties in proportion to the numbers of 88197  
toxicology screenings performed per county. 88198

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 88199

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND

If the Director of Health determines that there are insufficient funds in appropriation item 440477, Emergency Preparedness and Response, for public health emergency preparedness and response activities, the Director may certify to the Director of Budget and Management an amount necessary to address these activities. Upon certification, the Director of Budget and Management shall transfer up to \$500,000 cash in each fiscal year from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Emergency Preparedness and Response Fund (Fund 5UA0). The amount transferred is hereby appropriated.

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and

develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

**Section 291.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2020 and fiscal year 2021, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements

described in division (B) of this section, the Department shall 88261  
 deny the application for the contract. After an application has 88262  
 been denied, the applicant may reapply for a contract to act as a 88263  
 WIC vendor during the contracting cycle that is applicable to the 88264  
 applicant's WIC region. 88265

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 88266**

Dedicated Purpose Fund Group 88267  
 4610 372601 Operating Expenses \$ 12,500 \$ 12,500 88268  
 TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 88269  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 88270

**Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 88272**

General Revenue Fund 88273  
 GRF 148321 Operating Expenses \$ 464,888 \$ 464,047 88274  
 TOTAL GRF General Revenue Fund \$ 464,888 \$ 464,047 88275  
 Dedicated Purpose Fund Group 88276  
 6010 148602 Special Initiatives \$ 24,558 \$ 24,558 88277  
 TOTAL DPF Dedicated Purpose 88278  
 Fund Group \$ 24,558 \$ 24,558 88279  
 TOTAL ALL BUDGET FUND GROUPS \$ 489,446 \$ 488,605 88280

**Section 297.10. OHS OHIO HISTORY CONNECTION 88282**

General Revenue Fund 88283  
 GRF 360501 Education and \$ 5,180,712 \$ 5,151,712 88284  
 Collections  
 GRF 360502 Site and Museum \$ 6,707,853 \$ 6,772,853 88285  
 Operations  
 GRF 360504 Ohio Preservation \$ 281,300 \$ 281,300 88286  
 Office  
 GRF 360505 National \$ 485,000 \$ 485,000 88287

		Afro-American Museum					
GRF	360506	Hayes Presidential	\$	550,000	\$	550,000	88288
		Center					
GRF	360508	State Historical	\$	1,338,500	\$	1,338,500	88289
		Grants					
GRF	360509	Outreach and	\$	155,583	\$	155,583	88290
		Partnership					
TOTAL GRF		General Revenue Fund	\$	14,698,948	\$	14,734,948	88291
		Dedicated Purpose Fund Group					88292
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000	88293
		Check-off					
5PD0	360603	Ohio History License	\$	10,000	\$	10,000	88294
		Plate					
TOTAL DPF		Dedicated Purpose Fund	\$	160,000	\$	160,000	88295
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	14,858,948	\$	14,894,948	88296
		SUBSIDY APPROPRIATION					88297
		Upon approval by the Director of Budget and Management, the					88298
		foregoing appropriation items shall be released to the Ohio					88299
		History Connection in quarterly amounts that in total do not					88300
		exceed the annual appropriations. The funds and fiscal records of					88301
		the Ohio History Connection for fiscal year 2020 and fiscal year					88302
		2021 shall be examined by independent certified public accountants					88303
		approved by the Auditor of State, and a copy of the audited					88304
		financial statements shall be filed with the Office of Budget and					88305
		Management.					88306
		The foregoing appropriations shall be considered to be the					88307
		contractual consideration provided by the state to support the					88308
		state's offer to contract with the Ohio History Connection under					88309
		section 149.30 of the Revised Code.					88310
		STATE HISTORICAL GRANTS					88311

Of the foregoing appropriation item 360508, State Historical 88312  
Grants, \$125,000 in each fiscal year shall be used for the Western 88313  
Reserve Historical Society and \$125,000 in each fiscal year shall 88314  
be used for the Cincinnati Museum Center. 88315

Of the foregoing appropriation item 360508, State Historical 88316  
Grants, \$38,500 in each fiscal year shall be allocated to support 88317  
the American Jewish Archives of the Hebrew Union College-Jewish 88318  
Institute of Religion. 88319

Of the foregoing appropriation item 360508, State Historical 88320  
Grants, \$325,000 in each fiscal year shall be allocated to support 88321  
the Cleveland Museum of Natural History. 88322

Of the foregoing appropriation item 360508, State Historical 88323  
Grants, \$325,000 in each fiscal year shall be allocated to support 88324  
the Cleveland Institute of Art. 88325

Of the foregoing appropriation item 360508, State Historical 88326  
Grants, \$100,000 in each fiscal year shall be allocated to support 88327  
the Nancy and David Wolf Holocaust and Humanity Center. 88328

Of the foregoing appropriation item 360508, State Historical 88329  
Grants, \$150,000 in each fiscal year shall be used to support the 88330  
Boonshoft Museum of Discovery. 88331

Of the foregoing appropriation item 360508, State Historical 88332  
Grants, \$150,000 in each fiscal year shall be allocated to support 88333  
the National First Ladies Library in Canton, Ohio. 88334

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 88335

General Revenue Fund 88336

GRF 025321 Operating Expenses \$ 25,917,274 \$ 25,917,274 88337

TOTAL GRF General Revenue Fund \$ 25,917,274 \$ 25,917,274 88338

Internal Service Activity Fund Group 88339

1030 025601 House of \$ 1,433,664 \$ 1,433,664 88340

	Representatives			
	Reimbursement			
4A40 025602	Miscellaneous Sales	\$	50,000	\$ 50,000 88341
TOTAL ISA Internal Service Activity				88342
Fund Group		\$	1,483,664	\$ 1,483,664 88343
TOTAL ALL BUDGET FUND GROUPS				\$ 27,400,938 \$ 27,400,938 88344
OPERATING EXPENSES				88345
<p>On July 1, 2019, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020.</p>				88346 88347 88348 88349 88350 88351 88352 88353
<p>On July 1, 2020, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.</p>				88354 88355 88356 88357 88358 88359 88360 88361
HOUSE REIMBURSEMENT				88362
<p>If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.</p>				88363 88364 88365 88366
<b>Section 301.10. HFA OHIO HOUSING FINANCE AGENCY</b>				88367
Dedicated Purpose Fund Group				88368

5AZ0 997601	Housing Finance Agency	\$	12,267,196	\$	12,819,657	88369
	Personal Services					
TOTAL DPF	Dedicated Purpose Fund	\$	12,267,196	\$	12,819,657	88370
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	12,267,196	\$	12,819,657	88371

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 88373

	General Revenue Fund					88374
GRF 965321	Operating Expenses	\$	1,512,881	\$	1,509,581	88375
TOTAL GRF	General Revenue Fund	\$	1,512,881	\$	1,509,581	88376
	Internal Service Activity Fund Group					88377
5FA0 965603	Deputy Inspector	\$	400,000	\$	400,000	88378
	General for ODOT					
5FT0 965604	Deputy Inspector	\$	425,000	\$	425,000	88379
	General for BWC/OIC					
TOTAL ISA	Internal Service Activity					88380
	Fund Group	\$	825,000	\$	825,000	88381
TOTAL ALL BUDGET FUND GROUPS		\$	2,337,881	\$	2,334,581	88382

**Section 305.10.** INS DEPARTMENT OF INSURANCE 88384

	Dedicated Purpose Fund Group					88385
5540 820601	Operating Expenses -	\$	180,000	\$	180,000	88386
	OSHIIP					
5540 820606	Operating Expenses	\$	29,580,629	\$	30,661,244	88387
5550 820605	Examination	\$	8,938,161	\$	9,179,766	88388
5PT0 820613	Captive Insurance	\$	650,000	\$	650,000	88389
	Regulation and					
	Supervision					
TOTAL DPF	Dedicated Purpose					88390
	Fund Group	\$	39,348,790	\$	40,671,010	88391
	Federal Fund Group					88392
3U50 820602	OSHIIP Operating	\$	2,793,150	\$	2,793,150	88393

Grant

TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150	88394
TOTAL ALL BUDGET FUND GROUPS	\$	42,141,940	\$	43,464,160	88395

MARKET CONDUCT EXAMINATION 88396

When conducting a market conduct examination of any insurer 88397  
doing business in this state, the Superintendent of Insurance may 88398  
assess the costs of the examination against the insurer. The 88399  
Superintendent may enter into consent agreements to impose 88400  
administrative assessments or fines for conduct discovered that 88401  
may be violations of statutes or rules administered by the 88402  
Superintendent. All costs, assessments, or fines collected shall 88403  
be deposited to the credit of the Department of Insurance 88404  
Operating Fund (Fund 5540). 88405

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 88406

The Director of Budget and Management, at the request of the 88407  
Superintendent of Insurance, may transfer cash from the Department 88408  
of Insurance Operating Fund (Fund 5540), established by section 88409  
3901.021 of the Revised Code, to the Superintendent's Examination 88410  
Fund (Fund 5550), established by section 3901.071 of the Revised 88411  
Code, only for expenses incurred in examining domestic fraternal 88412  
benefit societies as required by section 3921.28 of the Revised 88413  
Code. 88414

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 88415  
AND SUPERVISION 88416

When funds from captive insurance company application fees, 88417  
reimbursements from captive insurance companies for examinations, 88418  
and other sources have accrued to the Captive Insurance Regulation 88419  
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 88420  
sufficient to sustain operations, the Director of Budget and 88421  
Management, in consultation with the Superintendent of Insurance, 88422  
shall establish a schedule for repaying the amounts previously 88423

transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 88424  
Fund 5540. 88425

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 88426

General Revenue Fund 88427

GRF 600410 TANF State Maintenance \$ 144,267,326 \$ 144,267,326 88428  
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 88429  
State/Maintenance of  
Effort

GRF 600450 Program Operations \$ 145,103,056 \$ 145,441,048 88430

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 88431

GRF 600521 Family Assistance - \$ 44,748,768 \$ 44,748,768 88432  
Local

GRF 600523 Family and Children \$ 181,107,628 \$ 181,397,628 88433  
Services

GRF 600528 Adoption Services \$ 28,922,517 \$ 28,922,517 88434

GRF 600533 Child, Family, and \$ 13,500,000 \$ 13,500,000 88435  
Community Protection  
Services

GRF 600534 Adult Protective \$ 4,230,000 \$ 4,230,000 88436  
Services

GRF 600535 Early Care and \$ 141,285,241 \$ 141,285,241 88437  
Education

GRF 600541 Kinship Permanency \$ 1,000,000 \$ 1,000,000 88438  
Incentive Program

GRF 600546 Healthy Food Financing \$ 150,000 \$ 150,000 88439  
Initiative

GRF 600551 Job and Family Services \$ 105,000 \$ 105,000 88440  
Program Support

GRF 600552 Gracehaven Pilot \$ 259,685 \$ 259,685 88441  
Program

GRF 600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	88442
GRF 600555	Quality Infrastructure Grants	\$	10,000,000	\$	0	88443
GRF 655425	Medicaid Program Support	\$	13,412,603	\$	13,520,788	88444
GRF 655522	Medicaid Program Support - Local	\$	37,119,931	\$	37,119,931	88445
GRF 655523	Medicaid Program Support - Local Transportation	\$	38,750,000	\$	38,750,000	88446
TOTAL GRF	General Revenue Fund	\$	911,880,385	\$	902,616,562	88447
	Dedicated Purpose Fund Group					88448
1980 600647	Children's Trust Fund	\$	7,992,060	\$	6,000,000	88449
4A80 600658	Public Assistance Activities	\$	32,000,000	\$	32,000,000	88450
4A90 600607	Unemployment Compensation Administration Fund	\$	13,900,000	\$	12,900,000	88451
4E70 600604	Family and Children Services Collections	\$	650,000	\$	650,000	88452
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000	88453
5DM0 600633	Audit Settlements and Contingency	\$	1,000,000	\$	1,000,000	88454
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	88455
5HC0 600695	Unemployment Compensation Interest	\$	1,000,000	\$	0	88456
5KT0 600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	88457
5NG0 600660	Victims of Human Trafficking	\$	100,000	\$	100,000	88458
5RX0 600699	Workforce Development	\$	300,000	\$	300,000	88459

		Projects					
5RY0	600698	Human Services	\$	14,887,449	\$	15,000,000	88460
		Project					
5TZ0	600674	Children's Crisis	\$	750,000	\$	750,000	88461
		Care					
5U60	600663	Family and Children	\$	5,000,000	\$	5,000,000	88462
		Support					
5VJ0	600600	Ohio Governor's	\$	5,000,000	\$	0	88463
		Imagination Library					
TOTAL DPF		Dedicated Purpose Fund	\$	103,787,509	\$	94,908,000	88464
		Group					
		Internal Service Activity Fund Group					88465
5HL0	600602	State and County	\$	1,500,000	\$	1,500,000	88466
		Shared Services					
TOTAL ISA		Internal Service Activity	\$	1,500,000	\$	1,500,000	88467
		Fund Group					
		Fiduciary Fund Group					88468
1920	600646	Child Support	\$	100,000,000	\$	100,000,000	88469
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	88470
		Intercept - State					
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000	88471
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	88472
		Holding Account Fund Group					88473
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	88474
		Settlements					
TOTAL HLD		Holding Account Fund	\$	500,000	\$	500,000	88475
		Group					
		Federal Fund Group					88476
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	88477
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	88478

3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	88479
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	88480
3840	600610	Food Assistance Programs	\$	165,544,356	\$	165,544,356	88481
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	88482
3950	600616	Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	88483
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,000,000	88484
3970	600626	Child Support - Federal	\$	197,479,829	\$	198,000,000	88485
3980	600627	Adoption Program - Federal	\$	175,000,000	\$	175,000,000	88486
3A20	600641	Emergency Food Distribution	\$	7,000,000	\$	7,000,000	88487
3D30	600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	88488
3F01	655624	Medicaid Program Support - Federal	\$	179,231,495	\$	179,500,000	88489
3H70	600617	Child Care Federal	\$	331,249,291	\$	331,980,000	88490
3N00	600628	Foster Care Program - Federal	\$	280,732,702	\$	281,000,000	88491
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	88492
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	142,092,211	\$	142,450,000	88493
3V40	600632	Trade Programs	\$	19,755,884	\$	20,000,000	88494
3V40	600678	Federal Unemployment Programs	\$	73,436,024	\$	73,436,024	88495
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	4,800,000	\$	4,800,000	88496
3V60	600689	TANF Block Grant	\$	873,602,794	\$	935,000,000	88497

TOTAL FED Federal Fund Group	\$ 2,573,821,896	\$ 2,637,744,430	88498
TOTAL ALL BUDGET FUND GROUPS	\$ 3,708,489,790	\$ 3,754,268,992	88499

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 88501

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 88502  
88503  
88504  
88505

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 88506  
88507  
88508  
88509

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 88510  
88511  
88512  
88513  
88514

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 88515  
88516

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local. 88517  
88518  
88519

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 88520  
88521  
88522  
88523  
88524  
88525  
88526

**Section 307.30.** NAME OF FOOD STAMP PROGRAM 88527

The Director of Job and Family Services is not required to 88528  
amend rules regarding the Food Stamp Program to change the name of 88529  
the program to the Supplemental Nutrition Assistance Program. The 88530  
Director may refer to the program as the Food Stamp Program, the 88531  
Supplemental Nutrition Assistance Program, or the Food Assistance 88532  
Program in rules and documents of the Department of Job and Family 88533  
Services. 88534

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 88535

Of the foregoing appropriation items 600410, TANF State 88536  
Maintenance of Effort, 600658, Public Assistance Activities, and 88537  
600689, TANF Block Grant, a total of \$22,050,000 in each fiscal 88538  
year shall be used to provide funds to the Ohio Association of 88539  
Food Banks to purchase and distribute food products, support 88540  
Innovative Summer Meals programs for children, provide SNAP 88541  
outreach and free tax filing services, and provide capacity 88542  
building equipment for food pantries and soup kitchens. 88543

Notwithstanding section 5101.46 of the Revised Code and any 88544  
other provision in this bill, including funds designated for the 88545  
Ohio Association of Food Banks in this section, in fiscal year 88546  
2020 and fiscal year 2021, the Director of Job and Family Services 88547  
shall provide assistance from eligible funds to the Ohio 88548  
Association of Food Banks in an amount not less than \$24,550,000 88549  
in each fiscal year. 88550

Eligible nonfederal expenditures made by member food banks of 88551  
the Association shall be counted by the Department of Job and 88552  
Family Services toward the TANF maintenance of effort requirements 88553  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 88554  
shall enter into an agreement with the Ohio Association of Food 88555  
Banks, in accordance with sections 5101.80 and 5101.801 of the 88556  
Revised Code, to carry out the requirements under this section. 88557

**Section 307.43.** UNAFFILIATED FOOD BANKS 88558

Of the foregoing appropriation item 600689, TANF Block Grant, 88559  
\$500,000 in each fiscal year shall be provided, in accordance with 88560  
sections 5101.80 and 5101.801 of the Revised Code, to food banks 88561  
or food pantries unaffiliated with the Ohio Association of Food 88562  
Banks. 88563

**Section 307.45.** FOOD STAMPS TRANSFER 88564

On July 1, 2019, or as soon as possible thereafter, and upon 88565  
request of the Director of Job and Family Services, the Director 88566  
of Budget and Management may transfer up to \$1,000,000 cash from 88567  
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 88568  
the Food Assistance Fund (Fund 5ES0). 88569

**Section 307.50.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 88570

The foregoing appropriation item 600658, Public Assistance 88571  
Activities, shall be used by the Department of Job and Family 88572  
Services to meet the TANF maintenance of effort requirements of 42 88573  
U.S.C. 609(a)(7). When the state is assured that it will meet the 88574  
maintenance of effort requirement, the Department of Job and 88575  
Family Services may use funds from appropriation item 600658, 88576  
Public Assistance Activities, to support public assistance 88577  
activities. 88578

**Section 307.70.** GOVERNOR'S OFFICE OF FAITH-BASED AND 88579  
COMMUNITY INITIATIVES 88580

Of the foregoing appropriation item 600689, TANF Block Grant, 88581  
up to \$13,285,000 in each fiscal year shall be used, in accordance 88582  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 88583  
support to programs or organizations that provide services that 88584  
align with the mission and goals of the Governor's Office of 88585

Faith-Based and Community Initiatives, as outlined in section 88586  
107.12 of the Revised Code, and that further at least one of the 88587  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 88588

Of the amount earmarked for the Governor's Office of 88589  
Faith-Based and Community Initiatives, \$250,000 in each fiscal 88590  
year shall be provided to Think Tank, Inc. to support a project 88591  
that provides a sustainable, scalable system to support and keep 88592  
families together. 88593

**Section 307.80. INDEPENDENT LIVING INITIATIVE** 88594

Of the foregoing appropriation item 600689, TANF Block Grant, 88595  
up to \$2,000,000 in each fiscal year shall be used, in accordance 88596  
with sections 5101.80 and 5101.801 of the Revised Code, to support 88597  
the Independent Living Initiative, including life skills training 88598  
and work supports for older children in foster care and those who 88599  
have recently aged out of foster care. 88600

**Section 307.90. OHIO COMMISSION ON FATHERHOOD** 88601

Of the foregoing appropriation item 600689, TANF Block Grant, 88602  
\$2,200,000 in each fiscal year shall be provided to the Ohio 88603  
Commission on Fatherhood. 88604

**Section 307.91. FAMILY STABILITY PROGRAMS** 88605

Of the foregoing appropriation item 600689, TANF Block Grant, 88606  
up to \$1,000,000 in each fiscal year shall be provided, in 88607  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 88608  
to the Siemer Institute to support Family Stability Programs in 88609  
collaboration with United Way affiliates on a quarterly basis. The 88610  
funds shall be used to help provide services and early 88611  
intervention focused on improving family housing stability, 88612  
increasing household income, reducing school mobility, and 88613  
supporting two-generation programming to stabilize family units. 88614

Before any funds are reimbursed, the Siemer Institute or 88615  
affiliates shall provide the Department of Job and Family Services 88616  
with documentation showing the amount of private sector dollars 88617  
that have been collected to support the Family Stability Programs. 88618  
The amount of each reimbursement provided by the Department to the 88619  
Siemer Institute shall not exceed the amount documented and shall 88620  
not exceed \$1,000,000 in total in each fiscal year. 88621

**Section 307.92.** CHILDREN'S TRUST FUND 88622

Of the foregoing appropriation item 600689, TANF Block Grant, 88623  
\$1,000,000 in each fiscal year shall be provided, in accordance 88624  
with sections 5101.80 and 5101.801 of the Revised Code, to the 88625  
Ohio Children's Trust Fund. 88626

**Section 307.94.** OHIO COUNCIL OF YWCAS 88627

Of the foregoing appropriation item 600689, TANF Block Grant, 88628  
\$500,000 in each fiscal year shall be provided, in accordance with 88629  
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 88630  
Council of YWCAs to support programs that prevent domestic 88631  
violence, support victims of domestic violence, provide 88632  
trauma-informed support for survivors, and support educational 88633  
opportunities for at-risk youth. 88634

**Section 307.95.** OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 88635

Of the foregoing appropriation item 600689, TANF Block Grant, 88636  
\$2,000,000 in each fiscal year shall be provided, in accordance 88637  
with sections 5101.80 and 5101.801 of the Revised Code, to the 88638  
Ohio Alliance of Boys and Girls Clubs to provide after-school and 88639  
summer programs that protect at-risk children and enable youth to 88640  
become responsible adults. Not less than \$75,000 in each fiscal 88641  
year shall be provided to the Boys and Girls Club of Massillon. 88642

**Section 307.96.** TANF WORK REQUIREMENTS DEMONSTRATION PROJECT 88643

As used in this section, "TANF work requirements" means the 88644  
work requirements established under section 407 of the "Social 88645  
Security Act," 42 U.S.C. 607, for the Temporary Assistance for 88646  
Needy Families program. 88647

The Director of Job and Family Services shall seek approval 88648  
from the U.S. Department of Health and Human Services to operate a 88649  
demonstration project for a two-year period that enables all of 88650  
the following: 88651

(A) An Ohio Works First participant to satisfy the TANF work 88652  
requirements by satisfactorily participating in any of the 88653  
following for up to twenty-four months: 88654

(1) On-the-job training; 88655

(2) Education directly related to employment if the 88656  
participant has not received a high school diploma or a 88657  
certificate of high school equivalency; 88658

(3) A course of study leading to a certificate of general 88659  
equivalence if the participant has not completed secondary school 88660  
or received such a certificate. 88661

(B) An Ohio Works First participant not to be subject to a 88662  
penalty under section 407(e) of the "Social Security Act," 42 88663  
U.S.C. 607(e), due to the participant's satisfaction of the TANF 88664  
work requirements pursuant to division (A) of this section; 88665

(C) The state to count an Ohio Works First participant's 88666  
satisfaction of the TANF work requirements pursuant to division 88667  
(A) of this section toward the state's work participation rates 88668  
under the TANF work requirements regardless of whether the 88669  
participant also participates in other work activities specified 88670  
in section 407(d) of the "Social Security Act," 42 U.S.C. 607(d). 88671

**Section 307.98.** WATERFORD INSTITUTE PILOT PROGRAM 88672

Of the foregoing appropriation item 600689, TANF Block Grant, 88673  
\$1,000,000 in each fiscal year shall be provided, in accordance 88674  
with sections 5101.80 and 5101.801 of the Revised Code, to the 88675  
Waterford Institute to implement a pilot program for 88676  
pre-kindergarten children. 88677

**Section 307.99.** OHIO PARENTING AND PREGNANCY PROGRAM 88678

Of the foregoing appropriation item 600689, TANF Block Grant, 88679  
\$2,500,000 in each fiscal year shall be used, in accordance with 88680  
sections 5101.80 and 5101.801 of the Revised Code, to support the 88681  
Ohio Parenting and Pregnancy Program. 88682

MOMS2B 88683

Of the foregoing appropriation item 600689, TANF Block Grant, 88684  
\$50,000 in each fiscal year shall be used, in accordance with 88685  
sections 5101.80 and 5101.801 of the Revised Code, to support the 88686  
Moms2B program in Franklin County. 88687

**Section 307.100.** KINSHIP CAREGIVER PROGRAM 88688

Of the foregoing appropriation item 600689, TANF Block Grant, 88689  
\$15,000,000 in each fiscal year shall be used to support kinship 88690  
care. The Director of Job and Family Services shall allocate funds 88691  
to county departments of job and family services by providing 88692  
twelve per cent divided equally among all counties, forty-eight 88693  
per cent in the ratio that the number of residents of the county 88694  
under the age of eighteen bears to the total number of such 88695  
persons residing in this state, and forty per cent in the ratio 88696  
that the number of residents of the county with incomes under one 88697  
hundred per cent of the federal poverty guideline bears to the 88698  
total number of such persons in this state. Each public children 88699  
services agency shall use these funds to provide reasonable and 88700

necessary relief of child caring functions so that kinship 88701  
caregivers, as defined in section 5101.85 of the Revised Code, can 88702  
provide and maintain a home for a child in place of a child's 88703  
parents. When the public children services agency is designated 88704  
under division (A) of section 5153.02 of the Revised Code, the 88705  
county department of job and family services shall enter into a 88706  
memorandum of understanding with the public children services 88707  
agency authorizing the expenditure of funds for this purpose up to 88708  
the amount of the allocation. 88709

Each county department of job and family services shall 88710  
incorporate the kinship caregiver support program into its 88711  
prevention, retention, and contingency plan. The program shall 88712  
include a family stabilization service and a caregiving service. 88713  
For the purpose of the stabilization service, each child living 88714  
with a kinship caregiver shall constitute a prevention, retention, 88715  
and contingency assistance group of one. Stabilization services 88716  
shall be designed to transition the child into and maintain the 88717  
child in the home of the kinship caregiver. For the purpose of the 88718  
caregiving service, each assistance group shall include at least a 88719  
child living with a kinship caregiver and the kinship caregiver. 88720

The Department of Job and Family Services may adopt rules in 88721  
accordance with Chapter 119. of the Revised Code as necessary to 88722  
carry out the purposes of this section. 88723

If funding is no longer available, the kinship caregiver 88724  
support program in this section shall end and any county 88725  
department of job and family services or public children services 88726  
agency shall not be held responsible for payment of services. 88727

**Section 307.101. MARRIAGE WORKS** 88728

Of the foregoing appropriation item 600689, TANF Block Grant, 88729  
\$200,000 in each fiscal year shall be provided, in accordance with 88730  
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 88731

Works! Ohio in Dayton. 88732

**Section 307.102.** STAR HOUSE DROP-IN CENTER 88733

Of the foregoing appropriation item 600689, TANF Block Grant, 88734  
\$900,000 in each fiscal year shall be used, in accordance with 88735  
sections 5101.80 and 5101.801 of the Revised Code, to support the 88736  
Star House Drop-In Center to provide services for homeless youth. 88737

**Section 307.103.** YMCA OF GREATER CLEVELAND 88738

Of the foregoing appropriation item 600689, TANF Block Grant, 88739  
\$200,000 in each fiscal year shall be used, in accordance with 88740  
sections 5101.80 and 5101.801 of the Revised Code, to support the 88741  
YMCA of Greater Cleveland's Early Learning Center trauma informed 88742  
pre-school for homeless, low income, and at-risk pre-school 88743  
children. 88744

**Section 307.104.** UNIVERSITY SETTLEMENT 88745

Of the foregoing appropriation item 600689, TANF Block Grant, 88746  
\$100,000 in each fiscal year shall be used, in accordance with 88747  
sections 5101.80 and 5101.801 of the Revised Code, to support 88748  
University Settlement family assistance programs in the 88749  
Broadway-Slavic Village neighborhood of Cleveland. 88750

**Section 307.105.** BIG BROTHERS BIG SISTERS 88751

Of the foregoing appropriation item 600689, TANF Block Grant, 88752  
\$1,000,000 in each fiscal year shall be provided, in accordance 88753  
with sections 5101.80 and 5101.801 of the Revised Code, to Big 88754  
Brothers Big Sisters of Central Ohio to provide mentoring services 88755  
to children throughout the state who have experienced trauma in 88756  
their lives, including parental incarceration. 88757

**Section 307.106.** COMMUNITIES IN SCHOOLS OF CENTRAL OHIO 88758

Of the foregoing appropriation item 600689, TANF Block Grant, 88759  
\$200,000 in each fiscal year shall be provided, in accordance with 88760  
sections 5101.80 and 5101.801 of the Revised Code, to Communities 88761  
In Schools of Central Ohio to provide supports for at-risk youth 88762  
for wraparound services, which directly impact chronic absenteeism 88763  
and dropout rates. 88764

**CONNECT OUR KIDS** 88765

Of the foregoing appropriation item 600689, TANF Block Grant, 88766  
\$1,000,000 in fiscal year 2020 shall be used, in accordance with 88767  
sections 5101.80 and 5101.801 of the Revised Code, to support the 88768  
completion of the Connect Our Kids Family Connections technology 88769  
tool and to implement a pilot program for the tool across multiple 88770  
Ohio counties. The Family Connection technology tool shall be made 88771  
available to child welfare professionals in all counties after 88772  
completion of the pilot program. 88773

**Section 307.107. OPEN DOORS ACADEMY** 88774

Of the foregoing appropriation item 600689, TANF Block Grant, 88775  
\$2,200,000 in each fiscal year shall be used, in accordance with 88776  
sections 5101.80 and 5101.801 of the Revised Code, to support the 88777  
Seven Year Promise Program, operated by the Open Doors Academy. 88778  
Funding shall be used for a program in Northeast Ohio and four 88779  
additional sites in the state. 88780

**Section 307.108. PRODUCE PERKS MIDWEST** 88781

Of the foregoing appropriation item 600689, TANF Block Grant, 88782  
\$250,000 in each fiscal year shall be provided, in accordance with 88783  
sections 5101.80 and 5101.801 of the Revised Code, to Produce 88784  
Perks Midwest, Inc., to expand Ohio's nutrition incentive program, 88785  
which provides SNAP recipients with a dollar-for-dollar match to 88786  
buy fresh, healthy produce from Ohio farmers and retailers. 88787

**Section 307.109.** CHILDREN'S HUNGER ALLIANCE 88788

Of the foregoing appropriation item 600689, TANF Block Grant, 88789  
\$1,175,000 in each fiscal year shall be provided, in accordance 88790  
with sections 5101.80 and 5101.801 of the Revised Code, to the 88791  
Children's Hunger Alliance to assist with meal sponsorship, early 88792  
child care programs, child care, consultations and nutrition 88793  
education, school district nutrition programs, after school 88794  
nutrition programs, and summer nutrition programs. 88795

**Section 307.110.** FAMILY AND CHILDREN SERVICES 88796

Of the foregoing appropriation item 600523, Family and 88797  
Children Services, up to \$3,200,000 shall be used to match 88798  
eligible federal Title IV-B ESSA funds and federal Title IV-E 88799  
Chafee funds allocated to public children services agencies. 88800

Of the foregoing appropriation item 600523, Family and 88801  
Children Services, up to \$25,000,000 in each fiscal year shall be 88802  
provided to assist with the expense of providing services to youth 88803  
requiring support from multiple systems. These funds may be used 88804  
for youth currently in the custody of a public children services 88805  
agency or to prevent children from entering into the custody of a 88806  
public children services agency by custody relinquishment or 88807  
another mechanism. The Director of Job and Family Services shall 88808  
adopt rules in accordance with section 111.15 of the Revised Code 88809  
to administer the funding. 88810

Of the foregoing appropriation item, 600523, Family and 88811  
Children Services, not less than \$125,040,010 in each fiscal year 88812  
shall be provided to public children services agencies. Of that 88813  
amount, \$17,600,000 in each fiscal year shall be used to provide 88814  
an initial allocation of \$200,000 to each county; up to \$5,000,000 88815  
in each fiscal year shall be provided using the formula in section 88816  
5101.14 of the Revised Code for staffing for foster parent 88817

recruitment, engagement, and support; up to \$10,000,000 in each 88818  
fiscal year shall be provided using the formula in section 5101.14 88819  
of the Revised Code to strengthen best practices identified in 88820  
partnership with the Department of Job and Family Services; and 88821  
the remainder shall be provided using the formula in section 88822  
5101.14 of the Revised Code. 88823

If the funds available for distribution under section 5101.14 88824  
of the Revised Code in fiscal year 2020 and fiscal year 2021 88825  
exceed the amount appropriated in fiscal year 2019, each county 88826  
contributing local funds in county fiscal year 2019 to the county 88827  
children services fund shall contribute moneys to the children 88828  
services fund described in section 5101.144 of the Revised Code. 88829

The Director of Job and Family Services shall adopt rules, in 88830  
accordance with section 111.15 of the Revised Code, to determine 88831  
the amount of local funds each county must contribute to the 88832  
children services fund based on past contributions. Rules must 88833  
include a hardship provision identifying circumstances in which 88834  
the county contribution may be waived or reduced. 88835

**Section 307.111. CLEVELAND STATE UNIVERSITY** 88836

Of the foregoing appropriation item 600523, Family and 88837  
Children Services, \$290,000 in fiscal year 2021 shall be allocated 88838  
to the Cleveland State University Sullivan-Deckard and Helen 88839  
Packer Scholars Program to provide tuition and wrap-around 88840  
services to young adults who have aged out of foster care. 88841

**Section 307.115. KINSHIP CARE NAVIGATOR PROGRAM** 88842

Of the foregoing appropriation item 600523, Family and 88843  
Children Services, \$3,500,000 in each fiscal year shall be used to 88844  
support the Kinship Care Navigator Program, and may be used to 88845  
match eligible federal Title IV-E funds. 88846

**Section 307.120.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 88847

In collaboration with the county family and children first 88848  
council, a county department of job and family services or public 88849  
children services agency that receives an allocation from the 88850  
Department of Job and Family Services from the foregoing 88851  
appropriation item 600523, Family and Children Services, or 88852  
600533, Child, Family, and Community Protection Services, may 88853  
transfer a portion of either or both allocations to a flexible 88854  
funding pool as authorized by the section of this act titled 88855  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 88856

**Section 307.130.** CHILD, FAMILY, AND COMMUNITY PROTECTION 88857  
SERVICES 88858

(A) The foregoing appropriation item 600533, Child, Family, 88859  
and Community Protection Services, shall be distributed to county 88860  
departments of job and family services. County departments shall 88861  
use the funds distributed to them under this section as follows, 88862  
in accordance with the written plan of cooperation entered into 88863  
under section 307.983 of the Revised Code: 88864

(1) To assist individuals in achieving or maintaining 88865  
self-sufficiency, including by reducing or preventing dependency 88866  
among individuals with family income not exceeding two hundred per 88867  
cent of the federal poverty guidelines; 88868

(2) Subject to division (B) of this section, to respond to 88869  
reports of abuse, neglect, or exploitation of children and adults, 88870  
including through the differential response approach program; 88871

(3) To provide outreach and referral services regarding home 88872  
and community-based services to individuals at risk of placement 88873  
in a group home or institution, regardless of the individuals' 88874  
family income and without need for a written application; 88875

(4) To provide outreach, referral, application assistance, 88876

and other services to assist individuals receive assistance, 88877  
benefits, or services under Medicaid; Title IV-A programs, as 88878  
defined in section 5101.80 of the Revised Code; the Supplemental 88879  
Nutrition Assistance Program; and other public assistance 88880  
programs. 88881

(B) Protective services may be provided to a child or adult 88882  
as part of a response, under division (A)(2) of this section, to a 88883  
report of abuse, neglect, or exploitation without regard to a 88884  
child or adult's family income and without need for a written 88885  
application. The protective services may be provided if the case 88886  
record documents circumstances of actual or potential abuse, 88887  
neglect, or exploitation. 88888

**Section 307.132. QUALITY INFRASTRUCTURE GRANTS** 88889

The foregoing appropriation item 600555, Quality 88890  
Infrastructure Grants, shall be used by the Director of Job and 88891  
Family Services to administer an early learning and development 88892  
quality infrastructure grant program. 88893

The Director shall review grant applications in collaboration 88894  
with council members appointed by the chairperson of the Early 88895  
Childhood Advisory Council. The council members appointed shall 88896  
include representatives of government and private entities. In 88897  
reviewing applications and awarding grants, the Director and 88898  
council members shall consider the needs of applicants and the 88899  
ability of the communities in which applicants are located to 88900  
satisfy division (G) of section 5104.29 of the Revised Code. 88901  
Grants may be used to support quality workforce supports, 88902  
including, but not limited to, wage incentives and assistance with 88903  
certification and degree attainment; professional development and 88904  
technical assistance; facilities improvement and classroom 88905  
supplies; and curriculum and assessment. 88906

**Section 307.133.** ADULT PROTECTIVE SERVICES 88907

The foregoing appropriation item 600534, Adult Protective 88908  
Services, shall be divided equally among the counties. 88909

**Section 307.135.** HEALTHY FOOD FINANCING INITIATIVE 88910

The foregoing appropriation item 600546, Healthy Food 88911  
Financing Initiative, shall be used by the Director of Job and 88912  
Family Services to support healthy food access in underserved 88913  
communities in urban and rural Low and Moderate Income Areas, as 88914  
defined by either the United States Department of Agriculture 88915  
(USDA), as identified in the USDA's Food Access Research Atlas, or 88916  
through a methodology that has been adopted for use by another 88917  
governmental or philanthropic healthy food initiative, or an 88918  
alternative methodology approved by the Director of Job and Family 88919  
Services. 88920

The Director of Job and Family Services, in cooperation with 88921  
the Director of Health, shall contract with the Finance Fund 88922  
Capital Corporation to administer a Healthy Food Financing 88923  
Initiative. The Finance Fund Capital Corporation shall demonstrate 88924  
a capacity to administer grant and loan programs in accordance 88925  
with state and federal rules and accounting principles, and shall 88926  
partner with one or more entities with demonstrable experience in 88927  
healthy food access-related policy matters. 88928

The Finance Fund Capital Corporation shall report to the Ohio 88929  
Department of Job and Family Services the amount of funds granted 88930  
or loaned, the number of new or retained jobs associated with 88931  
related projects, the health impact of the initiative, and the 88932  
number and location of healthy food access projects established or 88933  
in development. 88934

**Section 307.138.** JOB AND FAMILY SERVICES PROGRAM SUPPORT 88935

Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$75,000 in each fiscal year shall be provided to the Mayerson Jewish Community Center to support summer camps, senior citizen socialization for Alzheimer's patients, and security services.

Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$30,000 in each fiscal year shall be used to support Jewish Family Services, which shall use the funds to provide aging and caregiver services, post-adoption counseling, domestic abuse counseling, and assistance with food pantry expansion.

**Section 307.139. GRACEHAVEN PILOT PROGRAM** 88947

The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to finance the creation of Gracehaven centers to provide community-based services to women under eighteen years of age that have been victims of human trafficking.

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 88952

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

**Section 307.141. COURT APPOINTED SPECIAL ADVOCATES** 88956

Of the foregoing appropriation item 600553, Court Appointed Special Advocates, \$333,333 in each fiscal year shall be used to support administrative costs associated with existing court-appointed special advocate programs.

Of the foregoing appropriation item 600553, Court Appointed Special Advocates, \$666,667 in each fiscal year shall be used to establish court-appointed special advocate programs in areas of the state that are not served by an existing program.

**Section 307.145.** OHIO GOVERNOR'S IMAGINATION LIBRARY 88965

The foregoing appropriation item 600600, Ohio Governor's 88966  
Imagination Library, shall be used to support childhood literacy 88967  
efforts in the state. The Director of Job and Family Services may 88968  
work with nonprofit entities or foundations established to support 88969  
childhood literacy efforts in this state. 88970

On July 1, 2020, or as soon as possible thereafter, the 88971  
Director of Job and Family Services may certify to the Director of 88972  
Budget and Management an amount up to the unexpended, unencumbered 88973  
balance of the foregoing appropriation item 600600, Ohio 88974  
Governor's Imagination Library, at the end of fiscal year 2020 to 88975  
be reappropriated in fiscal year 2021. The amount certified is 88976  
hereby reappropriated to the same appropriation item for fiscal 88977  
year 2021. 88978

**Section 307.150.** ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 88979

Notwithstanding section 5101.073 of the Revised Code, the 88980  
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 88981  
consist of earned federal revenue the final disposition of which 88982  
is unknown. 88983

On July 1 of each fiscal year, or as soon as possible 88984  
thereafter, and upon request of the Director of Job and Family 88985  
Services, the Director of Budget and Management may transfer up to 88986  
\$16,000,000 cash from the ODJFS Audit Settlements and Contingency 88987  
Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 88988

**Section 307.160.** ADOPTION ASSISTANCE LOAN 88989

The Department of Job and Family Services may use the State 88990  
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 88991  
of adoption assistance loans pursuant to section 3107.018 of the 88992  
Revised Code. The amounts of any adoption assistance loans are 88993

hereby appropriated. 88994

**Section 307.170. EARLY CHILDHOOD EDUCATION** 88995

Of the foregoing appropriation item 600696, Early Childhood 88996  
Education, up to \$20,000,000 in each fiscal year shall be used to 88997  
achieve the goals described in division (C) of section 5104.29 of 88998  
the Revised Code. The funds shall be used to support early 88999  
learning and development programs operating in smaller 89000  
communities, early learning and development programs that are 89001  
rated in the Step Up to Quality program at the third highest tier 89002  
or higher, or both. 89003

**Section 307.175. PUBLICLY FUNDED CHILD CARE PROVIDER RATES** 89004

The Director of Job and Family Services shall do all of the 89005  
following to the rate categories assigned to child care programs 89006  
rated in the Step Up to Quality program for the purpose of 89007  
reimbursing providers for subsidized child care: 89008

(A) Ensure that reimbursement rates for each rating tier are 89009  
not lower than the reimbursement rates for each corresponding 89010  
rating tier that were in effect on January 1, 2019; and 89011

(B) Ensure that no county moves to a rating tier with a lower 89012  
reimbursement rate than the one in effect for the county on 89013  
January 1, 2019. 89014

**Section 307.190. VICTIMS OF HUMAN TRAFFICKING** 89015

The foregoing appropriation item 600660, Victims of Human 89016  
Trafficking, shall be used to provide treatment, care, 89017  
rehabilitation, education, housing, and assistance for victims of 89018  
trafficking in persons as specified in section 5101.87 of the 89019  
Revised Code. 89020

If receipts credited to the Victims of Human Trafficking Fund 89021

(Fund 5NG0) exceed the amounts appropriated to the fund, the 89022  
Director of Job and Family Services may request the Director of 89023  
Budget and Management to authorize expenditures from the fund in 89024  
excess of the amounts appropriated. Upon the approval of the 89025  
Director of Budget and Management, the additional amounts are 89026  
hereby appropriated. 89027

**Section 307.195. CHILDREN'S CRISIS CARE** 89028

The foregoing appropriation item 600674, Children's Crisis 89029  
Care, shall be allocated by the Department of Job and Family 89030  
Services in each fiscal year to children's crisis care facilities 89031  
as defined in section 5103.13 of the Revised Code. The Director of 89032  
Job and Family Services shall allocate funds in each fiscal year 89033  
based on the total length of stay or days of care for each child 89034  
residing in the facility, which is determined by calculating the 89035  
total days each child resides at the crisis care facility, 89036  
including the date of admission, but not the day of discharge. A 89037  
children's crisis care facility may decline to receive funds 89038  
provided under this section. A children's crisis care facility 89039  
that accepts funds provided under this section shall use the funds 89040  
in accordance with section 5103.13 of the Revised Code and the 89041  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 89042

**Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS** 89043

The Fiduciary Fund Group and Holding Account Fund Group shall 89044  
be used to hold revenues until the appropriate fund is determined 89045  
or until the revenues are directed to the appropriate governmental 89046  
agency other than the Department of Job and Family Services. Any 89047  
Department of Job and Family Services refunds or reconciliations 89048  
received or held by the Department of Medicaid shall be 89049  
transferred or credited to the Refunds and Audit Settlement Fund 89050  
(Fund R012). If receipts credited to the Support Intercept - 89051

Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 89052  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 89053  
Audit Settlements Fund (Fund R012), or the Forgery Collections 89054  
Fund (Fund R013) exceed the amounts appropriated from the fund, 89055  
the Director of Job and Family Services may request the Director 89056  
of Budget and Management to authorize expenditures from the fund 89057  
in excess of the amounts appropriated. Upon the approval of the 89058  
Director of Budget and Management, the additional amounts are 89059  
hereby appropriated. 89060

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 89061

General Revenue Fund 89062

GRF 029321 Operating Expenses	\$	570,000	\$	570,000	89063
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TOTAL GRF General Revenue Fund	\$	570,000	\$	570,000	89064
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TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$	570,000	89065
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OPERATING GUIDANCE 89066

The Legislative Service Commission shall act as fiscal agent 89067  
for the Joint Committee on Agency Rule Review. Members of the 89068  
Committee shall be paid in accordance with section 101.35 of the 89069  
Revised Code. 89070

OPERATING EXPENSES 89071

On July 1, 2019, or as soon as possible thereafter, the 89072  
Executive Director of the Joint Committee on Agency Rule Review 89073  
may certify to the Director of Budget and Management an amount up 89074  
to the unexpended, unencumbered balance of the foregoing 89075  
appropriation item 029321, Operating Expenses, at the end of 89076  
fiscal year 2019 to be reappropriated to fiscal year 2020. The 89077  
amount certified is hereby reappropriated to the same 89078  
appropriation item for fiscal year 2020. 89079

On July 1, 2020, or as soon as possible thereafter, the 89080  
Executive Director of the Joint Committee on Agency Rule Review 89081

may certify to the Director of Budget and Management an amount up 89082  
to the unexpended, unencumbered balance of the foregoing 89083  
appropriation item 029321, Operating Expenses, at the end of 89084  
fiscal year 2020 to be reappropriated to fiscal year 2021. The 89085  
amount certified is hereby reappropriated to the same 89086  
appropriation item for fiscal year 2021. 89087

**Section 311.10.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE 89088

General Revenue Fund 89089  
GRF 047321 Operating Expenses \$ 100,000 \$ 0 89090  
TOTAL GRF General Revenue Fund \$ 100,000 \$ 0 89091  
TOTAL ALL BUDGET FUND GROUPS \$ 100,000 \$ 0 89092

OPERATING EXPENSES 89093

The foregoing appropriation item 047321, Operating Expenses, 89094  
shall be used to support expenses related to the Joint Education 89095  
Oversight Committee under section 103.45 to 103.50 of the Revised 89096  
Code, as it existed prior to the effective date of this act. 89097

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 89098

General Revenue Fund 89099  
GRF 048321 Operating Expenses \$ 361,365 \$ 528,681 89100  
TOTAL GRF General Revenue Fund \$ 361,365 \$ 528,681 89101  
TOTAL ALL BUDGET FUND GROUPS \$ 361,365 \$ 528,681 89102

OPERATING EXPENSES 89103

The foregoing appropriation item 048321, Operating Expenses, 89104  
shall be used to support expenses related to the Joint Medicaid 89105  
Oversight Committee created by section 103.41 of the Revised Code. 89106

On July 1, 2019, or as soon as possible thereafter, the 89107  
Executive Director of the Joint Medicaid Oversight Committee may 89108  
certify to the Director of Budget and Management an amount up to 89109  
the unexpended, unencumbered balance of the foregoing 89110

appropriation item 048321, Operating Expenses, at the end of 89111  
fiscal year 2019 to be reappropriated to fiscal year 2020. The 89112  
amount certified is hereby reappropriated to the same 89113  
appropriation item for fiscal year 2020. 89114

On July 1, 2020, or as soon as possible thereafter, the 89115  
Executive Director of the Joint Medicaid Oversight Committee may 89116  
certify to the Director of Budget and Management an amount up to 89117  
the unexpended, unencumbered balance of the foregoing 89118  
appropriation item 048321, Operating Expenses, at the end of 89119  
fiscal year 2020 to be reappropriated to fiscal year 2021. The 89120  
amount certified is hereby reappropriated to the same 89121  
appropriation item for fiscal year 2021. 89122

The Legislative Service Commission shall act as fiscal agent 89123  
for the Joint Medicaid Oversight Committee. 89124

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 89125

General Revenue Fund 89126

GRF 018321	Operating Expenses	\$	963,500	\$	911,305	89127
TOTAL GRF	General Revenue Fund	\$	963,500	\$	911,305	89128

Dedicated Purpose Fund Group 89129

4030 018601	Ohio Jury	\$	480,850	\$	480,000	89130
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	480,850	\$	480,000	89131
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,444,350	\$	1,391,305	89132
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STATE COUNCIL OF UNIFORM STATE LAWS 89133

Notwithstanding section 105.26 of the Revised Code, of the 89134  
foregoing appropriation item 018321, Operating Expenses, up to 89135  
\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021 89136  
shall be used to pay the expenses of the State Council of Uniform 89137  
State Laws, including membership dues to the National Conference 89138

of Commissioners on Uniform State Laws. 89139

OHIO JURY INSTRUCTIONS FUND 89140

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 89141  
 grants, royalties, dues, conference fees, bequests, devises, and 89142  
 other gifts received for the purpose of supporting costs incurred 89143  
 by the Judicial Conference of Ohio in its activities as a part of 89144  
 the judicial system of the state as determined by the Judicial 89145  
 Conference Executive Committee. Fund 4030 shall be used by the 89146  
 Judicial Conference of Ohio to pay expenses incurred in its 89147  
 activities as a part of the judicial system of the state as 89148  
 determined by the Judicial Conference Executive Committee. All 89149  
 moneys accruing to Fund 4030 in excess of the amount appropriated 89150  
 for the current fiscal year are hereby appropriated for the 89151  
 purposes authorized. No money in Fund 4030 shall be transferred to 89152  
 any other fund by the Director of Budget and Management or the 89153  
 Controlling Board. 89154

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT 89155

General Revenue Fund 89156

GRF 005321 Operating Expenses - \$ 181,708,720 \$ 185,018,785 89157  
 Judiciary/Supreme  
 Court

GRF 005401 State Criminal \$ 599,970 \$ 614,970 89158  
 Sentencing Commission

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 89159

GRF 005409 Ohio Courts \$ 5,391,025 \$ 5,435,625 89160  
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 187,899,715 \$ 191,269,380 89161

Dedicated Purpose Fund Group 89162

4C80 005605 Attorney Services \$ 10,805,858 \$ 10,553,340 89163

5HT0 005617 Court Interpreter \$ 12,459 \$ 14,327 89164

		Certification				
5SP0	005626	Civil Justice Grant	\$	350,000	\$	350,000 89165
		Program				
5T80	005609	Grants and Awards	\$	8,224	\$	8,224 89166
6720	005601	Judiciary/Supreme	\$	151,000	\$	151,000 89167
		Court Education				
TOTAL DPF		Dedicated Purpose Fund	\$	11,327,541	\$	11,076,891 89168
		Group				
		Fiduciary Fund Group				89169
5JY0	005620	County Law Library	\$	303,500	\$	313,500 89170
		Resources Boards				
TOTAL FID		Fiduciary Fund Group	\$	303,500	\$	313,500 89171
		Federal Fund Group				89172
3J00	005603	Federal Grants	\$	1,118,471	\$	1,073,190 89173
TOTAL FED		Federal Fund Group	\$	1,118,471	\$	1,073,190 89174
TOTAL ALL BUDGET FUND GROUPS			\$	200,649,227	\$	203,732,961 89175

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 89177

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 89178  
89179  
89180  
89181

LAW-RELATED EDUCATION 89182

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 89183  
89184  
89185  
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89189

OHIO COURTS TECHNOLOGY INITIATIVE 89190

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Registration Fund (Fund 4C80) shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office of Bar Admissions. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall 89223  
consist of money received by the Supreme Court (The Judiciary) 89224  
pursuant to Rules 80 through 87 of the Rules of Superintendence 89225  
for the Courts of Ohio. The foregoing appropriation item 005617, 89226  
Court Interpreter Certification, shall be used to provide 89227  
training, to provide the written examination, and to pay language 89228  
experts to rate, or grade, the oral examinations of those applying 89229  
to become certified court interpreters. If it is determined by the 89230  
Administrative Director of the Supreme Court that changes to the 89231  
appropriation are necessary, the amounts are hereby appropriated. 89232

No money in Fund 5HT0 shall be transferred to any other fund 89233  
by the Director of Budget and Management or the Controlling Board. 89234  
Interest earned on money in Fund 5HT0 shall be credited to the 89235  
fund. 89236

CIVIL JUSTICE GRANT PROGRAM 89237

The Civil Justice Program Fund (Fund 5SP0) shall consist of 89238  
(1) \$50 voluntary donations made as part of the biennium attorney 89239  
registration process and (2) \$150 increase in the *pro hac vice* 89240  
fees for out-of-state attorneys pursuant to Government of the Bar 89241  
Rule amendments. The foregoing appropriation item 005626, Civil 89242  
Justice Grant Program, shall be used by the Supreme Court of Ohio 89243  
for grants to not-for-profit organizations and agencies dedicated 89244  
to providing civil legal aid to underserved populations, to fund 89245  
innovative programs directed at this purpose, and to increase 89246  
access to judicial service to that population. 89247

No money in Fund 5SP0 shall be transferred to any other fund 89248  
by the Director of Budget and Management or the Controlling Board. 89249  
Interest earned on money in Fund 5SP0 shall be credited to the 89250  
fund. 89251

GRANTS AND AWARDS 89252

The Grants and Awards Fund (Fund 5T80) shall consist of 89253

grants and other money awarded to the Supreme Court (The 89254  
Judiciary) by the State Justice Institute, the Division of 89255  
Criminal Justice Services, or other entities. The foregoing 89256  
appropriation item 005609, Grants and Awards, shall be used in a 89257  
manner consistent with the purpose of the grant or award. If it is 89258  
determined by the Administrative Director of the Supreme Court 89259  
that changes to the appropriation are necessary, the amounts are 89260  
hereby appropriated. 89261

No money in Fund 5T80 shall be transferred to any other fund 89262  
by the Director of Budget and Management or the Controlling Board. 89263  
Interest earned on money in Fund 5T80 shall be credited or 89264  
transferred to the General Revenue Fund. 89265

JUDICIARY/SUPREME COURT EDUCATION 89266

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 89267  
consist of fees paid for attending judicial and public education 89268  
on the law, reimbursement of costs for judicial and public 89269  
education on the law, and other gifts and grants received for the 89270  
purpose of judicial and public education on the law. The foregoing 89271  
appropriation item 005601, Judiciary/Supreme Court Education, 89272  
shall be used to pay expenses for judicial education courses for 89273  
judges, court personnel, and those who serve the courts, and for 89274  
public education on the law. If it is determined by the 89275  
Administrative Director of the Supreme Court that changes to the 89276  
appropriation are necessary, the amounts are hereby appropriated. 89277

No money in Fund 6720 shall be transferred to any other fund 89278  
by the Director of Budget and Management or the Controlling Board. 89279  
Interest earned on money in Fund 6720 shall be credited to the 89280  
fund. 89281

COUNTY LAW LIBRARY RESOURCES BOARDS 89282

The Statewide Consortium of County Law Library Resources 89283  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 89284

to section 307.515 of the Revised Code into a county's law library 89285  
resources fund and forwarded by that county's treasurer for 89286  
deposit in the state treasury pursuant to division (E)(1) of 89287  
section 3375.481 of the Revised Code. The foregoing appropriation 89288  
item 005620, County Law Library Resources Boards, shall be used 89289  
for the operation of the Statewide Consortium of County Law 89290  
Library Resources Boards. If it is determined by the 89291  
Administrative Director of the Supreme Court that changes to the 89292  
appropriation are necessary, the amounts are hereby appropriated. 89293

No money in Fund 5JY0 shall be transferred to any other fund 89294  
by the Director of Budget and Management or the Controlling Board. 89295  
Interest earned on money in Fund 5JY0 shall be credited to the 89296  
fund. 89297

FEDERAL GRANTS 89298

The Federal Grants Fund (Fund 3J00) shall consist of grants 89299  
and other moneys awarded to the Supreme Court (The Judiciary) by 89300  
the United States Government or other entities that receive the 89301  
moneys directly from the United States Government and distribute 89302  
those moneys to the Supreme Court (The Judiciary). The foregoing 89303  
appropriation item 005603, Federal Grants, shall be used in a 89304  
manner consistent with the purpose of the grant or award. If it is 89305  
determined by the Administrative Director of the Supreme Court 89306  
that changes to the appropriation are necessary, the amounts are 89307  
hereby appropriated. 89308

No money in Fund 3J00 shall be transferred to any other fund 89309  
by the Director of Budget and Management or the Controlling Board. 89310  
However, interest earned on money in Fund 3J00 shall be credited 89311  
or transferred to the General Revenue Fund. 89312

**Section 319.10.** LEC LAKE ERIE COMMISSION 89313

Dedicated Purpose Fund Group 89314

4C00 780601	Lake Erie Protection	\$	694,000	\$	699,000	89315
TOTAL DPF Dedicated Purpose						89316
Fund Group		\$	694,000	\$	699,000	89317
Federal Fund Group						89318
3EP0 780603	LEC Federal Grants	\$	50,000	\$	50,000	89319
TOTAL FED Federal Fund Group						89320
TOTAL ALL BUDGET FUND GROUPS						89321

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 89322

On July 1 of each fiscal year, or as soon as possible 89323  
thereafter, the Director of Budget and Management, with the 89324  
approval of the Controlling Board, may transfer cash from the 89325  
funds specified below, up to the amounts specified below, to the 89326  
Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 89327  
contributions and transfers made to the fund. 89328

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	89329 89330
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	89331
4700	General Operations	Department of Health	\$25,000	\$25,000	89332
1570	Central Support Indirect	Department of Natural Resources	\$25,000	\$25,000	89333

On July 1, 2019, or as soon as possible thereafter, the 89334  
Director of Budget and Management, with the approval of the 89335  
Controlling Board, may transfer \$25,000 cash from a fund used by 89336  
the Development Services Agency, as specified by the Director of 89337  
Development Services, to Fund 4C00. 89338

On July 1, 2020, or as soon as possible thereafter, the 89339  
Director of Budget and Management, with the approval of the 89340  
Controlling Board, may transfer \$25,000 cash from a fund used by 89341  
the Development Services Agency, as specified by the Director of 89342

Development Services, to Fund 4C00. 89343

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 89344

General Revenue Fund 89345

GRF 028321 Legislative Ethics \$ 625,000 \$ 625,000 89346  
Committee

TOTAL GRF General Revenue Fund \$ 625,000 \$ 625,000 89347

Dedicated Purpose Fund Group 89348

4G70 028601 Joint Legislative \$ 150,000 \$ 150,000 89349  
Ethics Committee

5HN0 028602 Investigations and \$ 10,000 \$ 10,000 89350  
Financial Disclosure

TOTAL DPF Dedicated Purpose Fund \$ 160,000 \$ 160,000 89351  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 785,000 \$ 785,000 89352

LEGISLATIVE ETHICS COMMITTEE 89353

On July 1, 2019, or as soon as possible thereafter, the 89354  
Legislative Inspector General of the Joint Legislative Ethics 89355  
Committee may certify to the Director of Budget and Management an 89356  
amount up to the unexpended, unencumbered balance of the foregoing 89357  
appropriation item 028321, Legislative Ethics Committee, at the 89358  
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 89359  
The amount certified is hereby reappropriated to the same 89360  
appropriation item for fiscal year 2020. 89361

On July 1, 2020, or as soon as possible thereafter, the 89362  
Legislative Inspector General of the Joint Legislative Ethics 89363  
Committee may certify to the Director of Budget and Management an 89364  
amount up to the unexpended, unencumbered balance of the foregoing 89365  
appropriation item 028321, Legislative Ethics Committee, at the 89366  
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 89367  
The amount certified is hereby reappropriated to the same 89368

appropriation item for fiscal year 2021. 89369

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION 89370

General Revenue Fund 89371

GRF 035321 Operating Expenses \$ 18,600,000 \$ 19,158,000 89372

GRF 035402 Legislative Fellows \$ 1,080,000 \$ 1,080,000 89373

GRF 035405 Correctional \$ 447,020 \$ 447,020 89374

Institution Inspection  
Committee

GRF 035407 Legislative Task Force \$ 1,000,000 \$ 1,000,000 89375

on Redistricting

GRF 035409 National Associations \$ 600,000 \$ 600,000 89376

GRF 035410 Legislative \$ 9,000,000 \$ 9,270,000 89377

Information Systems

GRF 035501 Litigation \$ 2,000,000 \$ 2,000,000 89378

TOTAL GRF General Revenue Fund \$ 32,727,020 \$ 33,555,020 89379

Dedicated Purpose Fund Group 89380

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 89381

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 89382

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,737,020 \$ 33,565,020 89383

**Section 323.20.** OPERATING EXPENSES 89385

On July 1, 2019, or as soon as possible thereafter, the 89386

Director of the Legislative Service Commission may certify to the 89387

Director of Budget and Management an amount up to the unexpended, 89388

unencumbered balance of the foregoing appropriation item 035321, 89389

Operating Expenses, at the end of fiscal year 2019 to be 89390

reappropriated to fiscal year 2020. The amount certified is hereby 89391

reappropriated to the same appropriation item for fiscal year 89392

2020. 89393

On July 1, 2020, or as soon as possible thereafter, the 89394

Director of the Legislative Service Commission may certify to the 89395  
Director of Budget and Management an amount up to the unexpended, 89396  
unencumbered balance of the foregoing appropriation item 035321, 89397  
Operating Expenses, at the end of fiscal year 2020 to be 89398  
reappropriated to fiscal year 2021. The amount certified is hereby 89399  
reappropriated to the same appropriation item for fiscal year 89400  
2021. 89401

LEGISLATIVE TASK FORCE ON REDISTRICTING 89402

An amount equal to the unexpended, unencumbered balance of 89403  
the foregoing appropriation item 035407, Legislative Task Force on 89404  
Redistricting, at the end of fiscal year 2019 is hereby 89405  
reappropriated to the Legislative Service Commission for the same 89406  
purpose for fiscal year 2020. 89407

An amount equal to the unexpended, unencumbered balance of 89408  
the foregoing appropriation item 035407, Legislative Task Force on 89409  
Redistricting, at the end of fiscal year 2020 is hereby 89410  
reappropriated to the Legislative Service Commission for the same 89411  
purpose for fiscal year 2021. 89412

LEGISLATIVE INFORMATION SYSTEMS 89413

On July 1, 2019, or as soon as possible thereafter, the 89414  
Director of the Legislative Service Commission may certify to the 89415  
Director of Budget and Management an amount up to the unexpended, 89416  
unencumbered balance of the foregoing appropriation item 035410, 89417  
Legislative Information Systems, at the end of fiscal year 2019 to 89418  
be reappropriated to fiscal year 2020. The amount certified is 89419  
hereby reappropriated to the same appropriation item for fiscal 89420  
year 2020. 89421

On July 1, 2020, or as soon as possible thereafter, the 89422  
Director of the Legislative Service Commission may certify to the 89423  
Director of Budget and Management an amount up to the unexpended, 89424  
unencumbered balance of the foregoing appropriation item 035410, 89425

Legislative Information Systems, at the end of fiscal year 2020 to 89426  
 be reappropriated to fiscal year 2021. The amount certified is 89427  
 hereby reappropriated to the same appropriation item for fiscal 89428  
 year 2021. 89429

LITIGATION 89430

The foregoing appropriation item 035501, Litigation, shall be 89431  
 used for any lawsuit in which the General Assembly is a party 89432  
 because a legal or constitutional challenge is made against the 89433  
 Ohio Constitution or an act of the General Assembly. The 89434  
 chairperson and vice-chairperson of the Legislative Service 89435  
 Commission shall both approve the use of the appropriated moneys. 89436

An amount equal to the unexpended, unencumbered balance of 89437  
 the appropriation item 035501, Litigation, at the end of fiscal 89438  
 year 2019 is hereby reappropriated to the Legislative Service 89439  
 Commission for the same purpose for fiscal year 2020. 89440

An amount equal to the unexpended, unencumbered balance of 89441  
 the appropriation item 035501, Litigation, at the end of fiscal 89442  
 year 2020 is hereby reappropriated to the Legislative Service 89443  
 Commission for the same purpose for fiscal year 2021. 89444

**Section 325.10. LIB STATE LIBRARY BOARD** 89445

General Revenue Fund 89446

GRF 350321 Operating Expenses \$ 4,543,122 \$ 4,543,122 89447

GRF 350401 Ohioana Library \$ 300,114 \$ 300,114 89448

Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 89449

Systems

TOTAL GRF General Revenue Fund \$ 5,343,236 \$ 5,343,236 89450

Dedicated Purpose Fund Group 89451

4590 350603 Services for \$ 4,202,887 \$ 4,202,887 89452

Libraries

4S40	350604	Ohio Public Library	\$	5,696,898	\$	5,696,898	89453
		Information Network					
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	89454
TOTAL DPF Dedicated Purpose							89455
Fund Group			\$	11,173,979	\$	11,173,979	89456
Internal Service Activity Fund							89457
1390	350602	Services for State	\$	8,000	\$	8,000	89458
		Agencies					
TOTAL ISA Internal Service Activity							89459
Fund Group			\$	8,000	\$	8,000	89460
Federal Fund Group							89461
3130	350601	LSTA Federal	\$	5,366,565	\$	5,366,565	89462
TOTAL FED Federal Fund Group			\$	5,366,565	\$	5,366,565	89463
TOTAL ALL BUDGET FUND GROUPS			\$	21,891,780	\$	21,891,780	89464

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 89466

The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 89467  
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89469  
89470

**REGIONAL LIBRARY SYSTEMS** 89471

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 89472  
89473  
89474  
89475

**OHIO PUBLIC LIBRARY INFORMATION NETWORK** 89476

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 89477  
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The Ohio Public Library Information Network Board of Trustees 89482  
created under section 3375.65 of the Revised Code may make 89483  
decisions regarding use of the foregoing appropriation item 89484  
350604, Ohio Public Library Information Network. 89485

(B) The OPLIN Board shall research and assist or advise local 89486  
libraries with regard to emerging technologies and methods that 89487  
may be effective means to control access to obscene and illegal 89488  
materials. The OPLIN Director shall provide written reports upon 89489  
request within ten days to the Governor, the Speaker and Minority 89490  
Leader of the House of Representatives, and the President and 89491  
Minority Leader of the Senate on any steps being taken by OPLIN 89492  
and public libraries in the state to limit and control such 89493  
improper usage as well as information on technological, legal, and 89494  
law enforcement trends nationally and internationally affecting 89495  
this area of public access and service. 89496

(C) The Ohio Public Library Information Network, INFOhio, and 89497  
OhioLINK shall, to the extent feasible, coordinate and cooperate 89498  
in their purchase or other acquisition of the use of electronic 89499  
databases for their respective users and shall contribute funds in 89500  
an equitable manner to such effort. 89501

LIBRARY FOR THE BLIND 89502

The foregoing appropriation item 350605, Library for the 89503  
Blind, shall be used for the statewide Talking Book Program to 89504  
assist the blind and disabled. 89505

TRANSFER TO OPLIN TECHNOLOGY FUND 89506

Notwithstanding sections 5747.03 and 5747.47 of the Revised 89507  
Code and any other provision of law to the contrary, in accordance 89508  
with a schedule established by the Director of Budget and 89509  
Management, the Director of Budget and Management shall transfer 89510  
\$3,689,788 cash in each fiscal year from the Public Library Fund 89511  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 89512

TRANSFER TO LIBRARY FOR THE BLIND FUND				89513
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				89514 89515 89516 89517 89518 89519
<b>Section 327.10. LCO LIQUOR CONTROL COMMISSION</b>				89520
Dedicated Purpose Fund Group				89521
5LP0 970601 Commission Operating	\$	873,607	\$ 905,916	89522
Expenses				
TOTAL DPF Dedicated Purpose Fund Group	\$	873,607	\$ 905,916	89523
TOTAL ALL BUDGET FUND GROUPS	\$	873,607	\$ 905,916	89524
<b>Section 329.10. LOT STATE LOTTERY COMMISSION</b>				89526
State Lottery Fund Group				89527
7044 950321 Operating Expenses	\$	59,850,383	\$ 60,544,470	89528
7044 950402 Advertising Contracts	\$	26,750,000	\$ 26,750,000	89529
7044 950403 Gaming Contracts	\$	70,019,071	\$ 71,239,582	89530
7044 950601 Direct Prize Payments	\$	154,333,000	\$ 157,440,000	89531
7044 950605 Problem Gambling	\$	3,400,000	\$ 3,400,000	89532
8710 950602 Annuity Prizes	\$	59,873,000	\$ 60,279,000	89533
TOTAL SLF State Lottery Fund Group	\$	374,225,454	\$ 379,653,052	89534 89535
TOTAL ALL BUDGET FUND GROUPS	\$	374,225,454	\$ 379,653,052	89536
OPERATING EXPENSES				89537
Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10				89538 89539 89540 89541

per cent of anticipated total revenue accruing from the sale of 89542  
lottery products. Upon the approval of the Controlling Board, the 89543  
additional amounts are hereby appropriated. 89544

DIRECT PRIZE PAYMENTS 89545

Any amounts, in addition to the amounts appropriated in 89546  
appropriation item 950601, Direct Prize Payments, that the 89547  
Director of the State Lottery Commission determines to be 89548  
necessary to fund prizes are hereby appropriated. 89549

ANNUITY PRIZES 89550

Upon request of the State Lottery Commission, the Director of 89551  
Budget and Management may transfer cash from the State Lottery 89552  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 89553  
an amount sufficient to fund deferred prizes. The Treasurer of 89554  
State, from time to time, shall credit the Deferred Prizes Trust 89555  
Fund (Fund 8710) the pro rata share of interest earned by the 89556  
Treasurer of State on invested balances. 89557

Any amounts, in addition to the amounts appropriated in 89558  
appropriation item 950602, Annuity Prizes, that the Director of 89559  
the State Lottery Commission determines to be necessary to fund 89560  
deferred prizes and interest are hereby appropriated. 89561

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 89562

Estimated transfers from the State Lottery Fund (Fund 7044) 89563  
to the Lottery Profits Education Fund (Fund 7017) are to be 89564  
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal 89565  
year 2021. Transfers by the Director of Budget and Management to 89566  
the Lottery Profits Education Fund shall be administered as the 89567  
statutes direct. 89568

**Section 333.10.** MCD DEPARTMENT OF MEDICAID 89569

General Revenue Fund 89570

GRF	651425	Medicaid Program	\$	164,132,342	\$	170,223,643	89571
		Support - State					
GRF	651426	Positive Education	\$	2,500,000	\$	2,500,000	89572
		Program Connections					
GRF	651525	Medicaid Health Care					89573
		Services					
		State	\$	4,095,440,909	\$	4,685,734,631	89574
		Federal	\$	9,755,406,484	\$	10,604,725,914	89575
		Medicaid Health Care	\$	13,850,847,393	\$	15,290,460,545	89576
		Services Total					
GRF	651526	Medicare Part D	\$	500,325,646	\$	554,214,667	89577
GRF	651529	Brigid's Path Pilot	\$	500,000	\$	500,000	89578
TOTAL GRF		General Revenue Fund					89579
		State	\$	4,762,898,897	\$	5,413,172,941	89580
		Federal	\$	9,755,406,484	\$	10,604,725,914	89581
		GRF Total	\$	14,518,305,381	\$	16,017,898,855	89582
		Dedicated Purpose Fund Group					89583
4E30	651605	Resident Protection	\$	3,910,338	\$	4,013,000	89584
		Fund					
5AN0	651686	Care Innovation and	\$	53,435,797	\$	53,406,291	89585
		Community Improvement					
		Program					
5DL0	651639	Medicaid Services -	\$	741,454,299	\$	724,170,233	89586
		Recoveries					
5DL0	651685	Medicaid Recoveries -	\$	40,351,245	\$	44,375,000	89587
		Program Support					
5DL0	651690	Multi-system Youth	\$	6,000,000	\$	12,000,000	89588
		Custody					
		Relinquishment					
5FX0	651638	Medicaid Services -	\$	12,000,000	\$	12,000,000	89589
		Payment Withholding					
5GF0	651656	Medicaid Services -	\$	822,016,219	\$	887,150,856	89590
		Hospital Upper					

		Payment Limit				
5R20	651608	Medicaid Services - Long Term	\$ 420,154,000	\$ 425,554,000		89591
5SC0	651683	Medicaid Services - Physician UPL	\$ 7,520,000	\$ 7,645,000		89592
5TN0	651684	Medicaid Services - HIC Fee	\$ 820,564,060	\$ 791,187,400		89593
5VW0	651691	Rural Healthcare Workforce Training and Retention Program	\$ 15,000,000	\$ 30,000,000		89594
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$ 249,167,065	\$ 168,310,123		89595
TOTAL DPF		Dedicated Purpose Fund Group	\$ 3,191,573,023	\$ 3,159,811,903		89596
		Holding Account Fund Group				89597
R055	651644	Refunds and Reconciliation	\$ 1,000,000	\$ 1,000,000		89598
TOTAL HLD		Holding Account Fund Group	\$ 1,000,000	\$ 1,000,000		89599
		Federal Fund Group				89600
3ER0	651603	Medicaid and Health Transformation Technology	\$ 48,031,056	\$ 48,340,000		89601
3F00	651623	Medicaid Services - Federal	\$ 6,502,044,325	\$ 6,353,625,824		89602
3F00	651624	Medicaid Program Support - Federal	\$ 516,667,497	\$ 527,369,363		89603
3FA0	651680	Health Care Grants - Federal	\$ 11,988,670	\$ 12,000,000		89604
3G50	651655	Medicaid Interagency Pass Through	\$ 225,701,597	\$ 225,701,597		89605

TOTAL FED Federal Fund Group	\$ 7,304,433,145	\$ 7,167,036,784	89606
TOTAL ALL BUDGET FUND GROUPS	\$25,015,311,549	\$26,345,747,542	89607

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 89609

(A) Until July 1, 2021, the Medicaid Director has the 89610  
authority to establish, change, and abolish positions for the 89611  
Department of Medicaid, and to assign, reassign, classify, 89612  
reclassify, transfer, reduce, promote, or demote all employees of 89613  
the Department of Medicaid who are not subject to Chapter 4117. of 89614  
the Revised Code. 89615

(B) The authority granted under division (A) of this section 89616  
includes assigning or reassigning an exempt employee, as defined 89617  
in section 124.152 of the Revised Code, to a bargaining unit 89618  
classification if the Medicaid Director determines that the 89619  
bargaining unit classification is the proper classification for 89620  
that employee. The actions of the Medicaid Director shall be 89621  
consistent with the requirements of 5 C.F.R. 900.603 for those 89622  
employees subject to such requirements. If an employee in the E-1 89623  
pay range is to be assigned, reassigned, classified, reclassified, 89624  
transferred, reduced, or demoted to a position in a lower 89625  
classification under this section, the Medicaid Director, or in 89626  
the case of a transfer outside the Department of Medicaid, the 89627  
Director of Administrative Services, shall assign the employee to 89628  
the appropriate classification and place the employee in Step X. 89629  
The employee shall not receive any increase in compensation until 89630  
the maximum rate of pay for that classification exceeds the 89631  
employee's compensation. 89632

(C) Actions taken by the Medicaid Director and Director of 89633  
Administrative Services pursuant to this section are not subject 89634  
to appeal to the State Personnel Board of Review. 89635

(D) A portion of the foregoing appropriation items 651425, 89636  
Medicaid Program Support - State, 651603, Medicaid and Health 89637

Transformation Technology, 651624, Medicaid Program Support - 89638  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 89639  
Interagency Pass-Through, 651605, Resident Protection Fund, and 89640  
651682, Health Care Grants - State, may be used to pay for costs 89641  
associated with the administration of the Medicaid program, 89642  
including the assignment, reassignment, classification, 89643  
reclassification, transfer, reduction, promotion, or demotion of 89644  
employees authorized by this section. 89645

**Section 333.30. POSITIVE EDUCATION PROGRAM CONNECTIONS** 89646

The foregoing appropriation item 651426, Positive Education 89647  
Program Connections, shall be used for the Positive Education 89648  
Program Connections in Cuyahoga County. 89649

**Section 333.40. MEDICAID HEALTH CARE SERVICES** 89650

The foregoing appropriation item 651525, Medicaid Health Care 89651  
Services, shall not be limited by section 131.33 of the Revised 89652  
Code. 89653

**Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES** 89654

Upon the request of the Medicaid Director, the Director of 89655  
Budget and Management may transfer state share appropriations from 89656  
General Revenue Fund appropriation item 651525, Medicaid Health 89657  
Care Services, to appropriation items in other state agencies for 89658  
the purpose of lead abatement and related activities. If such a 89659  
transfer occurs, the Director of Budget and Management may adjust, 89660  
using the federal reimbursement rate, the federal share of General 89661  
Revenue Fund appropriation item 651525, Medicaid Health Care 89662  
Services, accordingly. The Director of Medicaid may transfer 89663  
federal funds as the state's single state agency for Medicaid 89664  
reimbursements, as drawn for these transactions. 89665

<b>Section 333.55.</b> PASSPORT ENHANCED COMMUNITY LIVING SERVICES	89666
Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$27,027 in each fiscal year shall be used to increase the payment rates for enhanced community living services covered by the PASSPORT Program.	89667 89668 89669 89670
<b>Section 333.58.</b> ENHANCED MATERNAL CARE SERVICES	89671
Of the amount the Department of Medicaid has allocated for home visiting services from appropriation item 651525, Medicaid Health Care Services, \$2,500,000 in each fiscal year shall be used to fund practice transformation activities that increase safe spacing initiatives with high volume Medicaid providers serving women in high infant mortality regions.	89672 89673 89674 89675 89676 89677
<b>Section 333.60.</b> PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE	89678 89679
(A) As used in this section:	89680
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	89681 89682
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	89683 89684
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	89685 89686
(B) For fiscal year 2020 and fiscal year 2021, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	89687 89688 89689 89690
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and	89691 89692 89693

Medicaid Services, do both of the following:	89694
(1) Develop quality measures designed specifically to	89695
determine the effectiveness of the health care and other services	89696
provided to ICDS participants by Medicaid managed care	89697
organizations;	89698
(2) Determine an amount to be withheld from the Medicaid	89699
premium payments paid to Medicaid managed care organizations for	89700
ICDS participants.	89701
(D)(1) For the purposes of division (C)(2) of this section,	89702
the Department shall establish an amount that is to be withheld	89703
each time a premium payment is made to a Medicaid managed care	89704
organization for an ICDS participant. The amount shall be	89705
established as a percentage of each premium payment. The	89706
percentage shall be the same for all Medicaid managed care	89707
organizations providing care to ICDS participants.	89708
(2) Each Medicaid managed care organization shall agree to	89709
the withholding as a condition of receiving or maintaining its	89710
Medicaid provider agreement with the Department.	89711
(3) When the amount is established and each time the amount	89712
is modified thereafter, the Department shall certify the amount to	89713
the Director of Budget and Management and begin withholding the	89714
amount from each premium the Department pays to a Medicaid managed	89715
care organization for an ICDS participant.	89716
(E) A Medicaid managed care organization subject to this	89717
section is not subject to section 5167.30 of the Revised Code for	89718
premium payments attributed to ICDS participants during fiscal	89719
year 2020 and fiscal year 2021.	89720
<b>Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM</b>	89721
The Director of Budget and Management may authorize	89722
additional expenditures from appropriation item 651623, Medicaid	89723

Services - Federal, appropriation item 651525, Medicaid Health 89724  
Care Services, and appropriation item 651656, Medicaid Services - 89725  
Hospital Upper Payment Limit, in order to implement the programs 89726  
authorized by sections 5168.20 through 5168.28 of the Revised 89727  
Code. Any amounts authorized are hereby appropriated. 89728

**Section 333.80. MEDICARE PART D** 89729

The foregoing appropriation item 651526, Medicare Part D, may 89730  
be used by the Department of Medicaid for the implementation and 89731  
operation of the Medicare Part D requirements contained in the 89732  
"Medicare Prescription Drug, Improvement, and Modernization Act of 89733  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 89734  
Department of Medicaid, the Director of Budget and Management may 89735  
transfer the state share of appropriations between appropriation 89736  
item 651525, Medicaid Health Care Services, and appropriation item 89737  
651526, Medicare Part D. If the state share of appropriation item 89738  
651525, Medicaid Health Care Services, is adjusted, the Director 89739  
of Budget and Management shall adjust the federal share 89740  
accordingly. The Department of Medicaid shall provide notification 89741  
to the Controlling Board of any transfers at the next scheduled 89742  
Controlling Board meeting. 89743

**Section 333.82. BRIGID'S PATH PROGRAM** 89744

The foregoing appropriation item 651529, Brigid's Path 89745  
Program, shall be distributed to the Brigid's Path Program in 89746  
Montgomery County. 89747

**Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES** 89748  
**FUND** 89749

Of the amount received by the Department of Medicaid during 89750  
fiscal year 2020 and fiscal year 2021 from the first installment 89751  
of assessments paid under section 5168.06 of the Revised Code and 89752

intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Support and Recoveries Fund (Fund 5DL0).

**Section 333.95. MULTI-SYSTEM YOUTH CUSTODY RELINQUISHMENT**

The foregoing appropriation item 651690, Multi-System Youth Custody Relinquishment, shall be used to prevent custody relinquishment of multi-system children and youth and to obtain services consistent with the plan developed under section 121.374 of the Revised Code.

**Section 333.100. HOSPITAL CARE ASSURANCE MATCH**

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.110.** REFUNDS AND RECONCILIATION FUND 89783

If receipts credited to the Refunds and Reconciliation Fund 89784  
exceed the amounts appropriated from the fund, the Medicaid 89785  
Director may request the Director of Budget and Management to 89786  
authorize expenditures from the fund in excess of the amounts 89787  
appropriated. Upon approval of the Director of Budget and 89788  
Management, the additional amounts are hereby appropriated. 89789

**Section 333.120.** MEDICAID INTERAGENCY PASS-THROUGH 89790

The Medicaid Director may request the Director of Budget and 89791  
Management to increase appropriation item 651655, Medicaid 89792  
Interagency Pass-Through. Upon the approval of the Director of 89793  
Budget and Management, the additional amounts are hereby 89794  
appropriated. 89795

**Section 333.130.** NON-EMERGENCY MEDICAL TRANSPORTATION 89796

In order to ensure access to a non-emergency medical 89797  
transportation brokerage program established pursuant to section 89798  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 89799  
upon the request of the Medicaid Director, the Director of Budget 89800  
and Management may transfer the state share appropriations between 89801  
General Revenue Fund appropriation item 651525, Medicaid Health 89802  
Care Services, within the Department of Medicaid and 655523, 89803  
Medicaid Program Support - Local Transportation, within the 89804  
Department of Job and Family Services. If such a transfer occurs, 89805  
the Director of Budget and Management shall adjust, using the 89806  
federal reimbursement rate, the federal share appropriations of 89807  
General Revenue Fund appropriation item 651525, Medicaid Health 89808  
Care Services, within the Department of Medicaid, and the Medicaid 89809  
Program Support Fund (Fund 3F01) appropriation item 655624, 89810  
Medicaid Program Support - Federal, within the Department of Job 89811  
and Family Services. The Director of Medicaid shall transmit to 89812

the Medicaid Program Support Fund (Fund 3F01) the federal funds 89813  
which the Department of Medicaid, as the state's sole point of 89814  
contact with the federal government for Medicaid reimbursements, 89815  
has drawn for this transaction. 89816

**Section 333.140.** PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 89817  
AND LOCAL PROGRAM SUPPORT 89818

Upon the request of the Medicaid Director, the Director of 89819  
Budget and Management may transfer up to \$5,000,000 of state share 89820  
appropriations in each fiscal year between General Revenue Fund 89821  
appropriation item 651525, Medicaid Health Care Services, within 89822  
the Department of Medicaid, and 655522, Medicaid Program Support - 89823  
Local, within the Department of Job and Family Services. If such a 89824  
transfer occurs, the Director of Budget and Management shall 89825  
adjust, using the federal reimbursement rate, the federal share 89826  
appropriations of General Revenue Fund appropriation item 651525, 89827  
Medicaid Health Care Services, within the Department of Medicaid, 89828  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 89829  
item 655624, Medicaid Program Support - Federal, within the 89830  
Department of Job and Family Services. The Director of Medicaid 89831  
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 89832  
the federal funds which the Department of Medicaid, as the state's 89833  
sole point of contact with the federal government for Medicaid 89834  
reimbursements, has drawn for this transaction. 89835

The Medicaid Director shall establish criteria for 89836  
distributing these funds and for county departments of job and 89837  
family services to submit allowable expenses. 89838

County departments of job and family services shall comply 89839  
with new roles, processes, and responsibilities related to the new 89840  
eligibility determination system. County departments of job and 89841  
family services shall report to the Ohio Department of Job and 89842  
Family Services and the Ohio Department of Medicaid, on a schedule 89843

determined by the Medicaid Director, how the funds were used.	89844
<b>Section 333.160.</b> ICDS AND OHIO HOME CARE WAIVERS PAYMENT	89845
RATES FOR HOME-DELIVERED MEALS	89846
(A) As used in this section:	89847
(1) "ICDS waiver" means the home and community-based services Medicaid waiver component for the Integrated Care Delivery System authorized by section 5166.16 of the Revised Code.	89848
	89849
	89850
(2) "Ohio Home Care waiver" means the home and community-based services Medicaid waiver component that is known as Ohio Home Care and was created pursuant to section 5166.11 of the Revised Code.	89851
	89852
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	89854
(B) The payment rates for home-delivered meals provided under the ICDS waiver and the Ohio Home Care waiver during the period beginning July 1, 2019, and ending July 1, 2021, shall be the following:	89855
	89856
	89857
	89858
(1) For each meal delivered daily on a per-meal delivery basis by a volunteer or employee of the provider, \$7.19;	89859
	89860
(2) For each meal delivered in a chilled or frozen format on a weekly basis by a volunteer or employee of the provider, \$6.99;	89861
	89862
(3) For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.	89863
	89864
<b>Section 333.170.</b> MEDICAID PAYMENT RATES FOR INPATIENT HOSPITAL SERVICES	89865
	89866
As used in this section, "urban hospital" means a hospital with a Medicaid provider agreement that, for the purpose of the Medicaid program, is classified as an urban hospital pursuant to rules adopted under section 5164.02 of the Revised Code.	89867
	89868
	89869
	89870
If an urban hospital's Medicaid base payment rate in effect	89871

on June 30, 2019, for hospital inpatient services is not more than 89872  
four thousand dollars, the urban hospital's Medicaid base payment 89873  
rate for hospital inpatient services provided during fiscal year 89874  
2020 shall be not less than the average of the Medicaid base 89875  
payment rate in effect on July 1, 2019, for hospital inpatient 89876  
services provided by urban hospitals that, according to the 89877  
Medicaid program's urban hospital classification system, are 89878  
located in the same peer group region. 89879

**Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY 89880**  
BEHAVIORAL HEALTH SERVICES 89881

(A) As used in this section: 89882

(1) "Community behavioral health services" has the same 89883  
meaning as in section 5164.01 of the Revised Code. 89884

(2) "Hospital" has the same meaning as in section 3727.01 of 89885  
the Revised Code. 89886

(3) "Intermediate care facility for individuals with 89887  
intellectual disabilities" has the same meaning as in section 89888  
5124.01 of the Revised Code. 89889

(4) "Nursing facility" has the same meaning as in section 89890  
5165.01 of the Revised Code. 89891

(B) Subject to division (C) of this section, the Department 89892  
of Medicaid may establish Medicaid payment rates for community 89893  
behavioral health services provided during fiscal year 2020 and 89894  
fiscal year 2021 that exceed the authorized rates paid for the 89895  
services under the Medicare program. 89896

(C) This section does not apply to community behavioral 89897  
health services provided by any of the following: 89898

(1) Hospitals on an inpatient basis; 89899

(2) Nursing facilities; 89900

(3) Intermediate care facilities for individuals with intellectual disabilities.	89901 89902
<b>Section 333.190.</b> AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	89903 89904
(A) As used in this section:	89905
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	89906 89907
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	89908 89909
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	89910 89911
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	89912 89913
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:	89914 89915 89916 89917 89918
(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive;	89919 89920 89921 89922 89923 89924 89925
(2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which the agencies are to perform, in addition to other functions,	89926 89927 89928 89929 89930

network management and payment functions for home and 89931  
community-based services available under Medicaid waiver 89932  
components that those individuals and that eligibility group 89933  
receive. 89934

**Section 333.200.** WORK REQUIREMENT - OHIOMEANSJOBS COSTS 89935

Upon the request of the Medicaid Director, the Director of 89936  
Budget and Management may transfer up to \$500,000 of state share 89937  
appropriations in each fiscal year between appropriation item 89938  
651685, Medicaid Recoveries - Program Support, within the 89939  
Department of Medicaid, and 655425, Medicaid Program Support, 89940  
within the Department of Job and Family Services. If such a 89941  
transfer occurs, the Director of Budget and Management shall 89942  
adjust, using the federal reimbursement rate, the federal share 89943  
appropriations of appropriation item 651624, Medicaid Program 89944  
Support - Federal, within the Department of Medicaid, and 89945  
appropriation item 655624, Medicaid Program Support - Federal, 89946  
within the Department of Job and Family Services. Any transfer of 89947  
funds shall be provided to the Department of Job and Family 89948  
Services and shall only be used for costs related to transitioning 89949  
to a new work requirement for the Medicaid program as prescribed 89950  
by the Medicaid Director. 89951

**Section 333.210.** WORK REQUIREMENT - COUNTY COSTS 89952

Upon the request of the Medicaid Director, the Director of 89953  
Budget and Management may transfer up to \$10,000,000 of state 89954  
share appropriations in each fiscal year between appropriation 89955  
item 651525, Medicaid Health Care Services, within the Department 89956  
of Medicaid, and 655522, Medicaid Program Support - Local, within 89957  
the Department of Job and Family Services. If such a transfer 89958  
occurs, the Director of Budget and Management shall adjust, using 89959  
the federal reimbursement rate, the federal share appropriations 89960

of appropriation item 651525, Medicaid Health Care Services, 89961  
within the Department of Medicaid, and appropriation item 655624, 89962  
Medicaid Program Support - Federal, within the Department of Job 89963  
and Family Services. Any increase in funding shall be provided to 89964  
county departments of job and family services and shall only be 89965  
used for costs related to transitioning to a new work requirement 89966  
under the Medicaid program as prescribed by the Medicaid Director. 89967  
These funds shall not be used for existing and ongoing operating 89968  
expenses. The Medicaid Director shall establish criteria for 89969  
distributing these funds and for county departments of job and 89970  
family services to submit allowable expenses. 89971

**Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT** 89972  
PROGRAM 89973

(A) As used in this section: 89974

(1) "Nonprofit hospital agency" means a nonprofit hospital 89975  
agency, as defined in section 140.01 of the Revised Code, that is 89976  
affiliated with a state university as defined in section 3345.011 89977  
of the Revised Code. 89978

(2) "Participating agency" means a nonprofit hospital agency 89979  
or public hospital agency participating in the Care Innovation and 89980  
Community Improvement Program. 89981

(3) "Public hospital agency" has the same meaning as in 89982  
section 140.01 of the Revised Code. 89983

(B) The Medicaid Director shall continue the Care Innovation 89984  
and Community Improvement Program for the 2020-2021 fiscal 89985  
biennium. Any nonprofit hospital agency or public hospital agency 89986  
may volunteer to participate in the program if the agency operates 89987  
a hospital that has a Medicaid provider agreement. 89988

(C) Participating agencies are responsible for the state 89989  
share of the program's costs and shall make or request the 89990

appropriate government entity to make intergovernmental transfers 89991  
to pay for those costs. The Medicaid Director shall establish a 89992  
schedule for making the intergovernmental transfers. 89993

(D)(1) Each participating agency shall do at least one of the 89994  
following tasks in accordance with strategies, and for the purpose 89995  
of meeting goals, that the Medicaid Director shall establish for 89996  
the Care Innovation and Community Improvement Program: 89997

(a) Sustain and expand community-based patient centered 89998  
medical home models; 89999

(b) Expand access to community-based dental services; 90000

(c) Improve the quality of community care by creating and 90001  
sharing best practice models for emergency department diversions, 90002  
care coordination at discharge and during transitions of care, and 90003  
other matters related to community care; 90004

(d) Align community health improvement strategies and goals 90005  
with the State Health Improvement Plan and local health 90006  
improvement plans; 90007

(e) Subject to division (D)(2) of this section, expand access 90008  
to ambulatory drug detoxification and withdrawal management 90009  
services; 90010

(f) Train medical professionals on evidence-based protocols 90011  
for opioid prescribing and drug addiction risk assessments; 90012

(g) Subject to division (D)(2) of this section and in 90013  
collaboration with all other participating agencies that are also 90014  
doing this task, create and implement a plan to assist rural areas 90015  
of the state do both of the following: 90016

(i) Expand access to cost-effective detoxification, 90017  
withdrawal management, and prevention services for opioid 90018  
addiction; 90019

(ii) Disseminate evidence-based protocols for opioid 90020

prescribing and drug addiction risk assessment. 90021

(2) In expanding access to ambulatory drug detoxification and 90022  
withdrawal management services under division (D)(1)(e) of this 90023  
section and creating and implementing the plan specified in 90024  
division (D)(1)(g) of this section, each participating agency 90025  
shall give priority to the areas of the community served by the 90026  
agency with the greatest concentration of opioid overdoses and 90027  
deaths. 90028

(3) Each participating agency shall submit annual reports to 90029  
the Joint Medicaid Oversight Committee summarizing the agency's 90030  
work under division (D)(1) of this section and progress in meeting 90031  
the goals of the Care Innovation and Community Improvement 90032  
Program. 90033

(4) The goals that the Medicaid Director establishes for the 90034  
Care Innovation and Community Improvement Program shall be 90035  
designed to benefit Medicaid recipients. 90036

(E) Each participating agency shall receive supplemental 90037  
payments under the Medicaid program for physician and other 90038  
professional services that are covered by the Medicaid program and 90039  
provided to Medicaid recipients. The amount of the supplemental 90040  
payments shall equal the difference between the Medicaid payment 90041  
rates for the services and the average commercial payment rates 90042  
for the services. The Director may terminate, or adjust the amount 90043  
of, the supplemental payments if the amount of the funds available 90044  
for the Care Innovation and Community Improvement Program is 90045  
inadequate. 90046

(F) Not later than January 1, 2020, the Medicaid Director 90047  
shall establish a process to evaluate the work done by 90048  
participating agencies under division (D)(1) of this section and 90049  
the agencies' progress in meeting the goals of the Care Innovation 90050  
and Community Improvement Program. The Director may terminate an 90051

agency's participation in the program if the Director determines 90052  
that the agency is not doing at least one of the tasks specified 90053  
in division (D)(1) of this section or making progress in meeting 90054  
the program's goals. 90055

(G) All intergovernmental transfers made under division (C) 90056  
of this section shall be deposited into the Care Innovation and 90057  
Community Improvement Program Fund created by Section 333.320 of 90058  
Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund 90059  
and the corresponding federal financial participation in the 90060  
Health Care - Federal Fund created under section 5162.50 of the 90061  
Revised Code shall be used to make supplemental payments under 90062  
division (E) of this section. 90063

(H) If the amount of the foregoing appropriation item 651686, 90064  
Care Innovation and Community Improvement Program, and the 90065  
corresponding federal financial participation in appropriation 90066  
item 651623, Medicaid Services - Federal, are inadequate to make 90067  
the supplemental payments required by division (E) of this 90068  
section, the Medicaid Director may request that the Director of 90069  
Budget and Management authorize additional expenditures from the 90070  
Care Innovation and Community Improvement Program Fund and the 90071  
Health Care - Federal Fund as needed to make the supplemental 90072  
payments. If the Director of Budget and Management authorizes the 90073  
additional expenditures, the additional amounts are hereby 90074  
appropriated. 90075

**Section 333.225. MANAGED CARE CLAIMS FUND** 90076

There is hereby created in the state treasury the Managed 90077  
Care Claims Fund. The fund shall consist of money that Medicaid 90078  
managed care organizations pay to the Department of Medicaid in 90079  
order for the Department to be able to make payments to providers 90080  
under the care management system that the organizations are unable 90081  
to make due to systems issues. Money in the fund shall be used to 90082

make such payments. 90083

The Medicaid Director may request the Director of Budget and 90084  
Management to authorize expenditures from the Managed Care Claims 90085  
Fund and the corresponding federal share from the Health Care 90086  
Federal Fund (Fund 3F00). Upon the approval of the Director of 90087  
Budget and Management, the amounts requested are hereby 90088  
appropriated. 90089

**Section 333.227. RURAL HEALTHCARE WORKFORCE TRAINING AND 90090**  
RETENTION PROGRAM 90091

(A) As used in this section: 90092

(1) "Community addiction services provider" and "community 90093  
mental health services provider" have the same meanings as in 90094  
section 5119.01 of the Revised Code. 90095

(2) "Critical access hospital" means a hospital designated as 90096  
a critical access hospital by the Director of Health under section 90097  
3701.073 of the Revised Code. 90098

(3) "Nonprofit hospital agency" means a nonprofit hospital 90099  
agency, as defined in section 140.01 of the Revised Code, that is 90100  
affiliated with a state university as defined in section 3345.011 90101  
of the Revised Code. 90102

(4) "Participating agency" means a nonprofit hospital agency 90103  
or public hospital agency participating in the Rural Healthcare 90104  
Workforce Training and Retention Program. 90105

(5) "Public hospital agency" has the same meaning as in 90106  
section 140.01 of the Revised Code. 90107

(6) "Rural hospital" means a hospital agency, as defined in 90108  
section 140.01 of the Revised Code, to which all of the following 90109  
apply: 90110

(a) It is certified under the Medicare program or accredited 90111

by a national accrediting organization approved by the Centers for Medicare and Medicaid Services. 90112  
90113

(b) It is registered with the Department of Health in accordance with division (A) of section 3701.07 of the Revised Code. 90114  
90115  
90116

(c) Is located in a county that has a population of less than one hundred twenty-five thousand. 90117  
90118

(B) The Medicaid Director shall create the Rural Healthcare Workforce Training and Retention Program for the 2020-2021 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates both of the following: 90119  
90120  
90121  
90122  
90123

(1) A hospital that has a Medicaid provider agreement; 90124

(2) An approved graduate medical education program as defined in 42 C.F.R. 415.152. 90125  
90126

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers. 90127  
90128  
90129  
90130  
90131

(D) Each participating agency shall do all of the following tasks in accordance with strategies, and for the purpose of meeting goals, that the Medicaid Director shall establish for the program: 90132  
90133  
90134  
90135

(1) Increase residency positions in primary, specialty, or dental care as identified by the Medicaid Director; 90136  
90137

(2) Create incentives to increase recruitment and retention of graduates of Ohio residency and fellowship programs in primary, specialty, or dental care as identified by the Medicaid Director; 90138  
90139  
90140

(3) Increase training opportunities for physician assistants, 90141

psychologists, and advanced practice registered nurses in primary 90142  
care, alcohol and drug treatment, or mental health, as appropriate 90143  
for their scope of practice; 90144

(4) Report to the Medicaid Director about how the tasks 90145  
specified in divisions (D)(1), (2), and (3) of this section will 90146  
address the workforce needs of critical access hospitals and rural 90147  
hospitals; 90148

(5) Create opportunities for persons to receive training in 90149  
all of the following: 90150

(a) Serving medically underserved populations; 90151

(b) Providing team-based care; 90152

(c) Undergoing clinical rotations in federally qualified 90153  
health centers, facilities operated by community addiction 90154  
services providers and community mental health services providers, 90155  
critical access hospitals, and rural hospitals. 90156

(E) The Medicaid Director shall consult with the Director of 90157  
Health and the Director of Mental Health and Addiction Services to 90158  
ensure that strategies and goals established for the program under 90159  
division (D) of this section are consistent with the state's 90160  
healthcare workforce objectives. 90161

(F) Each participating agency shall receive supplemental 90162  
payments under the Medicaid program at least once during fiscal 90163  
year 2020 and at least once again during fiscal year 2021 for 90164  
graduate medical education costs that are apportioned to the 90165  
provision of hospital inpatient services included in the care 90166  
management system established under section 5167.03 of the Revised 90167  
Code and provided to Medicaid recipients. The amount of the 90168  
supplemental payments shall equal the difference between the 90169  
following: 90170

(1) Medicaid payments for direct and indirect graduate 90171

medical education; 90172

(2) The Medicaid payment based in part on Medicare direct and 90173  
indirect graduate medical education reimbursement principles. 90174

(G) The Medicaid Director, in consultation with participating 90175  
agencies, shall create a centralized database that tracks both of 90176  
the following: 90177

(1) How participating agencies are encouraging physicians in 90178  
residency programs to practice in medical specialties for which 90179  
there is a need in this state; 90180

(2) Physicians' decisions to practice medicine in this state, 90181  
the locations at which they practice medicine, and whether they 90182  
become Medicaid providers or obtain employment with Medicaid 90183  
providers. 90184

(H) There is hereby created in the state treasury the Rural 90185  
Healthcare Workforce Training and Retention Program Fund. All 90186  
intergovernmental transfers made under division (C) of this 90187  
section shall be deposited into the fund. Money in the fund and 90188  
the corresponding federal financial participation in the Health 90189  
Care - Federal Fund created under section 5162.50 of the Revised 90190  
Code shall be used to make supplemental payments under division 90191  
(F) of this section. 90192

(I) If the amount of the foregoing appropriation item 651691, 90193  
Rural Healthcare Workforce Training and Retention Program, and the 90194  
corresponding federal financial participation in appropriation 90195  
item 651623, Medicaid Services - Federal, are inadequate to make 90196  
the supplemental payments under division (F) of this section, the 90197  
Medicaid Director may request that the Director of Budget and 90198  
Management authorize additional expenditures from the Rural 90199  
Healthcare Workforce Training and Retention Program Fund and the 90200  
Health Care - Federal Fund as needed to make the supplemental 90201  
payments. If the Director of Budget and Management authorizes the 90202

additional expenditures, the additional amounts are hereby 90203  
appropriated. 90204

**Section 333.260.** 340B DRUG PRICING PROGRAM COMPLIANCE REPORT 90205

(A) As used in this section: 90206

(1) "340B covered entity" means an entity described in 90207  
section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 90208  
256(b)(a)(4). 90209

(2) "340B Drug Pricing Program" means the program enacted 90210  
under section 602 of the "Veterans Health Care Act of 1992," 90211  
Public Law 102 - 585, codified in section 340B of the "Public 90212  
Health Service Act," 42 U.S.C. 256b. 90213

(3) "Medicaid managed care organization" has the same meaning 90214  
as in section 5167.01 of the Revised Code. 90215

(4) "Medicaid provider" and "prescribed drug" have the same 90216  
meanings as in section 5164.01 of the Revised Code. 90217

(B) Not later than January 1, 2021, the Medicaid Director 90218  
shall submit to the General Assembly a report detailing how the 90219  
Department of Medicaid, its subcontractors, and Medicaid managed 90220  
care organizations have complied with the requirements of the 340B 90221  
Drug Pricing Program. As part of the report, the Department shall 90222  
detail processes and methods that it has implemented to do both of 90223  
the following: 90224

(1) Ensure that utilization data used under either the fee 90225  
for service or managed care component of the Medicaid Program to 90226  
invoice prescribed drug manufacturers does not include claims data 90227  
representing drugs purchased under the 340B Drug Pricing Program; 90228

(2) Identify a Medicaid provider that is a 340B covered 90229  
entity, including a provider that has a contract with a Medicaid 90230  
managed care organization to serve Medicaid recipients, and any 90231  
pharmacy that has a contract to dispense on the provider's behalf 90232

prescribed drugs purchased under the 340B Drug Pricing Program. 90233

(C) The report shall be submitted in accordance with section 90234  
101.68 of the Revised Code. 90235

**Section 333.270. BUDGET REDUCTION ADJUSTMENT FACTOR** 90236

As used in this section, "budget reduction adjustment factor" 90237  
and "Medicare skilled nursing facility market basket index" have 90238  
the same meanings as in section 5165.01 of the Revised Code. 90239

For the purpose of sections 5165.15, 5165.16, 5165.17, 90240  
5165.19, and 5165.21 of the Revised Code, the budget reduction 90241  
adjustment factor shall be the following: 90242

(A) For the second half of state fiscal year 2020, two and 90243  
four-tenths per cent; 90244

(B) For all of state fiscal year 2021, an amount equal to the 90245  
Medicare skilled nursing facility market basket index determined 90246  
for all of federal fiscal year 2020. 90247

**Section 333.280. PHARMACY SUPPLEMENTAL DISPENSING FEE** 90248

By January 1, 2020, the Department of Medicaid shall adopt 90249  
rules under section 5167.02 of the Revised Code to provide a 90250  
supplemental dispensing fee under the care management system to 90251  
retail pharmacies. The supplemental dispensing fee shall have at 90252  
least three different payment levels based on the number of 90253  
Medicaid prescriptions a pharmacy location fills each month. The 90254  
supplemental dispensing fee shall not cause a reduction in other 90255  
payments made to the pharmacy for providing prescribed drugs under 90256  
the care management system. 90257

**Section 335.10. MED STATE MEDICAL BOARD** 90258

Dedicated Purpose Fund Group 90259

5C60 883609 Operating Expenses \$ 10,862,471 \$ 11,302,171 90260

TOTAL DPF Dedicated Purpose Fund	\$	10,862,471	\$	11,302,171	90261
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	10,862,471	\$	11,302,171	90262
<b>Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>					90264
<b>SERVICES</b>					90265
General Revenue Fund					90266
GRF 336321 Central Administration	\$	16,606,612	\$	16,932,239	90267
GRF 336402 Resident Trainees	\$	450,000	\$	450,000	90268
GRF 336405 Family and Children First	\$	1,386,000	\$	1,386,000	90269
GRF 336406 Prevention and Wellness	\$	2,620,996	\$	2,620,996	90270
GRF 336412 Hospital Services	\$	231,002,089	\$	240,172,285	90271
GRF 336415 Mental Health Facilities Lease Rental Bond Payments	\$	19,695,400	\$	20,369,000	90272
GRF 336421 Continuum of Care Services	\$	84,023,346	\$	82,839,846	90273
GRF 336422 Criminal Justice Services	\$	17,113,780	\$	17,117,915	90274
GRF 336423 Addiction Services Partnership with Corrections	\$	26,528,872	\$	28,989,946	90275
GRF 336424 Recovery Housing	\$	2,500,000	\$	2,500,000	90276
GRF 336425 Specialized Docket Support	\$	7,500,000	\$	10,000,000	90277
GRF 336504 Community Innovations	\$	13,950,000	\$	13,350,000	90278
GRF 336506 Court Costs	\$	1,000,000	\$	1,000,000	90279
GRF 336510 Residential State Supplement	\$	16,000,000	\$	16,000,000	90280
GRF 336511 Early Childhood	\$	2,500,000	\$	2,500,000	90281

		Mental Health				
		Counselors and				
		Consultation				
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713 90282
TOTAL GRF		General Revenue Fund	\$	444,090,887	\$	457,479,940 90283
		Dedicated Purpose Fund Group				90284
2320	336621	Family and Children	\$	600,000	\$	600,000 90285
		First				
4750	336623	Statewide Treatment	\$	20,600,000	\$	15,600,000 90286
		and Prevention				
4850	336632	Mental Health	\$	7,760,000	\$	8,000,000 90287
		Operating				
5AU0	336615	Behavioral Health	\$	7,850,000	\$	7,850,000 90288
		Care				
5JL0	336629	Problem Gambling and	\$	6,085,000	\$	6,085,000 90289
		Casino Addiction				
5T90	336641	Problem Gambling	\$	1,870,000	\$	1,820,000 90290
		Services				
5TZ0	336600	Substance Abuse	\$	6,000,000	\$	6,000,000 90291
		Stabilization Centers				
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000 90292
6320	336616	Community Capital	\$	350,000	\$	350,000 90293
		Replacement				
6890	336640	Education and	\$	150,000	\$	150,000 90294
		Conferences				
TOTAL DPF		Dedicated Purpose Fund	\$	72,265,000	\$	57,455,000 90295
		Group				
		Internal Service Activity Fund Group				90296
1490	336609	Hospital Operating	\$	20,000,000	\$	20,000,000 90297
		Expenses				
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000 90298
1510	336601	Ohio Pharmacy	\$	80,170,822	\$	80,170,822 90299

		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 90300
		Health Projects				
TOTAL ISA		Internal Service Activity	\$	105,920,822	\$	105,920,822 90301
		Fund Group				
		Federal Fund Group				90302
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000 90303
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000 90304
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000 90305
		Grant				
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000 90306
3A90	336614	Mental Health Block	\$	22,020,790	\$	22,058,470 90307
		Grant				
3B10	652636	Community Medicaid	\$	10,878,084	\$	11,000,000 90308
		Legacy Support				
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756 90309
		Grant				
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000 90310
3HB0	336503	Cures Opioid State	\$	33,084,837	\$	32,634,837 90311
		Targeted Response				
3HB1	336644	State Opioid Response	\$	59,400,213	\$	16,800,000 90312
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000 90313
		Reimbursement				
TOTAL FED		Federal Fund Group	\$	242,209,680	\$	199,319,063 90314
TOTAL ALL BUDGET		FUND GROUPS	\$	864,486,389	\$	820,174,825 90315

**Section 337.30. PREVENTION AND WELLNESS** 90317

The foregoing appropriation item 336406, Prevention and 90318  
Wellness, shall be used as follows: 90319

(A) Up to \$1,250,000 in each fiscal year shall be distributed 90320  
to boards of alcohol, drug addiction, and mental health services 90321  
to purchase the provision of evidence-based prevention services 90322

from providers certified by the Department of Mental Health and 90323  
Addiction Services. 90324

(B) Up to \$500,000 in each fiscal year shall be used to: 90325

(1) Conduct a study in coordination with the Department of 90326  
Veterans Services on the rates of suicide in this state for the 90327  
previous ten calendar years. The study shall examine suicide rates 90328  
for the general population as a whole and suicide rates for 90329  
veterans of the United States armed forces as a subgroup. Not 90330  
later than one year after the effective date of this section, the 90331  
Departments shall complete a report on the study. The report shall 90332  
include the Departments' conclusions regarding the causes of 90333  
suicides and recommendations for reducing the rates of suicide in 90334  
this state. The Departments shall submit the report to the General 90335  
Assembly in accordance with section 101.68 of the Revised Code and 90336  
make it available to the public on their web sites. 90337

(2) Support suicide prevention efforts. 90338

(C) \$120,000 in each fiscal year shall be allocated to 90339  
Northeast Ohio Medical University's statewide campus safety and 90340  
mental health programs, including suicide prevention. 90341

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 90342**  
PAYMENTS 90343

The foregoing appropriation item 336415, Mental Health 90344  
Facilities Lease Rental Bond Payments, shall be used to meet all 90345  
payments during the period from July 1, 2019, through June 30, 90346  
2021, by the Department of Mental Health and Addiction Services 90347  
pursuant to leases and agreements made under section 154.20 of the 90348  
Revised Code. These appropriations are the source of funds pledged 90349  
for bond service charges on obligations issued pursuant to Chapter 90350  
154. of the Revised Code. 90351

**Section 337.50. CONTINUUM OF CARE SERVICES 90352**

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows: 90353  
90354

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated: 90355  
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(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and 90362  
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(2) To provide subsidized support for medication-assisted treatment costs. 90365  
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(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services. 90367  
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(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region. 90373  
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Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center 90382  
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established and administered under division (C) of this section 90384  
complies with all of the following: 90385

(1) It admits individuals before and after the individuals 90386  
receive treatment and care at hospital emergency departments or 90387  
freestanding emergency departments. 90388

(2) It admits individuals before and after the individuals 90389  
are confined in state or local correctional facilities. 90390

(3) It has a Medicaid provider agreement. 90391

(4) It is located in a building constructed for another 90392  
purpose before the effective date of this section. 90393

(5) It admits individuals who have been identified as needing 90394  
the stabilization services provided by the center. 90395

(6) It connects individuals when they are discharged from the 90396  
center with community-based continuum of care services and 90397  
supports as described in section 340.032 of the Revised Code. 90398

(D) As used in division (C) of this section: 90399

(1) "State or local correctional facility" means any of the 90400  
following: 90401

(a) A "state correctional institution," as defined in section 90402  
2967.01 of the Revised Code; 90403

(b) A "local correctional facility," as defined in section 90404  
2903.13 of the Revised Code; 90405

(c) A correctional facility that is privately operated and 90406  
managed pursuant to section 9.06 of the Revised Code. 90407

(2) "State psychiatric hospital regions" means the six 90408  
districts into which the Department of Mental Health and Addiction 90409  
Services has divided the state pursuant to division (B)(2) of 90410  
section 5119.14 of the Revised Code. 90411

(E) Of the foregoing appropriation item 336421, Continuum of 90412

Care Services, \$375,000 in each fiscal year shall be allocated to 90413  
the Bellefaire Jewish Children's Home to be used for start-up 90414  
costs associated with the operations of its pediatric psychiatric 90415  
hospital and affiliated medical and dental clinic. These start-up 90416  
costs may include recruiting, onboarding, and training staff, as 90417  
well as costs associated with the gradual ramp-up to full client 90418  
capacity and the development of a reimbursement structure. 90419

(F) Of the foregoing appropriation item 336421, Continuum of 90420  
Care Services, \$125,000 in each fiscal year shall be allocated to 90421  
the Chardon School District to be used for program-related 90422  
activities. 90423

(G) Of the foregoing appropriation item 336421, Continuum of 90424  
Care Services, \$100,000 in each fiscal year shall be distributed 90425  
to the Applewood Centers Inc. to be used for the continuation and 90426  
expansion of existing programs to support the health clinic and 90427  
community-based health care operations and to help meet the needs 90428  
of youth served in addressing the opioid crisis. 90429

(H) Of the foregoing appropriation item 336421, Continuum of 90430  
Care Services, \$1,183,500 in fiscal year 2020 shall be allocated 90431  
to the Ashland Center for Addictions Project. 90432

(I) Of the foregoing appropriation item 336421, Continuum of 90433  
Care Services, \$250,000 in each fiscal year shall be allocated to 90434  
LifeAct. 90435

**Section 337.60. CRIMINAL JUSTICE SERVICES** 90436

Except as otherwise provided in this act, the foregoing 90437  
appropriation item 336422, Criminal Justice Services, shall be 90438  
used to provide forensic psychiatric evaluations to courts of 90439  
common pleas and to conduct evaluations of patients of forensic 90440  
status in facilities operated or designated by the Department of 90441  
Mental Health and Addiction Services prior to conditional release 90442

to the community. A portion of this appropriation may be allocated 90443  
through boards of alcohol, drug addiction, and mental health 90444  
services to community addiction and/or mental health services 90445  
providers in accordance with a distribution methodology as 90446  
determined by the Director of Mental Health and Addiction 90447  
Services. 90448

The foregoing appropriation item 336422, Criminal Justice 90449  
Services, may also be used to: 90450

(A) Provide forensic monitoring and tracking of individuals 90451  
on conditional release; 90452

(B) Provide forensic training; 90453

(C) Support projects that assist courts and law enforcement 90454  
to identify and develop appropriate alternative services to 90455  
incarceration for nonviolent mentally ill offenders; 90456

(D) Provide specialized re-entry services to offenders 90457  
leaving prisons and jails; 90458

(E) Provide specific grants in support of addiction services 90459  
alternatives to incarceration; 90460

(F) Support therapeutic communities; and 90461

(G) Support specialty dockets and expand or create new 90462  
certified court programs. 90463

**Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN** 90464  
**SPECIALIZED DOCKET PROGRAMS** 90465

(A) As used in this section: 90466

(1) "Community addiction services provider" has the same 90467  
meaning as in section 5119.01 of the Revised Code. 90468

(2) "Community control sanction" has the same meaning as in 90469  
section 2929.01 of the Revised Code. 90470

(3) "Medication-assisted treatment drug court program" and 90471  
"MAT drug court program" mean a session of any of the following 90472  
that holds initial or final certification from the Supreme Court 90473  
of Ohio as a specialized docket program for drugs and that uses 90474  
medication-assisted treatment as part of its specialized docket 90475  
program: a common pleas court, municipal court, or county court, 90476  
or a division of any of those courts. 90477

(4) "Prescriber" has the same meaning as in section 4729.01 90478  
of the Revised Code. 90479

(5) "Recovery supports" has the same meaning as in section 90480  
5119.01 of the Revised Code. 90481

(6) "Substance use disorder treatment" has the same meaning 90482  
as "alcohol and drug addiction services" as defined in section 90483  
5119.01 of the Revised Code. 90484

(B)(1) The Department of Mental Health and Addiction Services 90485  
shall conduct a program to provide substance use disorder 90486  
treatment, which may include medication-assisted treatment and 90487  
recovery supports, to persons who are eligible to participate in a 90488  
medication-assisted treatment drug court program and are selected 90489  
under this section to be participants in a MAT drug court program 90490  
because of a substance use disorder. 90491

(2) The Department shall conduct its program in collaboration 90492  
with any counties in Ohio that are conducting MAT drug court 90493  
programs. 90494

(3) In addition to conducting its program in accordance with 90495  
division (B)(2) of this section, the Department may conduct its 90496  
program in collaboration with any other court that is conducting a 90497  
MAT drug court program. 90498

(C) In conducting its program, the Department shall 90499  
collaborate with the Supreme Court, the Department of 90500  
Rehabilitation and Correction, and any agency of the state that 90501

the Department of Mental Health and Addiction Services determines 90502  
may be of assistance in accomplishing the objectives of the 90503  
Department's program. The Department may collaborate with the 90504  
boards of alcohol, drug addiction, and mental health services and 90505  
with local law enforcement agencies that serve the counties in 90506  
which a court participating in the Department's program is 90507  
located. 90508

(D)(1) A MAT drug court program participating in the 90509  
Department's program shall select the persons who are to be its 90510  
participants for purposes of the Department's program. To be 90511  
selected, a person must be a criminal offender, including an 90512  
offender under a community control sanction, or be involved in a 90513  
family drug or dependency court. A person shall not be selected to 90514  
be a participant unless the person meets the legal and clinical 90515  
eligibility criteria for the MAT drug court program and is an 90516  
active participant in the MAT drug court program. 90517

(2) The total number of persons participating in the 90518  
Department's program at any time shall not exceed one thousand 90519  
five hundred, subject to available funding, except that the 90520  
Department may authorize the maximum number to be exceeded in 90521  
circumstances that the Department considers to be appropriate. 90522

(3) After a MAT drug court program enrolls a person as a 90523  
participant for purposes of the Department's program, the 90524  
participant shall comply with all requirements of the MAT drug 90525  
court program. 90526

(E) The substance use disorder treatment and recovery 90527  
supports provided under the Department's program in collaboration 90528  
with a MAT drug court program shall be provided by a community 90529  
addiction services provider. The provider shall do all of the 90530  
following: 90531

(1) Provide treatment based on an integrated service delivery 90532

model that consists of the coordination of care between a 90533  
prescriber and the community addiction services provider; 90534

(2) Conduct professional, comprehensive substance abuse and 90535  
mental health diagnostic assessments of a person under 90536  
consideration for selection as a program participant to determine 90537  
whether the person would benefit from substance use disorder 90538  
treatment and monitoring; 90539

(3) Determine, based on the assessment described in division 90540  
(E)(2) of this section, the treatment needs of the program 90541  
participants served by the community addiction services provider; 90542

(4) Develop, for program participants served by the community 90543  
addiction services provider, individualized goals and objectives; 90544

(5) Provide access to the long-acting antagonist therapies, 90545  
partial agonist therapies, or full agonist therapies, that are 90546  
included in the program's medication-assisted treatment; 90547

(6) Provide other types of therapies, including psychosocial 90548  
therapies, for both substance use disorder and any disorders that 90549  
are considered by the community addiction services provider to be 90550  
co-occurring disorders; 90551

(7) Monitor program compliance through the use of regular 90552  
drug testing, including urinalysis, of the program participants 90553  
served by the community addiction services provider; 90554

(8) Provide access to time-limited recovery supports that 90555  
help eliminate barriers to treatment and are specific to the 90556  
participant's needs, including assistance with housing, 90557  
transportation, child care, job training, obtaining a driver's 90558  
license or state identification card, and any other matter 90559  
considered relevant by the provider. 90560

(F) In the case of medication-assisted treatment provided 90561  
under the Department's program, all of the following conditions 90562

apply: 90563

(1) A drug may be used only if the drug has been approved by 90564  
the United States Food and Drug Administration for use in treating 90565  
dependence on opioids, alcohol, or both, or for preventing relapse 90566  
into the use of opioids, alcohol, or both. 90567

(2) One or more drugs may be used, but each drug that is used 90568  
must constitute long-acting antagonist therapy, partial agonist 90569  
therapy, or full agonist therapy. 90570

(3) If a drug constituting partial or full agonist therapy is 90571  
used, the program shall provide safeguards to minimize abuse and 90572  
diversion of the drug, including such safeguards as routine drug 90573  
testing of program participants. 90574

(G) It is anticipated and expected that MAT drug court 90575  
programs will expand their ability to serve more drug court 90576  
participants as a result of increased access to commercial or 90577  
publicly funded health insurance. In order to ensure that funds 90578  
appropriated to support the Department's program are used in the 90579  
most efficient manner with a goal of enrolling the maximum number 90580  
of participants, the Medicaid Director, in collaboration with 90581  
major Ohio health care plans, shall develop plans consistent with 90582  
this division. There shall be no prior authorizations or step 90583  
therapy for medication-assisted treatment for program 90584  
participants. The plans developed under this division shall ensure 90585  
all of the following: 90586

(1) The development of an efficient and timely process for 90587  
review of eligibility for health benefits for all persons selected 90588  
to participate in the program; 90589

(2) A rapid conversion to reimbursement for all health care 90590  
services by the participant's health care plan following approval 90591  
for coverage of health care benefits; 90592

(3) The development of a consistent benefit package that 90593

provides ready access to and reimbursement for essential health 90594  
care services including, but not limited to, primary health care 90595  
services, alcohol and opioid detoxification services, appropriate 90596  
psychosocial services, and medication for long-acting injectable 90597  
antagonist therapies, partial agonist therapies, and full agonist 90598  
therapies; 90599

(4) The development of guidelines that require the provision 90600  
of all treatment services, including medication, with minimal 90601  
administrative barriers and within a time frame that meets the 90602  
requirements of individual patient care plans. 90603

(H) Of the foregoing appropriation item 336422, Criminal 90604  
Justice Services, up to \$6,000,000 in each fiscal year shall be 90605  
used to support substance use disorder treatment, including 90606  
medication-assisted treatment and recovery supports for drug court 90607  
specialized docket programs and to support the administrative 90608  
expenses of courts and community addiction services providers 90609  
participating in the program. 90610

**Section 337.75. MEDICATION-ASSISTED TREATMENT DRUG 90611**  
REIMBURSEMENT PROGRAM 90612

Of the foregoing appropriation item 336422, Criminal Justice 90613  
Services, \$2,000,000 in fiscal year 2020 and \$2,500,000 in fiscal 90614  
year 2021 shall be used to support the Medication-Assisted 90615  
Treatment Drug Reimbursement Program established in section 90616  
5119.39 of the Revised Code. 90617

**Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 90618**  
CORRECTIONS 90619

Any business commenced but not completed by July 1, 2015, by 90620  
the Department of Rehabilitation and Correction regarding recovery 90621  
services shall be completed by the Department of Mental Health and 90622  
Addiction Services. No validation, cure, right, privilege, remedy, 90623

obligation, or liability is lost or impaired by reason of the 90624  
transfer required by this section and shall be administered by the 90625  
Department of Mental Health and Addiction Services. Any rules, 90626  
orders, and determinations pertaining to the Bureau of Recovery 90627  
Services continue in effect as rules, orders, and determinations 90628  
of the Department of Mental Health and Addiction Services until 90629  
modified or rescinded by the Department of Mental Health and 90630  
Addiction Services. If necessary to ensure the integrity of the 90631  
numbering of the Administrative Code, the Director of the 90632  
Legislative Service Commission shall renumber the numbers to 90633  
reflect their transfer to the Department of Mental Health and 90634  
Addiction Services. 90635

Subject to the lay-off provisions of sections 124.321 to 90636  
124.382 of the Revised Code, all employees of the Bureau of 90637  
Recovery Services are hereby transferred to the Department of 90638  
Mental Health and Addiction Services and retain their positions 90639  
and all of their benefits. 90640

Wherever the Bureau of Recovery Services is referred to in 90641  
any law, contract, or other document, the reference shall be 90642  
deemed to refer to the Department of Mental Health and Addiction 90643  
Services or its director, as appropriate. 90644

Any business commenced but not completed under appropriation 90645  
item 505321, Institution Medical Services, pertaining to the 90646  
Bureau of Recovery Services, shall be completed under 90647  
appropriation item 336423, Addiction Services Partnership with 90648  
Corrections, in the same manner, and with the same effect, as if 90649  
completed with regard to appropriation item 505321, Institution 90650  
Medical Services. 90651

**Section 337.90. RECOVERY HOUSING** 90652

The foregoing appropriation item 336424, Recovery Housing, 90653  
shall be used to expand and support access to recovery housing as 90654

defined in section 340.01 of the Revised Code and in accordance 90655  
with section 340.034 of the Revised Code. For expenditures that 90656  
are capital in nature, the Department of Mental Health and 90657  
Addiction Services shall develop procedures to administer these 90658  
funds in a manner that is consistent with current community 90659  
capital assistance guidelines. 90660

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 90661

(A) The foregoing appropriation item 336425, Specialized 90662  
Docket Support, shall be used to defray a portion of the annual 90663  
payroll costs associated with the specialized docket of a common 90664  
pleas court, municipal court, county court, juvenile court, or 90665  
family court that meets all of the eligibility requirements in 90666  
division (B) of this section, including a family dependency 90667  
treatment docket. The foregoing appropriation item 336425, 90668  
Specialized Docket Support, may also be used to defray costs 90669  
associated with treatment services and recovery supports for 90670  
participants. 90671

(B) To be eligible, the specialized docket must have received 90672  
Supreme Court of Ohio final certification and include participants 90673  
with behavioral health needs in its target population. 90674

(C) Of the foregoing appropriation item 336425, Specialized 90675  
Docket Support, the Department of Mental Health and Addiction 90676  
Services shall use up to one per cent of the funds appropriated in 90677  
each fiscal year to pay the cost it incurs in administering the 90678  
duties established in this section. 90679

(D) The Department, in consultation with the Supreme Court of 90680  
Ohio, may adopt funding distribution methodology, guidelines, and 90681  
procedures as necessary to carry out the purposes of this section. 90682

**Section 337.110. COMMUNITY INNOVATIONS** 90683

The foregoing appropriation item 336504, Community 90684

Innovations, may be used by the Department of Mental Health and 90685  
Addiction Services to make targeted investments in programs, 90686  
projects, or systems operated by or under the authority of other 90687  
state agencies, governmental entities, or private not-for-profit 90688  
agencies that impact, or are impacted by, the operations and 90689  
functions of the Department, with the goal of achieving a net 90690  
reduction in expenditure of state general revenue funds and/or 90691  
improved outcomes for Ohio citizens without a net increase in 90692  
state general revenue fund spending. 90693

The Director shall identify and evaluate programs, projects, 90694  
or systems proposed or operated, in whole or in part, outside of 90695  
the authority of the Department, where targeted investment of 90696  
these funds in the program, project, or system is expected to 90697  
decrease demand for the Department or other resources funded with 90698  
state general revenue funds, and/or to measurably improve outcomes 90699  
for Ohio citizens with mental illness or with alcohol, drug, or 90700  
gambling addictions. The Director shall have discretion to 90701  
transfer money from the appropriation item to other state 90702  
agencies, governmental entities, or private not-for-profit 90703  
agencies in amounts, and subject to conditions, that the Director 90704  
determines most likely to achieve state savings and/or improved 90705  
outcomes. Distribution of moneys from this appropriation item 90706  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 90707  
the Revised Code. 90708

The Department shall enter into an agreement with each 90709  
recipient of community innovation funds, identifying: allowable 90710  
expenditure of the funds; other commitment of funds or other 90711  
resources to the program, project, or system; expected state 90712  
savings and/or improved outcomes and proposed mechanisms for 90713  
measurement of such savings or outcomes; and required reporting 90714  
regarding expenditure of funds and savings or outcomes achieved. 90715

Of the foregoing appropriation item 336504, Community 90716

Innovations, up to \$4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$750,000 in each fiscal year shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

Of the foregoing appropriation item 336504, Community Innovations, up to \$600,000 in each fiscal year shall be allocated to the Heartland High School Demonstration Project to educate and graduate teens and youth recovering from substance use disorders.

Of the foregoing appropriation item 336504, Community Innovations, \$2,500,000 in each fiscal year shall be allocated to the Psychotropic Drug Reimbursement Program established in section 5119.19 of the Revised Code. On July 1, 2020, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered allocation for the program in fiscal year 2020. The amount certified is hereby reappropriated to appropriation item 336504, Community Innovations, in fiscal year 2021 for the same purpose.

**Section 337.120. RESIDENTIAL STATE SUPPLEMENT**

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential

facilities providing accommodations, supervision, and personal 90748  
care services to three to sixteen unrelated adults with mental 90749  
illness and to make payments to residential state supplement 90750  
recipients. 90751

(B) The Department of Mental Health and Addiction Services 90752  
shall adopt rules establishing eligibility criteria and payment 90753  
amounts under section 5119.41 of the Revised Code. 90754

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 90755  
CONSULTATION 90756**

The foregoing appropriation item 336511, Early Childhood 90757  
Mental Health Counselors and Consultation, shall be used to 90758  
promote identification and intervention for early childhood mental 90759  
health and to enhance healthy social emotional development in 90760  
order to reduce preschool to third grade classroom expulsions. 90761  
Funds shall be used by the Department of Mental Health and 90762  
Addiction Services to support early childhood mental health 90763  
credentialed counselors and consultation services, as well as 90764  
administration and workforce development for the program. 90765

**Section 337.140. MEDICAID SUPPORT 90766**

The foregoing appropriation item 652321, Medicaid Support, 90767  
shall be used to fund specified Medicaid Services as delegated by 90768  
the state's single agency responsible for the Medicaid Program. 90769

**Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS 90770**

(A) The foregoing appropriation item 336600, Substance Abuse 90771  
Stabilization Centers, shall be used to establish and administer, 90772  
in collaboration with the other boards that serve the same state 90773  
psychiatric hospital region, acute substance use disorder 90774  
stabilization centers. There shall be one center located in each 90775  
state psychiatric hospital region. 90776

(B) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 90777  
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**Section 337.160. ADAMHS BOARDS** 90782

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as follows: 90783  
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(1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district. 90786  
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(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services using the population of the board's service district and the most recent drug overdose death information. 90788  
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(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$5,750,000 in each fiscal year shall be used to provide flexible resources to local communities to fund direct crisis stabilization and crisis prevention support. 90793  
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(C) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$9,250,000 in fiscal year 2020 shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings. Any unexpended or unencumbered fund balance shall be used in fiscal year 2021 for the same purpose. 90797  
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(D) Of the foregoing appropriation item 336643, ADAMHS Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 2021 shall be dedicated to a public-private partnership for a crisis stabilization center in Lorain County. 90803  
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**Section 337.170.** PROBLEM GAMBLING AND CASINO ADDICTION 90807

A portion of appropriation item 336629, Problem Gambling and 90808  
Casino Addiction, shall be allocated to boards of alcohol, drug 90809  
addiction, and mental health services in accordance with a 90810  
distribution methodology determined by the Director of Mental 90811  
Health and Addiction Services. 90812

**Section 337.180.** FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 90813  
POOL 90814

A county family and children first council may establish and 90815  
operate a flexible funding pool in order to assure access to 90816  
needed services by families, children, and older adults in need of 90817  
protective services. The operation of the flexible funding pools 90818  
shall be subject to the following restrictions: 90819

(A) The county council shall establish and operate the 90820  
flexible funding pool in accordance with formal guidance issued by 90821  
the Family and Children First Cabinet Council; 90822

(B) The county council shall produce an annual report on its 90823  
use of the pooled funds. The annual report shall conform to a 90824  
format prescribed in the formal guidance issued by the Family and 90825  
Children First Cabinet Council; 90826

(C) Unless otherwise restricted, funds transferred to the 90827  
flexible funding pool may include state general revenues allocated 90828  
to local entities to support the provision of services to families 90829  
and children; 90830

(D) The amounts transferred to the flexible funding pool 90831  
shall be limited to amounts that can be redirected without 90832  
impairing the achievement of the objectives for which the initial 90833  
allocation is designated; and 90834

(E) Each amount transferred to the flexible funding pool from 90835

a specific allocation shall be approved for transfer by the 90836  
director of the local agency that was the original recipient of 90837  
the allocation. 90838

**Section 337.190. ACCESS SUCCESS II PROGRAM** 90839

To the extent cash is available, the Director of Budget and 90840  
Management may transfer cash from a fund designated by the 90841  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 90842  
1490), used by the Department of Mental Health and Addiction 90843  
Services. The transferred cash is hereby appropriated. 90844

The Department of Mental Health and Addiction Services shall 90845  
use the transferred funds to administer the Access Success II 90846  
Program to help non-Medicaid patients in any hospital established, 90847  
controlled, or supervised by the Department under Chapter 5119. of 90848  
the Revised Code to transition from inpatient status to a 90849  
community setting. 90850

**Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS** 90851  
**ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION** 90852  
**FUND** 90853

On a schedule determined by the Director of Budget and 90854  
Management, the Director of Mental Health and Addiction Services 90855  
shall certify to the Director of Budget and Management the amount 90856  
of excess license reinstatement fees that are available pursuant 90857  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 90858  
be transferred from the Indigent Drivers Alcohol Treatment Fund 90859  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 90860  
4750). Upon certification, the Director of Budget and Management 90861  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 90862  
to the Statewide Treatment and Prevention Fund. 90863

**Section 337.210. CURES OPIOID STATE TARGETED RESPONSE** 90864

The foregoing appropriation item 336503, Cures Opioid State Targeted Response, shall be used pursuant to the goals and requirements of the State Targeted Response to the Opioid Crisis Grant provision in the federal "21st Century Cures Act," Public Law 114-255. 90865  
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**Section 337.220. STATEWIDE TREATMENT AND PREVENTION** 90870

The foregoing appropriation item 336623, Statewide Treatment and Prevention, shall be used as follows: up to \$5,000,000 in fiscal year 2020 to expand the number of individuals trained in mental health first aid and to expand the number of law enforcement trained in approved de-escalation techniques and approaches specific to people experiencing mental health crisis; and \$50,000 in each fiscal year to be distributed to Smart Recovery. 90871  
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The remaining portion of appropriation item 336623, Statewide Treatment and Prevention, may be used for agency administrative support. 90879  
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90881

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH** 90882

General Revenue Fund 90883

GRF 149321	Operating Expenses	\$	721,681	\$	741,928	90884
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	90885
GRF 149502	Lupus Program	\$	93,120	\$	93,120	90886
GRF 149503	Infant Mortality	\$	3,000,000	\$	3,000,000	90887

Health Grants

TOTAL GRF General Revenue Fund \$ 4,667,407 \$ 4,687,654 90888

Dedicated Purpose Fund Group 90889

4C20 149601	Minority Health	\$	50,000	\$	50,000	90890
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Conference

TOTAL DPF Dedicated Purpose Fund \$ 50,000 \$ 50,000 90891

Group



Dedicated Purpose Fund Group					90923
4K90 865601 Operating Expenses	\$	623,948	\$	636,389	90924
TOTAL DPF Dedicated Purpose Fund Group	\$	623,948	\$	636,389	90925
TOTAL ALL BUDGET FUND GROUPS	\$	623,948	\$	636,389	90926
 <b>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>					90928
General Revenue Fund					90929
GRF 725401 Division of Wildlife-Operating Subsidy	\$	1,773,000	\$	1,773,000	90930
GRF 725413 Parks and Recreational Facilities Lease Rental Bond Payments	\$	50,771,500	\$	57,556,700	90931
GRF 725456 Canal Lands	\$	130,950	\$	130,950	90932
GRF 725505 Healthy Lake Erie Program	\$	1,000,000	\$	1,000,000	90933
GRF 725507 Coal and Mine Safety Programs	\$	2,796,340	\$	2,796,340	90934
GRF 725520 Special Projects	\$	2,000,000	\$	0	90935
GRF 725903 Natural Resources General Obligation Bond Debt Service	\$	20,359,800	\$	20,420,700	90936
GRF 727321 Division of Forestry	\$	4,869,458	\$	4,965,023	90937
GRF 729321 Office of Information Technology	\$	181,478	\$	181,478	90938
GRF 730321 Parks and Recreation	\$	38,652,560	\$	37,105,509	90939
GRF 736321 Division of Engineering	\$	2,035,650	\$	2,035,650	90940
GRF 737321 Division of Water Resources	\$	1,689,455	\$	1,692,044	90941
GRF 738321 Office of Real Estate	\$	728,322	\$	728,322	90942

		and Land Management					
GRF	741321	Division of Natural	\$	2,744,428	\$	4,246,134	90943
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	129,732,941	\$	134,631,850	90944
		Dedicated Purpose Fund Group					90945
2270	725406	Parks Projects	\$	1,629,465	\$	1,725,151	90946
		Personnel					
4300	725671	Canal Lands	\$	927,128	\$	927,128	90947
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	90948
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	90949
		Protection					
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	90950
5110	725646	Ohio Geological	\$	4,691,486	\$	4,799,989	90951
		Mapping					
5110	725679	Geographic Information	\$	516,979	\$	518,024	90952
		System Centralized					
		Services					
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	90953
5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	90954
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	90955
5180	725643	Oil and Gas Regulation	\$	25,079,252	\$	25,446,157	90956
		and Safety					
5180	725677	Oil and Gas Well	\$	24,979,365	\$	28,177,215	90957
		Plugging					
5210	725627	Off-Road Vehicle	\$	847,929	\$	851,587	90958
		Trails					
5220	725656	Natural Areas and	\$	546,973	\$	313,649	90959
		Preserves					
5290	725639	Mining Regulation and	\$	4,499,705	\$	4,689,552	90960
		Safety					
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	90961
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	90962
		Enforcement					

5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	90963
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	90964
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	90965
5P20	725634	Wildlife Boater Angler Administration	\$	6,990,425	\$	7,000,000	90966
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	90967
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	90968
6970	725670	Submerged Lands	\$	717,155	\$	717,155	90969
6H20	725681	H2Ohio	\$	46,200,000	\$	0	90970
7015	740401	Division of Wildlife Conservation	\$	63,701,662	\$	65,482,330	90971
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	90972
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	90973
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	90974
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	90975
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	90976
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	90977
8190	725685	Ohio River Management	\$	140,000	\$	140,000	90978
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	90979
TOTAL	DPF	Dedicated Purpose Fund	\$	296,518,554	\$	232,015,350	90980
Group							
Internal Service Activity Fund Group							90981
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248	90982
1550	725676	Hocking Hills State Park Lodge	\$	13,000,000	\$	3,000,000	90983
1570	725651	Central Support Indirect	\$	5,632,162	\$	5,632,162	90984
2040	725687	Information Services	\$	6,432,109	\$	5,970,264	90985

2050	725696	Human Resource Direct Services	\$	2,855,404	\$	2,976,201	90986
2230	725665	Law Enforcement Administration	\$	3,292,343	\$	3,381,193	90987
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	90988
6350	725664	Fountain Square Facilities Management	\$	4,094,099	\$	4,170,445	90989
TOTAL ISA Internal Service Activity							90990
Fund Group			\$	37,331,153	\$	26,578,124	90991
Capital Projects Fund Group							90992
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	301,796	90993
TOTAL CPF Capital Projects Fund Group			\$	301,796	\$	301,796	90994
Fiduciary Fund Group							90995
4M80	725675	FOP Contract	\$	18,799	\$	20,219	90996
TOTAL FID Fiduciary Fund Group			\$	18,799	\$	20,219	90997
Holding Account Fund Group							90998
R017	725659	Performance Cash Bond Refunds	\$	528,993	\$	528,993	90999
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	91000
TOTAL HLD Holding Account							91001
Fund Group			\$	2,928,993	\$	2,928,993	91002
Federal Fund Group							91003
3320	725669	Federal Mine Safety Grant	\$	335,000	\$	335,000	91004
3B30	725640	Federal Forest Pass-Thru	\$	350,000	\$	350,000	91005
3B40	725641	Federal Flood Pass-Thru	\$	350,000	\$	350,000	91006

3B50	725645	Federal Abandoned Mine Lands	\$	21,242,787	\$	8,046,252	91007
3B60	725653	Federal Land and Water Conservation Grants	\$	949,168	\$	952,256	91008
3B70	725654	Reclamation - Regulatory	\$	1,725,644	\$	1,769,696	91009
3P10	725632	Geological Survey - Federal	\$	160,000	\$	160,000	91010
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	91011
3P30	725650	Coastal Management - Federal	\$	2,791,277	\$	2,820,185	91012
3P40	725660	Federal - Soil and Water Resources	\$	231,732	\$	281,000	91013
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	900,000	\$	900,000	91014
3Z50	725657	Federal Recreation and Trails	\$	1,846,840	\$	1,852,034	91015
TOTAL FED	Federal Fund Group		\$	31,029,448	\$	17,963,423	91016
TOTAL ALL BUDGET FUND GROUPS			\$	497,861,684	\$	414,439,755	91017

**Section 343.20.** CENTRAL SUPPORT INDIRECT FUND 91019

The Department of Natural Resources, with approval of the 91020  
Director of Budget and Management, shall use a methodology for 91021  
determining each division's payments into the Central Support 91022  
Indirect Fund (Fund 1570). The methodology used shall contain the 91023  
characteristics of administrative ease and uniform application in 91024  
compliance with federal grant requirements. It may include direct 91025  
cost charges for specific services provided. Payments to Fund 1570 91026  
shall be made using an intrastate transfer voucher. 91027

The foregoing appropriation item 725401, Division of 91028  
Wildlife-Operating Subsidy, shall be used to pay the direct and 91029  
indirect costs of the Division of Wildlife. 91030

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 91031

The foregoing appropriation item 725413, Parks and 91032  
Recreational Facilities Lease Rental Bond Payments, shall be used 91033  
to meet all payments during the period from July 1, 2019, through 91034  
June 30, 2021, by the Department of Natural Resources pursuant to 91035  
leases and agreements made under section 154.22 of the Revised 91036  
Code. These appropriations are the source of funds pledged for 91037  
bond service charges on related obligations issued under Chapter 91038  
154. of the Revised Code. 91039

HEALTHY LAKE ERIE PROGRAM 91040

The foregoing appropriation item 725505, Healthy Lake Erie 91041  
Program, shall be used by the Director of Natural Resources, in 91042  
support of the following: (1) conservation measures in the Western 91043  
Lake Erie Basin as determined by the Director; (2) funding 91044  
assistance for soil testing, winter cover crops, edge of field 91045  
testing, tributary monitoring, animal waste abatement; and (3) any 91046  
additional efforts to reduce nutrient runoff as the Director may 91047  
decide. The Director shall give priority to recommendations that 91048  
encourage farmers to adopt agricultural production guidelines 91049  
commonly known as 4R nutrient stewardship practices. 91050

COAL AND MINE SAFETY PROGRAMS 91051

The foregoing appropriation item 725507, Coal and Mine Safety 91052  
Programs, shall be used for the administration of the Mine Safety 91053  
Program and the Coal Regulation Program. 91054

SPECIAL PROJECTS 91055

Of the foregoing appropriation item 725520, Special Projects, 91056  
\$1,500,000 in fiscal year 2020 shall be used by the Director of 91057  
Natural Resources in fiscal year 2020 to support the removal of 91058  
low head dams in the Mahoning River. 91059

Of the foregoing appropriation item 725520, Special Projects, 91060

\$500,000 in fiscal year 2020 shall be used by the Director of 91061  
Natural Resources in fiscal year 2020 to prepare a feasibility 91062  
study and implementation plan for the Mahoning River Trail 91063  
Initiative. 91064

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 91065

The foregoing appropriation item 725903, Natural Resources 91066  
General Obligation Bond Debt Service, shall be used to pay all 91067  
debt service and related financing costs during the period July 1, 91068  
2019, through June 30, 2021, on obligations issued under sections 91069  
151.01 and 151.05 of the Revised Code. 91070

**Section 343.30.** OIL AND GAS WELL PLUGGING 91071

The foregoing appropriation item 725677, Oil and Gas Well 91072  
Plugging, shall be used exclusively for the purposes of plugging 91073  
wells and to properly restore the land surface of idle and orphan 91074  
oil and gas wells pursuant to section 1509.071 of the Revised 91075  
Code. This appropriation item shall not be used for salaries, 91076  
maintenance, equipment, or other administrative purposes, except 91077  
for those costs directly attributable to the plugging of an idle 91078  
or orphan well. This appropriation item shall not be used to 91079  
transfer cash to any other fund or appropriation item. 91080

WELL LOG FILING FEES 91081

The Chief of the Division of Water Resources shall deposit 91082  
fees forwarded to the Division pursuant to section 1521.05 of the 91083  
Revised Code into the Water Management Fund (Fund 5160) for the 91084  
purposes described in that section. 91085

PARKS CAPITAL EXPENSES FUND 91086

The Director of Natural Resources shall submit to the 91087  
Director of Budget and Management the estimated design, 91088  
engineering, and planning costs of capital-related work to be done 91089  
by Department of Natural Resources staff for parks projects within 91090

the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 91091  
Director of Budget and Management approves the estimated costs, 91092  
the Director may release appropriations from Fund 7035 91093  
appropriation item C725E6, Project Planning, for those purposes. 91094  
Upon release of the appropriations, the Department of Natural 91095  
Resources shall pay for these expenses from the Parks Capital 91096  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 91097  
reimbursed by Fund 7035 using an intrastate transfer voucher. 91098

NATUREWORKS CAPITAL EXPENSES FUND 91099

The Department of Natural Resources shall submit to the 91100  
Director of Budget and Management the estimated design, planning, 91101  
and engineering costs of capital-related work to be done by 91102  
Department of Natural Resources staff for each capital improvement 91103  
project within the Ohio Parks and Natural Resources Fund (Fund 91104  
7031). If the Director of Budget and Management approves the 91105  
estimated costs, the Director may release appropriations from Fund 91106  
7031 appropriation item C725E5, Project Planning, for those 91107  
purposes. Upon release of the appropriations, the Department of 91108  
Natural Resources shall pay for these expenses from the Capital 91109  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 91110  
reimbursed by Fund 7031 using an intrastate transfer voucher. 91111

RECLAMATION FORFEITURE FUND 91112

On July 1, 2019, or as soon as possible thereafter, the 91113  
Director of Budget and Management shall transfer \$2,000,000 cash 91114  
from the General Revenue Fund to the Reclamation Forfeiture Fund 91115  
(Fund 5310), which shall be used to reclaim areas of land affected 91116  
by coal mining in accordance with section 1513.18 of the Revised 91117  
Code. 91118

PARK MAINTENANCE 91119

The foregoing appropriation item 725514, Park Maintenance, 91120  
shall be used by the Department of Natural Resources to pay the 91121

costs of projects supported by the State Park Maintenance Fund 91122  
(Fund 5TD0) under section 1501.08 of the Revised Code. 91123

On July 1 of each fiscal year or as soon as possible 91124  
thereafter, the Director of Natural Resources shall certify the 91125  
amount of five percent of the average of the previous five years 91126  
of deposits in the State Park Fund (Fund 5120) to the Director of 91127  
Budget and Management. The Director of Budget and Management may 91128  
transfer up to \$1,600,000 from Fund 5120 to the State Park 91129  
Maintenance Fund (Fund 5TD0). 91130

H2OHIO FUND 91131

The foregoing appropriation item 725681, H2Ohio, shall be 91132  
used by the Department of Natural Resources to support, maintain, 91133  
and create wetlands throughout the state including but not limited 91134  
to coastal and upland wetlands in the Western Basin of Lake Erie. 91135  
In addition, the foregoing appropriation item, 725681, H2Ohio, may 91136  
be used to support improvement and protection of all waterways and 91137  
to address water quality priorities including water protection and 91138  
management in accordance with section 126.60 of the Revised Code. 91139

On July 1, 2020, or as soon as possible thereafter, the 91140  
Director of Natural Resources may certify to the Director of 91141  
Budget and Management an amount up to the unexpended, unencumbered 91142  
balance of the foregoing appropriation item, 725681, H2Ohio, at 91143  
the end of fiscal year 2020 to be reappropriated in fiscal year 91144  
2021. The amount certified is hereby reappropriated to the same 91145  
appropriation item for fiscal year 2021. 91146

**Section 343.40.** CASH TRANSFER FOR HOCKING HILLS LODGE 91147  
RECONSTRUCTION 91148

During fiscal years 2020 and 2021, the Director of Budget and 91149  
Management may, in consultation with the Director of Natural 91150  
Resources, transfer cash as necessary from the General Revenue 91151

Fund to the Departmental Services - Interstate Fund (Fund 1550) to 91152  
pay costs for the reconstruction of the Hocking Hills Dining Lodge 91153  
that will occur before final insurance settlement proceeds are 91154  
deposited into Fund 1550. Once insurance proceeds have been 91155  
deposited into Fund 1550, the Director of Budget and Management, 91156  
in consultation with the Director of Natural Resources, shall 91157  
establish a schedule for repaying the General Revenue Fund from 91158  
Fund 1550. The Director of Budget and Management shall transfer 91159  
cash from Fund 1550 to the General Revenue Fund according to the 91160  
established schedule. 91161

HUMAN RESOURCES DIRECT SERVICES 91162

The foregoing appropriation item 725696, Human Resources 91163  
Direct Services, shall be used to cover the cost of support, 91164  
coordination, and oversight of the Department of Natural 91165  
Resources' human resources functions. The Human Resources 91166  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 91167  
it via intrastate transfer voucher from other funds as determined 91168  
by the Director of Natural Resources and the Director of Budget 91169  
and Management. 91170

LAW ENFORCEMENT ADMINISTRATION 91171

The foregoing appropriation item 725665, Law Enforcement 91172  
Administration, shall be used to cover the cost of support, 91173  
coordination, and oversight of the Department of Natural 91174  
Resources' law enforcement functions. The Law Enforcement 91175  
Administration Fund (Fund 2230) shall consist of cash transferred 91176  
to it via intrastate transfer voucher from other funds as 91177  
determined by the Director of Natural Resources and the Director 91178  
of Budget and Management. 91179

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 91180

The foregoing appropriation item 725664, Fountain Square 91181  
Facilities Management, shall be used for payment of expenses 91182

related to the security of the Fountain Square complex and for the 91183  
repairs, renovation, utilities, property management, and building 91184  
maintenance expenses for the Fountain Square complex and the 91185  
Department of Natural Resources grounds at the Ohio Expo Center. 91186  
Cash transferred by intrastate transfer vouchers from various 91187  
department funds and rental income received by the Department of 91188  
Natural Resources shall be deposited into the Fountain Square 91189  
Facilities Management Fund (Fund 6350). 91190

**Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES** 91191

The foregoing appropriation item 725405, Clean Ohio Trail 91192  
Operating, shall be used by the Department of Natural Resources in 91193  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 91194  
to section 1519.05 of the Revised Code. 91195

**Section 345.10. NUR STATE BOARD OF NURSING** 91196

Dedicated Purpose Fund Group				91197
4K90	884609	Operating Expenses	\$ 9,842,225 \$ 10,285,032	91198
5AC0	884602	Nurse Education Grant	\$ 1,518,000 \$ 1,518,000	91199
Program				
5P80	884601	Nursing Special	\$ 2,000 \$ 2,000	91200
Issues				
TOTAL DPF Dedicated Purpose				91201
Fund Group				
			\$ 11,362,225 \$ 11,805,032	91202
TOTAL ALL BUDGET FUND GROUPS				91203
			\$ 11,362,225 \$ 11,805,032	

**Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,** 91205  
**AND ATHLETIC TRAINERS BOARD** 91206

Dedicated Purpose Fund Group				91207
4K90	890609	Operating Expenses	\$ 1,137,397 \$ 1,168,045	91208
TOTAL DPF Dedicated Purpose Fund				91209
			\$ 1,137,397 \$ 1,168,045	
Group				

TOTAL ALL BUDGET FUND GROUPS		\$	1,137,397	\$	1,168,045	91210
<b>Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH</b>						91212
DISABILITIES AGENCY						91213
General Revenue Fund						91214
GRF 415402	Independent Living	\$	252,000	\$	252,000	91215
	Council					
GRF 415406	Assistive Technology	\$	25,819	\$	25,819	91216
GRF 415431	Brain Injury	\$	126,567	\$	126,567	91217
GRF 415506	Services for	\$	16,999,344	\$	18,418,244	91218
	Individuals with					
	Disabilities					
GRF 415508	Services for the Deaf	\$	27,580	\$	27,580	91219
GRF 415511	Centers for	\$	450,000	\$	450,000	91220
	Independent Living					
GRF 415512	Visually Impaired	\$	50,000	\$	50,000	91221
	Reading Services					
TOTAL GRF General Revenue Fund		\$	17,931,310	\$	19,350,210	91222
Dedicated Purpose Fund Group						91223
4670 415609	Business Enterprise	\$	1,543,616	\$	1,555,368	91224
	Operating Expenses					
4680 415618	Third Party Services	\$	8,500,000	\$	8,750,000	91225
	Funding					
4L10 415619	Services for	\$	3,000,000	\$	3,000,000	91226
	Rehabilitation					
TOTAL DPF Dedicated Purpose						91227
Fund Group		\$	13,043,616	\$	13,305,368	91228
Internal Service Activity Fund Group						91229
4W50 415606	Program Management	\$	15,192,965	\$	15,906,145	91230
TOTAL ISA Internal Service Activity						91231
Fund Group		\$	15,192,965	\$	15,906,145	91232
Federal Fund Group						91233

3170	415620	Disability Determination	\$	81,399,100	\$	82,932,645	91234
3790	415616	Federal - Vocational Rehabilitation	\$	121,788,087	\$	130,495,615	91235
3GH0	415602	Personal Care Assistance	\$	3,130,220	\$	3,139,040	91236
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000	91237
3GH0	415613	Independent Living	\$	662,411	\$	662,411	91238
3L10	415608	Social Security Vocational Rehabilitation	\$	10,500,000	\$	10,500,000	91239
3L40	415615	Federal - Supported Employment	\$	850,000	\$	850,000	91240
3L40	415617	Independent Living Older Blind	\$	2,584,136	\$	1,808,721	91241
TOTAL FED	Federal Fund Group		\$	221,935,954	\$	231,410,432	91242
TOTAL ALL BUDGET	FUND GROUPS		\$	268,103,845	\$	279,972,155	91243

**Section 353.20. INDEPENDENT LIVING** 91245

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 91246  
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91248  
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91250

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities. 91251  
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91253  
91254

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan 91255  
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91257

for Independent Living.	91258
ASSISTIVE TECHNOLOGY	91259
The foregoing appropriation item 415406, Assistive	91260
Technology, shall be provided to Assistive Technology of Ohio to	91261
provide grants and assistive technology services for people with	91262
disabilities in the State of Ohio.	91263
BRAIN INJURY	91264
The foregoing appropriation item 415431, Brain Injury, shall	91265
be provided to The Ohio State University College of Medicine to	91266
support the Brain Injury Program established under section 3335.60	91267
of the Revised Code.	91268
SERVICES FOR INDIVIDUALS WITH DISABILITIES	91269
Of the foregoing appropriation item 415506, Services for	91270
Individuals with Disabilities, \$654,975 in fiscal year 2020 and	91271
\$1,309,050 in fiscal year 2021 shall be used as state match for	91272
the federal vocational rehabilitation grant and used to create	91273
partnerships with certified drug courts to expand access to	91274
employment through vocational rehabilitation services and increase	91275
employment outcomes that promote recovery and rehabilitation.	91276
Of the foregoing appropriation item 415506, Services for	91277
Individuals with Disabilities, \$603,643 in fiscal year 2020 and	91278
\$1,207,285 in fiscal year 2021 shall be used as state match for	91279
the federal vocational rehabilitation grant and used to create	91280
partnerships with community colleges and state universities to	91281
ensure college students with disabilities can compete for	91282
in-demand jobs in tomorrow's labor market and increase the median	91283
earnings of individuals who obtain employment.	91284
Of the foregoing appropriation item 415506, Services for	91285
Individuals with Disabilities, \$85,733 in fiscal year 2020 and	91286
\$171,465 in fiscal year 2021 shall be used as state match for the	91287

federal vocational rehabilitation grant and used to create paid 91288  
on-the-job work experiences for eligible candidates placed in 91289  
state agencies to develop work skills needed to pursue permanent 91290  
employment and increase the number of individuals with 91291  
disabilities employed in state government. 91292

Of the foregoing appropriation item 415506, Services for 91293  
Individuals with Disabilities, \$150,000 in each fiscal year shall 91294  
be used as state match for the federal vocational rehabilitation 91295  
grant and used to increase access to vocational rehabilitation 91296  
services for eligible students enrolled at the Ohio State School 91297  
for the Blind and the Ohio School for the Deaf that will prepare 91298  
students who are blind or deaf for transition to college or 91299  
employment. 91300

SERVICES FOR THE DEAF 91301

The foregoing appropriation item 415508, Services for the 91302  
Deaf, shall be used to support community centers for the deaf. 91303

VISUALLY IMPAIRED READING SERVICES 91304

The foregoing appropriation item 415512, Visually Impaired 91305  
Reading Services, shall be used to support VOICEcorps Reading 91306  
Services to provide reading services for blind individuals. 91307

SIGHT CENTERS 91308

Of the foregoing appropriation item 415617, Independent 91309  
Living Older Blind, \$30,000 in each fiscal year shall be used to 91310  
contract in equal amounts with the Cleveland Sight Center, the 91311  
Cincinnati Association for the Blind and Visually Impaired, and 91312  
the Sight Center of Northwest Ohio to provide outreach and 91313  
referral development to the community of individuals with 91314  
blindness or low vision. 91315

**Section 361.10. PEN PENSION SUBSIDIES** 91316

General Revenue Fund 91317

GRF	090524	Police and Fire Disability Pension Fund	\$	2,000	\$	2,000	91318
GRF	090534	Police and Fire Ad Hoc Cost of Living	\$	31,000	\$	31,000	91319
GRF	090554	Police and Fire Survivor Benefits	\$	270,000	\$	270,000	91320
GRF	090575	Police and Fire Death Benefits	\$	34,400,000	\$	34,750,000	91321
TOTAL GRF	General Revenue Fund		\$	34,703,000	\$	35,053,000	91322
TOTAL ALL BUDGET FUND GROUPS			\$	34,703,000	\$	35,053,000	91323

POLICE AND FIRE DEATH BENEFIT FUND 91324

The foregoing appropriation item 090575, Police and Fire 91325  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 91326  
 State at the beginning of each quarter of each fiscal year to the 91327  
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 91328  
 serves as trustees of the Ohio Public Safety Officers Death 91329  
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 91330  
 Treasurer of State shall certify such amounts quarterly to the 91331  
 Director of Budget and Management. By the twentieth day of June of 91332  
 each fiscal year, the Board of Trustees shall certify to the 91333  
 Treasurer of State the amount disbursed in the current fiscal year 91334  
 to make the payments required by sections 124.824 and 742.63 of 91335  
 the Revised Code and shall return to the Treasurer of State moneys 91336  
 received from this appropriation item but not disbursed. 91337

Notwithstanding any provision of section 124.824 of the 91338  
 Revised Code to the contrary, for each death benefit fund 91339  
 recipient who participates in health, medical, hospital, dental, 91340  
 surgical, or vision benefits under section 124.824 of the Revised 91341  
 Code, the Board of Trustees of the Ohio Police and Fire Pension 91342  
 Fund shall forward as a pass-through from the revenue received 91343  
 from the foregoing appropriation item 090575, Police and Fire 91344

Death Benefits, the percentage of the cost for the applicable 91345  
benefits that would be paid by a state employer for a state 91346  
employee who elects that coverage and any applicable 91347  
administrative costs, which shall not exceed two per cent of the 91348  
total cost of the benefits. The Board of Trustees shall also 91349  
withhold from the benefits paid to a death benefit fund recipient 91350  
under section 742.63 of the Revised Code the percentage of the 91351  
cost for such benefits that would be paid by a state employee, and 91352  
forward the withheld amounts to the Department of Administrative 91353  
Services from the revenue received from the foregoing 91354  
appropriation item 090575, Police and Fire Death Benefits. 91355

In fiscal year 2020 or 2021, if it is determined by the 91356  
Director of Administrative Services, in consultation with the 91357  
Chairperson of the Board of Trustees of the Ohio Police and Fire 91358  
Pension Fund, or designee, that additional amounts are necessary 91359  
to pay the cost of providing benefits under section 124.824 or 91360  
742.63 of the Revised Code, the Director of Administrative 91361  
Services may certify the additional amount necessary to the 91362  
Director of Budget and Management. The amount certified is hereby 91363  
appropriated. 91364

<b>Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK</b>				91365
RELEASE COMPENSATION BOARD				91366
Dedicated Purpose Fund Group				91367
6910 810632	Petroleum Underground	\$ 1,410,740	\$ 1,469,195	91368
	Storage Tank Release			
	Compensation Board -			
	Operating			
TOTAL DPF	Dedicated Purpose Fund	\$ 1,410,740	\$ 1,469,195	91369
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,410,740	\$ 1,469,195	91370

<b>Section 367.10. PRX STATE BOARD OF PHARMACY</b>				91372
Dedicated Purpose Fund Group				91373
4A50	887605	Drug Law Enforcement	\$ 150,000 \$ 150,000	91374
4K90	658605	OARRS Integration - STATE	\$ 253,264 \$ 255,000	91375
4K90	887609	Operating Expenses	\$ 10,220,383 \$ 10,646,387	91376
5SG0	887612	Drug Database	\$ 664,369 \$ 670,000	91377
5SY0	887613	Medical Marijuana Control Program	\$ 3,084,072 \$ 2,500,200	91378
TOTAL DPF Dedicated Purpose Fund Group				91379
Federal Fund Group				91380
3HD0	887614	Pharmacy Federal Grants	\$ 612,433 \$ 531,000	91381
3HH0	658601	OARRS Integration - FED	\$ 2,363,583 \$ 2,384,000	91382
TOTAL FED Federal Fund Group				91383
TOTAL ALL BUDGET FUND GROUPS				91384
<b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>				91386
Dedicated Purpose Fund Group				91387
4K90	882609	Operating Expenses	\$ 665,390 \$ 696,615	91388
TOTAL DPF Dedicated Purpose Fund Group				91389
TOTAL ALL BUDGET FUND GROUPS				91391
<b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				91393
General Revenue Fund				91394
GRF	019401	State Legal Defense Services	\$ 5,659,317 \$ 6,534,523	91395
GRF	019403	Multi-County: State	\$ 3,607,498 \$ 4,644,553	91396

		Share				
GRF	019404	Trumbull County -	\$	1,349,330	\$	2,036,064 91397
		State Share				
GRF	019405	Training Account	\$	50,000	\$	50,000 91398
GRF	019501	County Reimbursement	\$	89,020,000	\$	125,000,000 91399
TOTAL GRF		General Revenue Fund	\$	99,686,145	\$	138,265,240 91400
		Dedicated Purpose Fund Group				91401
1010	019607	Juvenile Legal	\$	204,756	\$	204,756 91402
		Assistance				
4060	019603	Training and	\$	25,000	\$	25,000 91403
		Publications				
4070	019604	County Representation	\$	280,407	\$	285,000 91404
4080	019605	Client Payments	\$	715,831	\$	737,389 91405
4C70	019601	Multi-County: County	\$	1,352,812	\$	0 91406
		Share				
4N90	019613	Gifts and Grants	\$	19,440	\$	19,440 91407
4X70	019610	Trumbull County -	\$	505,999	\$	0 91408
		County Share				
5740	019606	Civil Legal Aid	\$	25,000,000	\$	25,000,000 91409
5CX0	019617	Civil Case Filing Fee	\$	623,425	\$	642,904 91410
5DY0	019618	Indigent Defense	\$	31,872,000	\$	31,872,000 91411
		Support - County				
		Share				
5DY0	019619	Indigent Defense	\$	7,113,482	\$	7,216,852 91412
		Support - State				
		Office				
TOTAL DPF		Dedicated Purpose				91413
Fund Group			\$	67,713,152	\$	66,003,341 91414
		Federal Fund Group				91415
3S80	019608	Federal	\$	38,315	\$	38,315 91416
		Representation				
TOTAL FED		Federal Fund Group	\$	38,315	\$	38,315 91417

TOTAL ALL BUDGET FUND GROUPS	\$ 167,437,612	\$ 204,306,896	91418
INSUFFICIENT OPERATING EXPENSES FUNDING			91419
If it is determined by the State Public Defender that the			91420
amounts appropriated to fund the operating expenses of the Public			91421
Defender Commission are insufficient in either fiscal year 2020 or			91422
fiscal year 2021, the Director of Budget and Management, upon			91423
written request of the State Public Defender, may approve for the			91424
applicable fiscal year an appropriation transfer of up to \$100,000			91425
from appropriation item 019501, County Reimbursement, to			91426
appropriation item 019401, State Legal Defense Services, for the			91427
purpose of funding the operating expenses of the Public Defender			91428
Commission.			91429
INDIGENT DEFENSE OFFICE			91430
The foregoing appropriation items 019404, Trumbull County -			91431
State Share, and 019610, Trumbull County - County Share, shall be			91432
used to support an indigent defense office for Trumbull County.			91433
MULTI-COUNTY OFFICE			91434
The foregoing appropriation items 019403, Multi-County: State			91435
Share, and 019601, Multi-County: County Share, shall be used to			91436
support the Office of the Ohio Public Defender's Multi-County			91437
Branch Office Program.			91438
TRAINING ACCOUNT			91439
The foregoing appropriation item 019405, Training Account,			91440
shall be used by the Ohio Public Defender to provide legal			91441
training programs at no cost for private appointed counsel who			91442
represents at least one indigent defendant at no cost, state and			91443
county public defenders, and attorneys who contract with the Ohio			91444
Public Defender to provide indigent defense services.			91445
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID			91446
FUND			91447

On July 1 of each fiscal year, or as soon as possible 91448  
thereafter, the Director of Budget and Management shall transfer 91449  
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund 91450  
(Fund 5740). The transferred cash shall be distributed by the Ohio 91451  
Access to Justice Foundation to Ohio's civil legal aid societies 91452  
as follows: \$250,000 in each fiscal year for the sole purpose of 91453  
providing legal services for economically disadvantaged 91454  
individuals and families seeking assistance with legal issues 91455  
arising as a result of substance abuse disorders, and \$250,000 in 91456  
each fiscal year for the sole purpose of providing legal services 91457  
for veterans. None of the funds shall be used for administrative 91458  
costs, including, but not limited to, salaries, benefits, or 91459  
travel reimbursements. 91460

FEDERAL REPRESENTATION 91461

The foregoing appropriation item 019608, Federal 91462  
Representation, shall be used to support representation provided 91463  
by the Ohio Public Defender in federal court cases. 91464

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY 91465

General Revenue Fund 91466

GRF	761403	Recovery Ohio Law	\$	9,750,000	\$	9,750,000	91467
		Enforcement					

GRF	761404	Drug Testing	\$	140,000	\$	0	91468
		Equipment					

GRF	763403	EMA Operating	\$	5,099,118	\$	5,320,000	91469
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GRF	763513	Security Grants	\$	3,000,000	\$	3,000,000	91470
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GRF	763514	Security Grants -	\$	1,250,000	\$	1,250,000	91471
		Personnel					

GRF	767420	Investigative Unit	\$	13,776,113	\$	14,175,500	91472
		Operating					

GRF	768425	Justice Program	\$	2,061,162	\$	2,084,200	91473
		Services					

GRF	769406	Homeland Security - Operating	\$	3,140,706	\$	3,228,200	91474
GRF	769407	Youthful Driver Safety	\$	500,000	\$	500,000	91475
GRF	769501	School Safety	\$	300,000	\$	300,000	91476
TOTAL GRF		General Revenue Fund	\$	39,017,099	\$	39,607,900	91477
		Dedicated Purpose Fund Group					91478
4P60	768601	Justice Program Services	\$	220,000	\$	226,500	91479
4V30	763662	EMA Service and Reimbursements	\$	751,000	\$	751,000	91480
5B90	766632	Private Investigator and Security Guard Provider	\$	1,986,152	\$	2,035,000	91481
5BK0	768687	Criminal Justice Services - Operating	\$	533,771	\$	550,000	91482
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	91483
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	91484
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	91485
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000	91486
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	91487
5RS0	768621	Community Police Relations	\$	1,569,445	\$	1,150,000	91488
5TJ0	763603	Security Grants	\$	470,000	\$	0	91489
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	91490
6220	767615	Investigative, Contraband, and	\$	1,000,000	\$	1,000,000	91491

		Forfeiture				
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624 91492
		Safety				
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629 91493
		Planning				
TOTAL DPF		Dedicated Purpose Fund	\$	19,453,567	\$	18,635,699 91494
Group						
Federal Fund		Group				91495
3370	763609	Federal Disaster	\$	69,779,199	\$	69,948,672 91496
		Relief				
3FP0	767620	Ohio Investigative	\$	30,000	\$	30,000 91497
		Unit Justice				
		Contraband				
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000 91498
		Grants - FFY15				
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000 91499
		Federal Equity Share				
3GU0	769610	Investigations Grants	\$	1,400,000	\$	1,400,000 91500
		- Food Stamps, Liquor				
		and Tobacco Laws				
3GU0	769631	Homeland Security	\$	800,000	\$	800,000 91501
		Disaster Grants				
3L50	768604	Justice Program	\$	12,600,000	\$	12,600,000 91502
TOTAL FED		Federal Fund Group	\$	97,209,199	\$	97,378,672 91503
TOTAL ALL		BUDGET FUND GROUPS	\$	155,679,865	\$	155,622,271 91504

**Section 373.20. RECOVERY OHIO LAW ENFORCEMENT** 91506

Of the foregoing appropriation item 761403, Recovery Ohio Law 91507  
Enforcement, up to \$3,400,000 in each fiscal year may be used by 91508  
the Office of Criminal Justice Services to provide funding to 91509  
local law enforcement agencies to create narcotics task forces 91510  
that will focus on cartel trafficking interdiction. The 91511  
interdiction task forces shall be designated Ohio Organized Crime 91512

Commission task forces subject to approval and supervision of the 91513  
Commission. 91514

Of the foregoing appropriation item 761403, Recovery Ohio Law 91515  
Enforcement, up to \$3,250,000 in each fiscal year may be used to 91516  
establish a highly specialized Narcotics Intelligence Center 91517  
consisting of personnel assigned to intelligence and computer 91518  
forensic analysis that will assist Ohio narcotics task forces. 91519

Of the foregoing appropriation item 761403, Recovery Ohio Law 91520  
Enforcement, up to \$2,500,000 in each fiscal year may be used by 91521  
the Office of Criminal Justice Services to provide funding to 91522  
Ohio's narcotics task forces to build new and strengthen existing 91523  
partnerships with local law enforcement. 91524

Of the foregoing appropriation item 761403, Recovery Ohio Law 91525  
Enforcement, up to \$600,000 in each fiscal year may be used to 91526  
partner with the Office of Information Technology in the 91527  
Department of Administrative Services to develop, enhance, and 91528  
maintain a uniform records management and data intelligence system 91529  
for narcotics task forces. 91530

DRUG TESTING EQUIPMENT 91531

The foregoing appropriation item 761404, Drug Testing 91532  
Equipment, shall be used by the Ohio State Highway Patrol to 91533  
purchase drug testing equipment for the purpose of determining the 91534  
level of THC in marijuana or hemp. 91535

JUSTICE PROGRAM SERVICES 91536

Of the foregoing appropriation item 768425, Justice Program 91537  
Services, up to \$1,000,000 in each fiscal year shall be used by 91538  
the Department of Public Safety to distribute grants to state 91539  
and/or local law enforcement to conduct investigations on sexual 91540  
assault kit testing results and related expenses. 91541

YOUTHFUL DRIVER SAFETY 91542

The foregoing appropriation item 769407, Youthful Driver Safety, shall be used to enhance driver training for a statewide youthful driver safety program. The program will use best practices and technology to focus on behind-the-wheel driver training for drivers aged sixteen to twenty-four in order to reduce the number of at-fault youthful fatal car crashes.

SCHOOL SAFETY

The foregoing appropriation item 769501, School Safety, shall be used by the Department of Public Safety to pay for the costs of the Ohio Homeland Security Safer Schools Tipline, promotional materials to enhance awareness of the Tipline, and analytic tools to proactively alert local officials to school security threats.

LOCAL DISASTER ASSISTANCE

Appropriation item 763511, Local Disaster Assistance, shall be used to assist eligible local governments in meeting the match requirement necessary to utilize federal disaster assistance funds released as a result of the Major Disaster Declaration issued by the President of the United States on April 17, 2018.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2019 is hereby reappropriated for the same purpose for fiscal year 2020.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency

disaster response costs and disaster program management costs, and 91573  
may also be used for the following purposes: 91574

(A) To accept transfers of cash or appropriations from 91575  
Controlling Board appropriation items for Ohio Emergency 91576  
Management Agency public assistance and mitigation program match 91577  
costs to reimburse eligible local governments and private 91578  
nonprofit organizations for costs related to disasters; 91579

(B) To accept transfers of cash to reimburse the costs 91580  
associated with Emergency Management Assistance Compact (EMAC) 91581  
deployments; 91582

(C) To accept disaster related reimbursement from federal, 91583  
state, and local governments. The Director of Budget and 91584  
Management may transfer cash from reimbursements received by this 91585  
fund to other funds of the state from which transfers were 91586  
originally approved by the Controlling Board. 91587

(D) To accept transfers of cash or appropriations from 91588  
Controlling Board appropriation items to fund the State Disaster 91589  
Relief Program, for disasters that qualify for the program by 91590  
written authorization of the Governor, and the State Individual 91591  
Assistance Program for disasters that have been declared by the 91592  
federal Small Business Administration and that qualify for the 91593  
program by written authorization from the Governor. The Ohio 91594  
Emergency Management Agency shall publish and make available 91595  
application packets outlining procedures for the State Disaster 91596  
Relief Program and the State Individual Assistance Program. 91597

**Section 373.30.** TRANSFER FROM STATE FIRE MARSHAL FUND TO 91598  
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 91599

On July 1 of each fiscal year, or as soon as possible 91600  
thereafter, the Director of Budget and Management shall transfer 91601  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 91602

Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2020 and 2021, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation items 763513, Security Grants, and 763603, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism.

(B)(1) The foregoing appropriation item 763514, Security 91633  
Grants - Personnel, shall be used to make competitive grants to 91634  
nonprofit organizations, houses of worship, chartered nonpublic 91635  
schools, and licensed preschools to acquire the services of a 91636  
resource officer, special duty police officer, or licensed armed 91637  
security guards or the purchase of qualified equipment, including 91638  
equipment for emergency and crisis communication, crisis 91639  
management, or trauma and crisis response to assist in preventing, 91640  
preparing for, or responding to acts of terrorism. 91641

(2) Grants awarded under division (B)(1) of this section 91642  
shall not exceed \$100,000 per resource officer per building or not 91643  
more than \$25,000 for the purchase of qualified equipment. 91644

(3) Each recipient of a grant under division (B) of this 91645  
section shall provide a matching contribution at a ratio of one to 91646  
one. The matching contribution may come from any lawful non-state 91647  
source, including federal and local government entities, law 91648  
enforcement organizations, or the private sector. Notwithstanding 91649  
any provision of law to the contrary, a state or local law 91650  
enforcement agency may provide asset forfeiture or similar funds 91651  
for use as a recipient's local matching contribution. If an 91652  
applicant for a grant is unable to provide a sufficient matching 91653  
contribution, the applicant may, in its grant application, submit 91654  
a written request for a waiver of the local matching contribution 91655  
requirement. As part of an applicant's request for a waiver, the 91656  
applicant shall explain why the waiver is necessary. The Ohio 91657  
Emergency Management Agency may grant a waiver only for good cause 91658  
in accordance with the procedures it establishes. 91659

(C) The Emergency Management Agency shall administer and 91660  
award the grants described in divisions (A) and (B) of this 91661  
section. The Agency shall establish procedures and forms by which 91662  
applicants may apply for a grant, a competitive process for 91663  
ranking applicants and awarding the grants, and procedures for 91664

distributing grants to recipients. The procedures shall require 91665  
each applicant to do all of the following: 91666

(1) Identify and substantiate prior threats or attacks by a 91667  
terrorist organization, network, or cell against the nonprofit 91668  
organization, house of worship, chartered nonpublic school, or 91669  
licensed preschool; 91670

(2) Indicate the symbolic or strategic value of one or more 91671  
sites that renders the site a possible target of terrorism; 91672

(3) Discuss potential consequences to the organization if the 91673  
site is damaged, destroyed, or disrupted by a terrorist; 91674

(4) Describe how the grant will be used to integrate 91675  
organizational preparedness with broader state and local 91676  
preparedness efforts; 91677

(5) Submit either a vulnerability assessment conducted by 91678  
experienced security, law enforcement, or military personnel, or a 91679  
credible intelligence and threat analysis from one or more 91680  
qualified homeland security, counterintelligence, or 91681  
anti-terrorism experts, and a description of how the grant will be 91682  
used to address the vulnerabilities identified in the assessment. 91683

The Agency shall consider all of the above factors in 91684  
evaluating grant applications. 91685

(D) Any grant submission described in division (I) of section 91686  
3313.536 of the Revised Code or section 149.433 of the Revised 91687  
Code is not a public record under section 149.43 of the Revised 91688  
Code and is not subject to mandatory release or disclosure under 91689  
that section. 91690

(E) The Emergency Management Agency may use up to two and 91691  
one-half per cent of the total amount appropriated to administer 91692  
the program, a portion of which may be used to pay costs incurred 91693  
by the Department of Public Safety to provide security-related or 91694

specialized assistance in reviewing vulnerability assessments and 91695  
prioritizing grant applications. 91696

(F) As used in this section: 91697

(1) "Eligible security improvements" means any of the 91698  
following: 91699

(a) Physical security enhancement equipment or inspection and 91700  
screening equipment included on the Authorized Equipment List 91701  
published by the United States Department of Homeland Security; 91702

(b) Attendance fees and associated materials, supplies, and 91703  
equipment costs for security-related training courses and programs 91704  
regarding the protection of critical infrastructure and key 91705  
resources, physical and cyber security, target hardening, or 91706  
terrorism awareness or preparedness. Personnel and travel costs 91707  
associated with training shall not be considered an eligible 91708  
expense of the grant. 91709

(2) "Nonprofit organization" means a corporation, 91710  
association, group, institution, society, or other organization 91711  
that is exempt from federal income taxation under section 91712  
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 91713  
26 U.S.C. 501(c)(3), as amended. 91714

(3) "Resource officer" means any law enforcement officer of 91715  
an accredited local law enforcement agency providing special duty 91716  
services in a school setting to create or maintain a safe, secure, 91717  
and orderly environment. A resource officer may include a special 91718  
duty police officer, off-duty police officer, deputy sheriff, or 91719  
other peace officer of the applicable local law enforcement agency 91720  
in which the chartered nonpublic school or licensed preschool is 91721  
located or qualifying personnel of an accredited local law 91722  
enforcement agency for any jurisdiction in this state. 91723

(4) "Terrorism" means any act taken by a group or individual 91724  
used to intimidate or coerce a nonprofit organization, house of 91725

worship, chartered nonpublic school, or licensed preschool, its 91726  
employees, and anyone who is or in the future may be associated 91727  
with it, as well as their families; to influence the policy of the 91728  
nonprofit organization, house of worship, chartered nonpublic 91729  
school, or licensed preschool; and to affect the conduct of the 91730  
nonprofit organization, house of worship, chartered nonpublic 91731  
school, or licensed preschool. 91732

(G) An amount equal to the unexpended, unencumbered balance 91733  
of the foregoing appropriation item 763603, Security Grants, at 91734  
the end of fiscal year 2020 is hereby reappropriated for the same 91735  
purpose in fiscal year 2021. 91736

(H) An amount equal to the unexpended, unencumbered balance 91737  
of the foregoing appropriation item 763514, Security Grants - 91738  
Personnel, at the end of fiscal year 2020 is hereby reappropriated 91739  
for the same purpose in fiscal year 2021. 91740

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 91741

Dedicated Purpose Fund Group 91742

4A30 870614 Grade Crossing \$ 1,196,662 \$ 1,200,000 91743

Protection

Devices-State

4L80 870617 Pipeline Safety-State \$ 346,253 \$ 346,253 91744

5610 870606 Power Siting Board \$ 1,095,185 \$ 1,095,185 91745

5F60 870622 Utility and Railroad \$ 34,582,560 \$ 35,415,760 91746

Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 91747

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 91748

Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 91749

Registration

5LT0 870643 Non-hazardous \$ 299,942 \$ 299,942 91750

Materials Civil

		Forfeiture					
5LT0	870644	Hazardous Materials	\$	800,000	\$	800,000	91751
		Civil Forfeiture					
5LT0	870645	Motor Carrier	\$	4,681,427	\$	4,719,696	91752
		Enforcement					
5Q50	870626	Telecommunications	\$	3,000,000	\$	3,000,000	91753
		Relay Service					
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000	91754
		Protection					
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000	91755
		Administration					
TOTAL DPF	Dedicated Purpose Fund		\$	47,098,029	\$	47,972,836	91756
Group							
Federal Fund Group							91757
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	91758
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083	91759
3500	870648	Motor Carrier	\$	450,000	\$	450,000	91760
		Administration High					
		Priority Activities					
		Grants and					
		Cooperative					
		Agreements					
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	91761
		Information					
		Systems/Networks					
TOTAL FED	Federal Fund Group		\$	12,006,042	\$	12,006,042	91762
TOTAL ALL BUDGET FUND GROUPS			\$	59,104,071	\$	59,978,878	91763
<b>Section 377.10.</b>	PWC PUBLIC WORKS COMMISSION						91765
General Revenue Fund							91766
GRF	150904	Conservation General	\$	44,218,800	\$	44,394,800	91767
		Obligation Bond Debt					

		Service				
GRF	150907	Infrastructure	\$	229,338,800	\$	231,754,500 91768
		Improvement General				
		Obligation Bond Debt				
		Service				
TOTAL GRF	General Revenue Fund		\$	273,557,600	\$	276,149,300 91769
	Capital Projects Fund Group					91770
7038	150321	State Capital	\$	1,085,834	\$	895,864 91771
		Improvements Program				
		- Operating Expenses				
7056	150403	Clean Ohio	\$	364,345	\$	301,022 91772
		Conservation				
		Operating				
TOTAL CPF	Capital Projects Fund		\$	1,450,179	\$	1,196,886 91773
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$	275,007,779	\$	277,346,186 91774

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 91776

SERVICE 91777

The foregoing appropriation item 150904, Conservation General 91778  
Obligation Bond Debt Service, shall be used to pay all debt 91779  
service and related financing costs during the period from July 1, 91780  
2019, through June 30, 2021, on obligations issued under sections 91781  
151.01 and 151.09 of the Revised Code. 91782

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 91783

SERVICE 91784

The foregoing appropriation item 150907, Infrastructure 91785  
Improvement General Obligation Bond Debt Service, shall be used to 91786  
pay all debt service and related financing costs during the period 91787  
from July 1, 2019, through June 30, 2021, on obligations issued 91788  
under sections 151.01 and 151.08 of the Revised Code. 91789

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 91790

The foregoing appropriation item 150321, State Capital  
Improvements Program - Operating Expenses, shall be used by the  
Ohio Public Works Commission to administer the State Capital  
Improvement Program under sections 164.01 to 164.16 of the Revised  
Code.

CLEAN OHIO CONSERVATION OPERATING 91796

The foregoing appropriation item 150403, Clean Ohio  
Conservation Operating, shall be used by the Ohio Public Works  
Commission in administering Clean Ohio Conservation Fund (Fund  
7056) projects pursuant to sections 164.20 to 164.27 of the  
Revised Code.

DISTRICT ADMINISTRATION COSTS 91802

The Director of the Public Works Commission is authorized to  
create a District Administration Costs Program from proceeds of  
the Capital Improvements Fund and Local Transportation Improvement  
Program Fund. The program shall be used to provide for the direct  
costs of district administration of the nineteen public works  
districts. Districts choosing to participate in the program shall  
only expend State Capital Improvements Fund moneys for State  
Capital Improvements Fund costs and Local Transportation  
Improvement Program Fund moneys for Local Transportation  
Improvement Program Fund costs. The District Administration Costs  
Program account shall not exceed \$1,235,000 per fiscal year. Each  
public works district may be eligible for up to \$65,000 per fiscal  
year from its district allocation as provided in sections 164.08  
and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and  
nonallowable costs for the purpose of the District Administration  
Costs Program. Nonallowable costs include indirect costs, elected  
official salaries and benefits, and project-specific costs. No  
district public works committee may participate in the District

Administration Costs Program without the approval of those costs 91822  
 by the district public works committee under section 164.04 of the 91823  
 Revised Code. 91824

**NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 91825**

The Director of the Public Works Commission is authorized to 91826  
 create a District Administration Costs Program for districts 91827  
 represented by natural resource assistance councils. This program 91828  
 shall be funded from proceeds of the Clean Ohio Conservation Fund. 91829  
 The program shall be used by natural resource assistance councils 91830  
 in order to provide for administration costs of the nineteen 91831  
 natural resource assistance councils for the direct costs of 91832  
 council administration. Councils choosing to participate in this 91833  
 program may be eligible for up to \$15,000 per fiscal year from its 91834  
 district allocation as provided in section 164.27 of the Revised 91835  
 Code. 91836

The Director shall define allowable and nonallowable costs 91837  
 for the purpose of the District Administration Costs Program. 91838  
 Nonallowable costs include indirect costs, elected official 91839  
 salaries and benefits, and project-specific costs. 91840

**Section 379.10. RAC STATE RACING COMMISSION 91841**

Dedicated Purpose Fund Group				91842
5620	875601	Thoroughbred	\$ 1,400,000 \$ 1,400,000	91843
		Development		
5630	875602	Standardbred	\$ 1,550,000 \$ 1,550,000	91844
		Development		
5650	875604	Racing Commission	\$ 4,034,320 \$ 4,070,948	91845
		Operating		
5JK0	875610	Horse Racing	\$ 8,512,095 \$ 8,512,095	91846
		Development-Casino		
5NL0	875611	Revenue	\$ 8,000,000 \$ 8,000,000	91847

Redistribution			
TOTAL DPF Dedicated Purpose Fund Group	\$	23,496,415	\$ 23,533,043 91848
Fiduciary Fund Group			91849
5C40 875607 Simulcast Horse	\$	7,000,000	\$ 7,000,000 91850
Racing Purse			
TOTAL FID Fiduciary Fund Group	\$	7,000,000	\$ 7,000,000 91851
Holding Account Fund Group			91852
R021 875605 Bond Reimbursements	\$	100,000	\$ 100,000 91853
TOTAL HLD Holding Account Fund Group	\$	100,000	\$ 100,000 91854
TOTAL ALL BUDGET FUND GROUPS	\$	30,596,415	\$ 30,633,043 91855
<b>Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION</b>			91857
General Revenue Fund			91858
GRF 235321 Operating Expenses	\$	5,825,252	\$ 5,762,414 91859
GRF 235402 Sea Grants	\$	299,250	\$ 299,250 91860
GRF 235406 Articulation and Transfer	\$	1,844,372	\$ 1,851,773 91861
GRF 235408 Midwest Higher Education Compact	\$	115,000	\$ 115,000 91862
GRF 235414 Grants and Scholarship Administration	\$	837,799	\$ 855,433 91863
GRF 235417 Technology Maintenance and Operations	\$	4,989,937	\$ 3,758,802 91864
GRF 235428 Appalachian New Economy Workforce Partnership	\$	1,728,000	\$ 1,728,000 91865
GRF 235438 Choose Ohio First Scholarship	\$	28,169,310	\$ 40,177,613 91866
GRF 235443 Adult Basic and Literacy Education -	\$	8,083,344	\$ 8,083,344 91867

State						
GRF 235444	Ohio Technical Centers	\$	19,669,559	\$	23,250,000	91868
GRF 235474	Area Health Education Centers Program	\$	873,000	\$	873,000	91869
	Support					
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000	91870
GRF 235501	State Share of Instruction	\$	2,019,202,822	\$	2,039,394,850	91871
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	11,163,333	\$	12,502,933	91872
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682	91873
GRF 235508	Air Force Institute of Technology	\$	1,641,723	\$	1,641,723	91874
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513	91875
GRF 235511	Cooperative Extension Service	\$	25,110,186	\$	25,110,186	91876
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516	91877
GRF 235515	Case Western Reserve University School of Medicine	\$	2,038,940	\$	2,038,940	91878
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876	91879
GRF 235520	Shawnee State Supplement	\$	4,037,456	\$	4,037,456	91880
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043	91881
GRF 235526	Primary Care Residencies	\$	1,425,000	\$	1,425,000	91882
GRF 235533	Program and Project Support	\$	2,753,850	\$	1,278,000	91883

GRF 235535	Ohio Agricultural Research and Development Center	\$	37,361,470	\$	37,361,470	91884
GRF 235536	The Ohio State University Clinical Teaching	\$	9,185,494	\$	9,185,494	91885
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,904,944	\$	7,904,944	91886
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670	91887
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$	2,860,830	91888
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$	2,765,651	91889
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469	91890
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	500,000	\$	500,000	91891
GRF 235544	STEM Public-Private Partnership Program	\$	500,000	\$	500,000	91892
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485	91893
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367	91894
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	91895
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592	91896

GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	91897
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	91898
GRF 235563	Ohio College Opportunity Grant	\$	122,260,500	\$	148,200,000	91899
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	500,000	\$	750,000	91900
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	91901
GRF 235591	Co-Op Internship Program	\$	650,000	\$	650,000	91902
GRF 235597	High School STEM Innovation and Ohio College Scholarship and Retention Program	\$	1,000,000	\$	1,000,000	91903
GRF 235599	National Guard Scholarship Program	\$	20,604,000	\$	21,222,120	91904
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	323,545,500	\$	348,550,200	91905
TOTAL GRF	General Revenue Fund	\$	2,718,124,810	\$	2,804,312,714	91906
	Dedicated Purpose Fund Group					91907
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	744,562	91908
4560 235603	Sales and Services	\$	199,250	\$	199,250	91909
4E80 235602	Higher Educational Facility Commission Administration	\$	53,239	\$	60,000	91910
5D40 235675	Conference/Special	\$	1,000,000	\$	1,000,000	91911

		Purposes					
5FR0	235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	91912
5JC0	235654	Federal Research Network	\$	4,950,000	\$	4,950,000	91913
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	245,163	\$	0	91914
5P30	235663	Variable Savings Plan	\$	7,743,050	\$	7,915,343	91915
6450	235664	Guaranteed Savings Plan	\$	956,973	\$	1,001,626	91916
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	91917
TOTAL	DPF	Dedicated Purpose Fund Group	\$	18,239,921	\$	18,164,251	91918
Bond Research and Development Fund Group							91919
7011	235634	Research Incentive Third Frontier	\$	6,500,000	\$	6,500,000	91920
7014	235639	Research Incentive Third Frontier - Tax	\$	1,500,000	\$	1,500,000	91921
TOTAL	BRD	Bond Research and Development Fund Group	\$	8,000,000	\$	8,000,000	91922
Federal Fund Group							91923
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	91924
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,332,315	\$	1,350,000	91925
3120	235641	Adult Basic and Literacy Education - Federal	\$	17,579,996	\$	17,600,000	91926
3BG0	235651	Gear Up Grant Scholarships	\$	1,750,000	\$	1,750,000	91927

3H20	235608	Human Services Project	\$	375,000	\$	375,000	91928
3N60	235658	John R. Justice Student Loan Repayment Program	\$	70,000	\$	70,000	91929
TOTAL FED	Federal Fund Group		\$	23,103,119	\$	23,145,000	91930
TOTAL ALL BUDGET FUND GROUPS			\$	2,767,467,850	\$	2,853,621,965	91931

**Section 381.20. SEA GRANTS** 91933

The foregoing appropriation item 235402, Sea Grants, shall be 91934  
used to match federal dollars and leverage additional support by 91935  
The Ohio State University's Sea Grant program, including Stone 91936  
Laboratory, for research, education, and outreach to enhance the 91937  
economic value, public utilization, and responsible management of 91938  
Lake Erie and Ohio's coastal resources. 91939

**Section 381.30. ARTICULATION AND TRANSFER** 91940

The foregoing appropriation item 235406, Articulation and 91941  
Transfer, shall be used by the Chancellor of Higher Education to 91942  
maintain and expand the work of the Articulation and Transfer 91943  
Council to develop a system of transfer policies to ensure that 91944  
students at state institutions of higher education can transfer 91945  
and have coursework apply to their majors and degrees at any other 91946  
state institution of higher education without unnecessary 91947  
duplication or institutional barriers under sections 3333.16, 91948  
3333.161, and 3333.162 of the Revised Code. 91949

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 91950

The foregoing appropriation item 235408, Midwest Higher 91951  
Education Compact, shall be distributed by the Chancellor of 91952  
Higher Education under section 3333.40 of the Revised Code. 91953

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 91954

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS**

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology

Maintenance and Operations, a portion in each fiscal year shall be 91986  
used by the Chancellor to implement a high priority data 91987  
warehouse, advanced analytics, and visualization integration 91988  
services associated with the Higher Education Information (HEI) 91989  
system. The services may be facilitated by OH-TECH. 91990

Of the foregoing appropriation item 235417, Technology 91991  
Maintenance and Operations, \$150,000 in each fiscal year shall be 91992  
used to support Ohio Reach to provide mentoring and support 91993  
services to former foster youth attending college. 91994

Of the foregoing appropriation item 235417, Technology 91995  
Maintenance and Operations, up to \$750,000 in fiscal year 2020 91996  
shall be provided to the Fairfield County Port Authority to 91997  
distribute to Hocking College. Hocking College shall propose 91998  
technical content of currently existing Department of Higher 91999  
Education approved certificate and stackable certificate 92000  
programming or technical content of associate degrees at a 92001  
Workforce Training Center located in Fairfield County. The 92002  
instructional programming proposals shall focus efforts on 92003  
creating and implementing a short-term certificate and apprentice 92004  
pathway program and providing access to training programs for 92005  
developmentally disabled clients. Prior to the proposed 92006  
development of any programming to be offered in Fairfield County 92007  
at the Workforce Training Center, Hocking College shall document a 92008  
need at the request of a corporation located or locating in 92009  
Fairfield County. The Workforce Program committee shall review 92010  
these requests first to acknowledge there is a need before 92011  
development of such programming. Any such program shall be offered 92012  
to Ohio University and its Lancaster Campus for their first right 92013  
of refusal to meet that same need. Hocking College shall expend 92014  
these moneys by June 30, 2020. Hocking College shall not offer 92015  
associate or baccalaureate degrees in Fairfield County. 92016

Of the foregoing appropriation item 235417, Technology 92017

Maintenance and Operations, \$500,000 in fiscal year 2020 shall be 92018  
allocated to the Fairfield County Port Authority to distribute to 92019  
Ohio University-Lancaster to support the development and 92020  
implementation of instructional programming that supports 92021  
workforce training in the areas of advanced manufacturing and 92022  
robotics. Hocking College, Ohio University Lancaster Campus, and 92023  
Fairfield County shall establish a Workforce Program Committee for 92024  
advisory purposes in developing workforce training plans and 92025  
Workforce Training Center operations. 92026

**Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP** 92027

Of the foregoing appropriation item 235428, Appalachian New 92028  
Economy Workforce Partnership, \$500,000 in each fiscal year shall 92029  
be allocated to the Mahoning Valley Innovation and 92030  
Commercialization Center. 92031

The remainder of the foregoing appropriation item 235428, 92032  
Appalachian New Economy Workforce Partnership, shall be 92033  
distributed to Ohio University to continue a multi-campus and 92034  
multi-agency coordinated effort to link Appalachia to the new 92035  
economy. Ohio University shall use these funds to provide 92036  
leadership in the development and implementation of initiatives in 92037  
the areas of entrepreneurship, management, education, and 92038  
technology. 92039

**Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP** 92040

The foregoing appropriation item 235438, Choose Ohio First 92041  
Scholarship, shall be used to operate the program prescribed in 92042  
sections 3333.60 to 3333.69 of the Revised Code. 92043

During each fiscal year, the Chancellor of Higher Education, 92044  
as soon as possible after cancellation, may certify to the 92045  
Director of Budget and Management the amount of canceled 92046  
prior-year encumbrances in appropriation item 235438, Choose Ohio 92047

First Scholarship. Upon receipt of the certification, the Director 92048  
of Budget and Management may transfer cash, up to the certified 92049  
amount, from the General Revenue Fund to the Choose Ohio First 92050  
Scholarship Reserve Fund (Fund 5PV0). 92051

**Section 381.90.** ADULT BASIC AND LITERACY EDUCATION 92052

The foregoing appropriation item 235443, Adult Basic and 92053  
Literacy Education - State, shall be used to support the adult 92054  
basic and literacy education instructional grant program and state 92055  
leadership program. The supported programs shall satisfy the state 92056  
match and maintenance of effort requirements for the 92057  
state-administered grant program. 92058

**Section 381.100.** OHIO TECHNICAL CENTERS FUNDING 92059

The foregoing appropriation item 235444, Ohio Technical 92060  
Centers, shall be used by the Chancellor of Higher Education to 92061  
support post-secondary adult career-technical education. The 92062  
Chancellor shall provide coordination for Ohio Technical Centers 92063  
through program approval processes, data collection of program and 92064  
student outcomes, and subsidy disbursements from the foregoing 92065  
appropriation item 235444, Ohio Technical Centers. 92066

(A)(1) As soon as possible in each fiscal year, in accordance 92067  
with instructions of the Chancellor, each Ohio Technical Center 92068  
shall report its actual data, consistent with the definitions in 92069  
the Higher Education Information (HEI) system's files, to the 92070  
Chancellor. 92071

(a) In defining the number of full-time equivalent students 92072  
for state subsidy purposes, the Chancellor shall exclude all 92073  
students who are not residents of Ohio. 92074

(b) A full-time equivalent student shall be defined as a 92075  
student who completes 450 hours. Those students that complete some 92076  
portion of 450 hours shall be counted as a partial full-time 92077

equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent. 92078  
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(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average. 92081  
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(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers. 92084  
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(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis. 92089  
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(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention. 92096  
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(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time 92101  
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equivalent students shall be based on the per cent of Perkins 92109  
placements for students who have completed at least 50 per cent of 92110  
a program of study. 92111

(5) In each fiscal year, five per cent of the allocation for 92112  
Ohio Technical Centers shall be distributed based on the 92113  
proportion of each Center's full-time equivalent students to the 92114  
total full-time equivalent students who have earned a credential 92115  
from an industry-recognized third party. 92116

(B) Of the foregoing appropriation item 235444, Ohio 92117  
Technical Centers, up to 2.38 per cent in each fiscal year may be 92118  
distributed by the Chancellor to the Ohio Central School System, 92119  
up to \$48,000 in each fiscal year may be utilized for assistance 92120  
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 92121  
year may be distributed by the Chancellor to Ohio Technical 92122  
Centers that provide business consultation with matching local 92123  
dollars, with preference to industries on the in-demand jobs list 92124  
created under section 6301.11 of the Revised Code or in regionally 92125  
emerging fields. Each center meeting this requirement shall 92126  
receive at least \$25,000 but not more than a maximum amount 92127  
determined by the Chancellor. 92128

(C) The remainder of the foregoing appropriation item 235444, 92129  
Ohio Technical Centers, in each fiscal year shall be distributed 92130  
in accordance with division (A) of this section. 92131

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 92132  
CENTERS 92133

(1) In fiscal year 2020, no Ohio Technical Center shall 92134  
receive performance funding calculated under division (A) of this 92135  
section, excluding funding for third party credentials calculated 92136  
under division (A)(5) of this section, that is less than 75 per 92137  
cent of the average allocation the Center received, excluding 92138  
funding for third party credentials, in the three prior fiscal 92139

years. 92140

In fiscal year 2021, no Ohio Technical Center shall receive 92141  
performance funding calculated under division (A) of this section, 92142  
excluding funding for third party credentials calculated under 92143  
division (A)(5) of this section, that is less than 65 per cent of 92144  
the average allocation the Center received, excluding funding for 92145  
third party credentials, in the three prior fiscal years. 92146

(2) In order to ensure that no Center receives less than the 92147  
amounts identified for each fiscal year in accordance with 92148  
division (D)(1) of this section, funds shall be made available to 92149  
support the phase-in allocation by proportionally reducing formula 92150  
earnings from each Center not receiving phase-in funding. 92151

**Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM** 92152  
SUPPORT 92153

The foregoing appropriation item 235474, Area Health 92154  
Education Centers Program Support, shall be used by the Chancellor 92155  
of Higher Education to support the medical school regional area 92156  
health education centers' educational programs for the continued 92157  
support of medical and other health professions education and for 92158  
support of the Area Health Education Center Program. 92159

**Section 381.120. CAMPUS SAFETY AND TRAINING** 92160

The foregoing appropriation item 235492, Campus Safety and 92161  
Training, shall be used by the Chancellor of Higher Education for 92162  
the purpose of developing model best practices for preventing and 92163  
responding to sexual violence on campus. The Chancellor, in 92164  
consultation with state institutions of higher education as 92165  
defined in section 3345.011 of the Revised Code and private 92166  
nonprofit institutions of higher education holding certificates of 92167  
authorization under Chapter 1713. of the Revised Code, shall 92168  
continue to develop model best practices in line with emerging 92169

trends, research, and evidence-based training for preventing and 92170  
responding to sexual violence and protecting students and staff 92171  
who are victims of sexual violence on campus. The Chancellor shall 92172  
convene state institutions of higher education and private 92173  
nonprofit institutions of higher education in the training and 92174  
implementation of best practices regarding campus sexual violence. 92175

**Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS** 92176

The Chancellor of Higher Education shall establish procedures 92177  
to allocate the foregoing appropriation item 235501, State Share 92178  
of Instruction, based on the formulas detailed in this section 92179  
that utilize the enrollment, course completion, degree attainment, 92180  
and student achievement factors reported annually by each state 92181  
institution of higher education participating in the Higher 92182  
Education Information (HEI) system. 92183

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 92184  
COMPLETIONS 92185

(1) As soon as possible during each fiscal year of the 92186  
biennium ending June 30, 2021, in accordance with instructions of 92187  
the Department of Higher Education, each state institution of 92188  
higher education shall report its actual data, consistent with the 92189  
definitions in the Higher Education Information (HEI) system's 92190  
enrollment files, to the Chancellor of Higher Education. 92191

(2) In defining the number of full-time equivalent students 92192  
for state subsidy instructional cost purposes, the Chancellor 92193  
shall exclude all undergraduate students who are not residents of 92194  
Ohio or who do not meet the definition of residency for state 92195  
subsidy and tuition surcharge purposes, except those charged 92196  
in-state fees in accordance with reciprocity agreements made under 92197  
section 3333.17 of the Revised Code or employer contracts entered 92198  
into under section 3333.32 of the Revised Code. 92199

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT			92200
For purposes of calculating state share of instruction			92201
allocations, the total instructional costs per full-time			92202
equivalent student shall be:			92203
Model	Fiscal Year 2020	Fiscal Year 2021	92204
ARTS AND HUMANITIES 1	\$9,115	\$9,285	92205
ARTS AND HUMANITIES 2	\$12,986	\$13,227	92206
ARTS AND HUMANITIES 3	\$16,155	\$16,455	92207
ARTS AND HUMANITIES 4	\$24,740	\$25,200	92208
ARTS AND HUMANITIES 5	\$41,648	\$42,421	92209
ARTS AND HUMANITIES 6	\$41,449	\$42,219	92210
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	92211
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	92212
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	92213
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	92214
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	92215
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	92216
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	92217
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	92218
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	92219
SCIENCE, TECHNOLOGY,	\$13,054	\$13,296	92220

ENGINEERING, MATHEMATICS, MEDICINE 3			
SCIENCE, TECHNOLOGY,	\$15,314	\$15,599	92221
ENGINEERING, MATHEMATICS, MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$19,665	\$20,030	92222
ENGINEERING, MATHEMATICS, MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$20,452	\$20,832	92223
ENGINEERING, MATHEMATICS, MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$24,577	\$25,033	92224
ENGINEERING, MATHEMATICS, MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$39,870	\$40,610	92225
ENGINEERING, MATHEMATICS, MEDICINE 8			
SCIENCE, TECHNOLOGY,	\$56,741	\$57,795	92226
ENGINEERING, MATHEMATICS, MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			92227
accordance with division (D)(2) of this section.			92228
Medical I and Medical II models shall be allocated in			92229
accordance with divisions (D)(3) and (D)(4) of this section.			92230
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			92231
AND GRADUATE WEIGHTS			92232
For the purpose of implementing the recommendations of the			92233
2006 State Share of Instruction Consultation and the Higher			92234
Education Funding Study Council that priority be given to			92235
maintaining state support for science, technology, engineering,			92236
mathematics, medicine, and graduate programs, the costs in			92237
division (B) of this section shall be weighted by the amounts			92238

Model	Fiscal Year 2020	Fiscal Year 2021	
provided below:			92239
Model			92240
ARTS AND HUMANITIES 1	1.0000	1.0000	92241
ARTS AND HUMANITIES 2	1.0000	1.0000	92242
ARTS AND HUMANITIES 3	1.0000	1.0000	92243
ARTS AND HUMANITIES 4	1.0000	1.0000	92244
ARTS AND HUMANITIES 5	1.0425	1.0425	92245
ARTS AND HUMANITIES 6	1.0425	1.0425	92246
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	92247
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	92248
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	92249
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	92250
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	92251
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	92252
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	92253
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	92254
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	92255
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	92256
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.6920	1.6920	92257

MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	92258
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	92259
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	92260
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	92261
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	92262
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			92263
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			92264
(1) Of the foregoing appropriation item 235501, State Share			92265
of Instruction, 50 per cent of the appropriation for universities,			92266
as established in division (A)(2) of the section of this act			92267
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND			92268
2021," in each fiscal year shall be reserved for support of			92269
associate, baccalaureate, master's, and professional level degree			92270
attainment.			92271
The degree attainment funding shall be allocated to			92272
universities in proportion to each campus's share of the total			92273
statewide degrees granted, weighted by the cost of the degree			92274
programs. The degree cost calculations shall include the model			92275
cost weights for the science, technology, engineering,			92276
mathematics, and medicine models as established in division (C) of			92277
this section.			92278

For degrees including credits earned at multiple 92279  
institutions, degree attainment funding shall be allocated to 92280  
universities in proportion to each campus's share of the 92281  
student-specific cost of earned credits for the degree. Each 92282  
institution shall receive its prorated share of degree funding for 92283  
credits earned at that institution. Cost of credits not earned at 92284  
a university main or regional campus shall be credited to the 92285  
degree-granting institution for the first degree earned by a 92286  
student at each degree level. The cost credited to the 92287  
degree-granting institution shall not be eligible for at-risk 92288  
weights and shall be limited to 12.5 per cent of the 92289  
student-specific degree costs. However, the 12.5 per cent 92290  
limitation shall not apply if the student transferred 12 or fewer 92291  
credits into the degree granting institution. 92292

In calculating the subsidy entitlements for degree attainment 92293  
for universities, the Chancellor shall use the following count of 92294  
degrees and degree costs: 92295

(a) The subsidy eligible undergraduate degrees shall be 92296  
defined as follows: 92297

(i) The subsidy eligible degrees conferred to students 92298  
identified as residents of the state of Ohio in any term of their 92299  
studies, as reported through the Higher Education Information 92300  
(HEI) system student enrollment file, shall be weighted by a 92301  
factor of 1. 92302

(ii) The subsidy eligible degrees conferred to students 92303  
identified as out-of-state residents during all terms of their 92304  
studies, as reported through the Higher Education Information 92305  
(HEI) system student enrollment file, who remain in the state of 92306  
Ohio at least one year after graduation, as calculated based on 92307  
the three-year average in-state residency rate using the 92308  
Unemployment Wage data for out-of-state graduates at each 92309  
institution, shall be weighted by a factor of 50 per cent. 92310

(iii) Subsidy eligible associate degrees are defined as those 92311  
earned by students attending any state-supported university main 92312  
or regional campus. 92313

(b) In calculating each campus's count of degrees, the 92314  
Chancellor shall use the three-year average associate, 92315  
baccalaureate, master's, and professional degrees awarded for the 92316  
three-year period ending in the prior year. 92317

(i) If a student is awarded an associate degree and, 92318  
subsequently, is awarded a baccalaureate degree, the amount funded 92319  
for the baccalaureate degree shall be limited to either the 92320  
difference in cost between the cost of the baccalaureate degree 92321  
and the cost of the associate degree paid previously, or if the 92322  
associate degree has a higher cost than the baccalaureate degree, 92323  
the cost of the credits earned by the student after the associate 92324  
degree was awarded. 92325

(ii) If a student earns an associate degree then, 92326  
subsequently, earns a baccalaureate degree, the associate degree 92327  
granting institution shall only receive the prorated share of the 92328  
baccalaureate degree funding for the credits earned at that 92329  
institution after the associate degree is awarded. 92330

(iii) If a student earns more than one degree at the same 92331  
institution at the same degree level in the same fiscal year, the 92332  
funding for the highest cost degree shall be prorated among 92333  
institutions based on where the credits were earned and additional 92334  
degrees shall be funded at 25 per cent of the cost of the degrees. 92335

(c) Associate degrees and baccalaureate degrees earned by a 92336  
student defined as at-risk based on academic underpreparation, 92337  
age, minority status, financial status, or first generation 92338  
post-secondary status based on neither parent completing any 92339  
education beyond high school, shall be defined as degrees earned 92340  
by an at-risk student and shall be weighted by the following: 92341

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 and 2021," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the three-year period ending in the prior year.

(c) 25 per cent of the doctoral set-aside shall be allocated 92374  
to universities in proportion to their share of research grant 92375  
activity. Funding for this component shall be allocated to 92376  
eligible universities in proportion to their share of research 92377  
grant activity published by the National Science Foundation. Grant 92378  
awards from the Department of Health and Human Services shall be 92379  
weighted at 50 per cent. 92380

(3) Of the foregoing appropriation item 235501, State Share 92381  
of Instruction, 6.41 per cent of the appropriation for 92382  
universities, as established in division (A)(2) of the section of 92383  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 92384  
2020 AND 2021," in each fiscal year shall be reserved for support 92385  
of Medical II FTEs. The amount so reserved shall be referred to as 92386  
the medical II set-aside. 92387

The medical II set-aside shall be allocated to universities 92388  
in proportion to their share of the statewide total of each state 92389  
institution's three-year average Medical II FTEs as calculated in 92390  
division (A) of this section. 92391

In calculating the core subsidy entitlements for Medical II 92392  
models only, students repeating terms may be no more than five per 92393  
cent of current year enrollment. 92394

(4) Of the foregoing appropriation item 235501, State Share 92395  
of Instruction, 1.48 per cent of the appropriation for 92396  
universities, as established in division (A)(2) of the section of 92397  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 92398  
2020 AND 2021," in each fiscal year shall be reserved for support 92399  
of Medical I FTEs. The amount so reserved shall be referred to as 92400  
the medical I set-aside. 92401

The medical I set-aside shall be allocated to universities in 92402  
proportion to their share of the statewide total of each state 92403  
institution's three-year average Medical I FTEs as calculated in 92404

division (A) of this section. 92405

(5) In calculating the course completion funding for 92406  
universities, the Chancellor shall use the following count of FTE 92407  
students: 92408

(a) The subsidy eligible enrollments by model shall equal 92409  
only those FTE students who successfully complete the course as 92410  
defined and reported through the Higher Education Information 92411  
(HEI) system course enrollment file; 92412

(b) Those undergraduate FTE students with successful course 92413  
completions, identified in division (D)(5)(a) of this section, 92414  
that are defined as at-risk based on academic under-preparation or 92415  
financial status shall have their eligible completions weighted by 92416  
the following: 92417

(i) Institution-specific course completion indexes, where the 92418  
indexes are calculated based upon the number of at-risk students 92419  
enrolled during the 2016-2018 academic years; and 92420

(ii) A statewide average at-risk course completion weight 92421  
determined for each subsidy model. The statewide average at-risk 92422  
course completion weight shall be determined by calculating the 92423  
difference between the percentage of traditional students who 92424  
complete a course and the percentage of at-risk students who 92425  
complete the same course. 92426

(c) The course completion earnings shall be determined by 92427  
multiplying the amounts listed above in divisions (B) and (C) of 92428  
this section by the subsidy-eligible FTEs for the three-year 92429  
period ending in the prior year for all models except Medical I, 92430  
Medical II, Doctoral I, and Doctoral II. 92431

(d) For universities, the Chancellor shall compute the course 92432  
completion earnings by dividing the appropriation for 92433  
universities, established in division (A)(2) of the section of 92434  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 92435

2020 AND 2021," less the degree attainment funding as calculated 92436  
in division (D)(1) of this section, less the doctoral set-aside, 92437  
less the medical I set-aside, and less the medical II set-aside, 92438  
by the sum of all campuses' instructional costs as calculated in 92439  
division (D)(5) of this section. 92440

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 92441  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 92442

(1) Of the foregoing appropriation item 235501, State Share 92443  
of Instruction, 50 per cent of the appropriation for 92444  
state-supported community colleges, state community colleges, and 92445  
technical colleges as established in division (A)(1) of the 92446  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 92447  
YEARS 2020 AND 2021," in each fiscal year shall be reserved for 92448  
course completion FTEs as aggregated by the subsidy models defined 92449  
in division (B) of this section. 92450

The course completion funding shall be allocated to campuses 92451  
in proportion to each campus's share of the total sector's course 92452  
completions, weighted by the instructional cost of the subsidy 92453  
models. 92454

To calculate the subsidy entitlements for course completions 92455  
at community colleges, state community colleges, and technical 92456  
colleges, the Chancellor shall use the following calculations: 92457

(a) In calculating each campus's count of FTE course 92458  
completions, the Chancellor shall use a three-year average for 92459  
course completions for the three year period ending in the prior 92460  
year for students identified as residents of the state of Ohio in 92461  
any term of their studies, as reported through the Higher 92462  
Education Information (HEI) system student enrollment file. 92463

(b) The subsidy eligible enrollments by model shall equal 92464  
only those FTE students who successfully complete the course as 92465  
defined and reported through the Higher Education Information 92466

(HEI) system course enrollment file. 92467

(c) Those students with successful course completions, that 92468  
are defined as access students based on financial status, minority 92469  
status, age, or academic under-preparation shall have their 92470  
eligible course completions weighted by a statewide access weight. 92471  
The weight given to any student that meets any access factor shall 92472  
be 15 per cent for all course completions. 92473

(d) The model costs as used in the calculation shall be 92474  
augmented by the model weights for science, technology, 92475  
engineering, mathematics, and medicine models as established in 92476  
division (C) of this section. 92477

(2) Of the foregoing appropriation item 235501, State Share 92478  
of Instruction, 25 per cent of the appropriation for 92479  
state-supported community colleges, state community colleges, and 92480  
technical colleges as established in division (A)(1) of the 92481  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 92482  
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 92483  
for colleges in proportion to their share of college student 92484  
success factors. 92485

Student success factors shall be awarded at the institutional 92486  
level for each subsidy-eligible student that successfully: 92487

(a) Completes a developmental math course and, within the 92488  
next year, enrolls in a college-level math course. 92489

(b) Completes a developmental English course and, within the 92490  
next year, enrolls in a college-level English course. 92491

(c) Completes 12 semester credit hours of college-level 92492  
coursework. 92493

(d) Completes 24 semester credit hours of college-level 92494  
coursework. 92495

(e) Completes 36 semester credit hours of college-level 92496

coursework. 92497

(3) Of the foregoing appropriation item 235501, State Share 92498  
of Instruction, 25 per cent of the appropriation for 92499  
state-supported community colleges, state community colleges, and 92500  
technical colleges as established in division (A)(1) of the 92501  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 92502  
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 92503  
for completion milestones. 92504

Completion milestones shall include associate degrees, 92505  
technical certificates over 30 credit hours as designated by the 92506  
Department of Higher Education, and students transferring to any 92507  
four-year institution with at least 12 credit hours of 92508  
college-level coursework earned at that community college, state 92509  
community college, or technical college. 92510

The completion milestone funding shall be allocated to 92511  
colleges in proportion to each institution's share of the sector's 92512  
total completion milestones, weighted by the instructional cost of 92513  
the associate degree, certificate, or transfer models. Costs for 92514  
technical certificates over 30 hours shall be weighted at one-half 92515  
of the associate degree model costs and transfers with at least 12 92516  
credit hours of college-level coursework shall be weighted at 92517  
one-fourth of the average cost for all associate degree model 92518  
costs. 92519

(4) To calculate the subsidy entitlements for completions at 92520  
community colleges, state community colleges, and technical 92521  
colleges, the Chancellor shall use the following calculations: 92522

(a) In calculating each campus's count of completions, the 92523  
Chancellor shall use a three-year average for completion 92524  
milestones awarded to students identified as subsidy eligible in 92525  
any term of their studies, as reported through the Higher 92526  
Education Information (HEI) system student enrollment file. 92527

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (3) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly,

Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 92560  
562 of the 127th General Assembly for that campus exceeds that 92561  
campus's capital component earnings. The sum of the amounts 92562  
deducted shall be transferred to appropriation item 235552, 92563  
Capital Component, in each fiscal year. 92564

(G) EXCEPTIONAL CIRCUMSTANCES 92565

Adjustments may be made to the state share of instruction 92566  
payments and other subsidies distributed by the Chancellor of 92567  
Higher Education to state colleges and universities for 92568  
exceptional circumstances. No adjustments for exceptional 92569  
circumstances may be made without the recommendation of the 92570  
Chancellor and the approval of the Controlling Board. 92571

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 92572  
INSTRUCTION 92573

The standard provisions of the state share of instruction 92574  
calculation as described in the preceding sections of temporary 92575  
law shall apply to any reductions made to appropriation item 92576  
235501, State Share of Instruction, before the Chancellor has 92577  
formally approved the final allocation of the state share of 92578  
instruction funds for any fiscal year. 92579

Any reductions made to appropriation item 235501, State Share 92580  
of Instruction, after the Chancellor has formally approved the 92581  
final allocation of the state share of instruction funds for any 92582  
fiscal year, shall be uniformly applied to each campus in 92583  
proportion to its share of the final allocation. 92584

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 92585

The state share of instruction payments to the institutions 92586  
shall be in substantially equal monthly amounts during the fiscal 92587  
year, unless otherwise determined by the Director of Budget and 92588  
Management pursuant to section 126.09 of the Revised Code. 92589  
Payments during the first six months of the fiscal year shall be 92590

based upon the state share of instruction appropriation estimates 92591  
made for the various institutions of higher education and payments 92592  
during the last six months of the fiscal year shall be based on 92593  
the final data from the Chancellor. 92594

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 92595  
SHARE OF INSTRUCTION FORMULAS 92596

The Inter-University Council and Ohio Association of 92597  
Community Colleges shall each recommend eight members representing 92598  
their institutions to serve on the Employment Metrics 92599  
Consultation, which shall assist the Chancellor of Higher 92600  
Education to study the most appropriate formula weights for 92601  
post-graduation employment measures that may be used in the 92602  
distribution to universities and community colleges from the 92603  
foregoing appropriation item 235501, State Share of Instruction, 92604  
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 92605  
designee, shall lead the Consultation and call its first meeting. 92606  
The Consultation shall research the most appropriate data sources 92607  
available to measure employment outcomes and evaluate the public 92608  
policy benefits of adding such measures to the current State Share 92609  
of Instruction allocation formulas to reward institutional 92610  
performance of job placement. The Consultation shall also identify 92611  
and evaluate the most critical factors that should be considered 92612  
as possible enhancements to the formula, such as the relevance of 92613  
graduates' degrees to job placement, employment in Ohio versus out 92614  
of state, placement in high demand fields, and other qualitative 92615  
factors. Separate allocation factors may be considered within each 92616  
sector's share of the foregoing appropriation item 235501, State 92617  
Share of Instruction. The study shall be completed by June 30, 92618  
2020. 92619

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 92620  
2020 AND 2021 92621

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$465,426,250 in fiscal year 2020 and \$470,080,512 in fiscal year 2021 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,553,776,572 in fiscal year 2020 and \$1,569,314,338 in fiscal year 2021 shall be distributed to state-supported university main and regional campuses.

Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year shall be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

**Section 381.160. RESTRICTION ON FEE INCREASES**

(A) In fiscal years 2020 and 2021, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2019-2020 and 2020-2021 academic years, all of the following shall apply:

(a) Each state university or college, as defined in section 3345.12 and university branch established under Chapter 3355. of the Revised Code shall not increase its in-state undergraduate instructional and general fees by more than two per cent over what the institution charged for the previous academic year.

(b) Each community college established under Chapter 3354., state community college established under Chapter 3358., or

technical college established under Chapter 3357. of the Revised 92652  
Code may increase its in-state undergraduate instructional and 92653  
general fees by not more than \$5 per credit hour over what the 92654  
institution charged for the previous academic year. 92655

(c) For state institutions of higher education, as defined in 92656  
section 3345.011 of the Revised Code, increases for all other 92657  
special fees, including the creation of new special fees, shall be 92658  
subject to the approval of the Chancellor of Higher Education. 92659

(2) The limitations under division (A)(1) of this section do 92660  
not apply to room and board, student health insurance, fees for 92661  
auxiliary goods or services provided to students at the cost 92662  
incurred to the institution, fees assessed to students as a 92663  
pass-through for licensure and certification examinations, fees in 92664  
elective courses associated with travel experiences, elective 92665  
service charges, fines, voluntary sales transactions, and fees, 92666  
which may appear directly on a student's tuition bill as assessed 92667  
by the institution's bursar, to offset the cost of providing 92668  
textbooks to students. 92669

(B) The limitations under this section shall not apply to 92670  
increases required to comply with institutional covenants related 92671  
to their obligations or to meet unfunded legal mandates or legally 92672  
binding obligations incurred or commitments made prior to the 92673  
effective date of this section with respect to which the 92674  
institution had identified such fee increases as the source of 92675  
funds. Any increase required by such covenants and any such 92676  
mandates, obligations, or commitments shall be reported by the 92677  
Chancellor of Higher Education to the Controlling Board. These 92678  
limitations may also be modified by the Chancellor, with the 92679  
approval of the Controlling Board, to respond to exceptional 92680  
circumstances as identified by the Chancellor. 92681

(C) Institutions offering an undergraduate tuition guarantee 92682  
pursuant to section 3345.48 of the Revised Code may increase 92683

instructional and general fees pursuant to that section. 92684

**Section 381.170.** HIGHER EDUCATION - BOARD OF TRUSTEES 92685

(A) Funds appropriated for instructional subsidies at 92686  
colleges and universities may be used to provide such branch or 92687  
other off-campus undergraduate courses of study and such master's 92688  
degree courses of study as may be approved by the Chancellor of 92689  
Higher Education. 92690

(B) In providing instructional and other services to 92691  
students, boards of trustees of state institutions of higher 92692  
education shall supplement state subsidies with income from 92693  
charges to students. Except as otherwise provided in this act, 92694  
each board shall establish the fees to be charged to all students, 92695  
including an instructional fee for educational and associated 92696  
operational support of the institution and a general fee for 92697  
noninstructional services, including locally financed student 92698  
services facilities used for the benefit of enrolled students. The 92699  
instructional fee and the general fee shall encompass all charges 92700  
for services assessed uniformly to all enrolled students. Each 92701  
board may also establish special purpose fees, service charges, 92702  
and fines as required; such special purpose fees and service 92703  
charges shall be for services or benefits furnished individual 92704  
students or specific categories of students and shall not be 92705  
applied uniformly to all enrolled students. A tuition surcharge 92706  
shall be paid by all students who are not residents of Ohio. 92707

The board of trustees of a state institution of higher 92708  
education shall not authorize a waiver or nonpayment of 92709  
instructional fees or general fees for any particular student or 92710  
any class of students other than waivers specifically authorized 92711  
by law or approved by the Chancellor. This prohibition is not 92712  
intended to limit the authority of boards of trustees to provide 92713  
for payments to students for services rendered the institution, 92714

nor to prohibit the budgeting of income for staff benefits or for 92715  
student assistance in the form of payment of such instructional 92716  
and general fees. 92717

Each state institution of higher education in its statement 92718  
of charges to students shall separately identify the instructional 92719  
fee, the general fee, the tuition charge, and the tuition 92720  
surcharge. Fee charges to students for instruction shall not be 92721  
considered to be a price of service but shall be considered to be 92722  
an integral part of the state government financing program in 92723  
support of higher educational opportunity for students. 92724

(C) The boards of trustees of state institutions of higher 92725  
education shall ensure that faculty members devote a proper and 92726  
judicious part of their work week to the actual instruction of 92727  
students. Total class credit hours of production per academic term 92728  
per full-time faculty member is expected to meet the standards set 92729  
forth in the budget data submitted by the Chancellor of Higher 92730  
Education. 92731

(D) The authority of government vested by law in the boards 92732  
of trustees of state institutions of higher education shall in 92733  
fact be exercised by those boards. Boards of trustees may consult 92734  
extensively with appropriate student and faculty groups. 92735  
Administrative decisions about the utilization of available 92736  
resources, about organizational structure, about disciplinary 92737  
procedure, about the operation and staffing of all auxiliary 92738  
facilities, and about administrative personnel shall be the 92739  
exclusive prerogative of boards of trustees. Any delegation of 92740  
authority by a board of trustees in other areas of responsibility 92741  
shall be accompanied by appropriate standards of guidance 92742  
concerning expected objectives in the exercise of such delegated 92743  
authority and shall be accompanied by periodic review of the 92744  
exercise of this delegated authority to the end that the public 92745  
interest, in contrast to any institutional or special interest, 92746

shall be served. 92747

**Section 381.180.** WAR ORPHANS AND SEVERELY DISABLED VETERANS ' 92748  
CHILDREN SCHOLARSHIPS 92749

The foregoing appropriation item 235504, War Orphans and 92750  
Severely Disabled Veterans' Children Scholarships, shall be used 92751  
to reimburse state institutions of higher education for waivers of 92752  
instructional fees and general fees provided by them, to provide 92753  
grants to institutions that have received a certificate of 92754  
authorization from the Chancellor of Higher Education under 92755  
Chapter 1713. of the Revised Code, in accordance with the 92756  
provisions of section 5910.04 of the Revised Code, and to fund 92757  
additional scholarship benefits provided by section 5910.032 of 92758  
the Revised Code. 92759

During each fiscal year, the Chancellor, as soon as possible 92760  
after cancellation, may certify to the Director of Budget and 92761  
Management the amount of canceled prior-year encumbrances in 92762  
appropriation item 235504, War Orphans and Severely Disabled 92763  
Veterans' Children Scholarships. Upon receipt of the 92764  
certification, the Director of Budget and Management may transfer 92765  
cash, up to the certified amount, from the General Revenue Fund to 92766  
the War Orphans and Severely Disabled Veterans' Children 92767  
Scholarship Reserve Fund (Fund 5PW0). 92768

**Section 381.200.** OHIOLINK 92769

The foregoing appropriation item 235507, OhioLINK, shall be 92770  
used by the Chancellor of Higher Education to support OhioLINK, a 92771  
consortium organized under division (T) of section 3333.04 of the 92772  
Revised Code to serve as the state's electronic library 92773  
information and retrieval system, which provides access statewide 92774  
to an extensive set of electronic databases and resources, the 92775  
library holdings of Ohio's public and participating private 92776

nonprofit colleges and universities, and the State Library of 92777  
Ohio. 92778

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 92779**

Of the foregoing appropriation item 235508, Air Force 92780  
Institute of Technology, \$75,000 in each fiscal year shall be 92781  
allocated to the Aerospace Professional Development Center in 92782  
Dayton for statewide workforce development services in the 92783  
aerospace industry. 92784

The remainder of the foregoing appropriation item 235508, Air 92785  
Force Institute of Technology, shall be used to: (A) strengthen 92786  
the research and educational linkages between the Wright Patterson 92787  
Air Force Base and institutions of higher education in Ohio; and 92788  
(B) support the Defense Associated Graduate Student Innovators, an 92789  
engineering graduate consortium of Wright State University, the 92790  
University of Dayton, and the Air Force Institute of Technology, 92791  
with the participation of the University of Cincinnati and The 92792  
Ohio State University. 92793

**Section 381.220. OHIO SUPERCOMPUTER CENTER 92794**

The foregoing appropriation item 235510, Ohio Supercomputer 92795  
Center, shall be used by the Chancellor of Higher Education to 92796  
support the operation of the Ohio Supercomputer Center, a 92797  
consortium organized under division (T) of section 3333.04 of the 92798  
Revised Code, located at The Ohio State University. The Ohio 92799  
Supercomputer Center is a statewide resource available to Ohio 92800  
research universities both public and private. It is also intended 92801  
that the center be made accessible to private industry as 92802  
appropriate. 92803

The Ohio Supercomputer Center's services shall support Ohio's 92804  
colleges, universities, and businesses to make Ohio a leader in 92805  
using computational science, modeling, and simulation to promote 92806

higher education, research, and economic competitiveness. 92807

**Section 381.230.** COOPERATIVE EXTENSION SERVICE 92808

The foregoing appropriation item 235511, Cooperative 92809  
Extension Service, shall be disbursed through the Chancellor of 92810  
Higher Education to The Ohio State University in monthly payments, 92811  
unless otherwise determined by the Director of Budget and 92812  
Management under section 126.09 of the Revised Code. 92813

**Section 381.240.** CENTRAL STATE SUPPLEMENT 92814

The foregoing appropriation item 235514, Central State 92815  
Supplement, shall be disbursed by the Chancellor of Higher 92816  
Education to Central State University in accordance with the plan 92817  
developed by the Chancellor and submitted to the Governor and the 92818  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 92819  
General Assembly. Funds shall be used in a manner consistent with 92820  
the goals of increasing enrollment, improving course completion, 92821  
and increasing the number of degrees conferred. 92822

**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 92823  
MEDICINE 92824

The foregoing appropriation item 235515, Case Western Reserve 92825  
University School of Medicine, shall be disbursed to Case Western 92826  
Reserve University through the Chancellor of Higher Education in 92827  
accordance with agreements entered into under section 3333.10 of 92828  
the Revised Code, provided that the state support per full-time 92829  
medical student shall not exceed that provided to full-time 92830  
medical students at state universities. 92831

**Section 381.260.** FAMILY PRACTICE 92832

The foregoing appropriation item 235519, Family Practice, 92833  
shall be distributed in each fiscal year, based on each medical 92834

school's share of residents placed in a family practice and 92835  
graduates practicing in a family practice. 92836

**Section 381.270. SHAWNEE STATE SUPPLEMENT** 92837

The foregoing appropriation item 235520, Shawnee State 92838  
Supplement, shall be disbursed by the Chancellor of Higher 92839  
Education to Shawnee State University in accordance with the plan 92840  
developed by the Chancellor and submitted to the Governor and the 92841  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 92842  
General Assembly. Funds shall be used in a manner consistent with 92843  
the goals of improving course completion, increasing the number of 92844  
degrees conferred, and furthering the university's mission of 92845  
service to the Appalachian region. 92846

**Section 381.280. GERIATRIC MEDICINE** 92847

The Chancellor of Higher Education shall distribute 92848  
appropriation item 235525, Geriatric Medicine, consistent with 92849  
existing criteria and guidelines. 92850

**Section 381.285. PRIMARY CARE RESIDENCIES** 92851

The foregoing appropriation item 235526, Primary Care 92852  
Residencies, shall be distributed in each fiscal year, based on 92853  
each medical school's share of residents placed in a primary care 92854  
field and graduates practicing in a primary care field. 92855

**Section 381.288. PROGRAM AND PROJECT SUPPORT** 92856

Of the foregoing appropriation item 235533, Program and 92857  
Project Support, \$500,000 in fiscal year 2020 shall be allocated 92858  
to the Levin College of Urban Affairs at Cleveland State 92859  
University. 92860

Of the foregoing appropriation item, 235533, Program and 92861  
Project Support, \$75,000 in each fiscal year shall be used by the 92862

Chancellor of Higher Education to support the expansion of an 92863  
unmanned aviation STEM pilot program at Emmanuel Christian Academy 92864  
for public and nonpublic high school students in Clark County. 92865

Of the foregoing appropriation item 235533, Program and 92866  
Project Support, \$28,000 in each fiscal year shall be allocated to 92867  
support Cincinnati Hillel at the University of Cincinnati. 92868

Of the foregoing appropriation item 235533, Program and 92869  
Project Support, \$200,000 in each fiscal year shall be used by the 92870  
Chancellor of Higher Education to support the development and 92871  
implementation of an apprenticeship program administered through 92872  
the Manufacturing Advocacy and Growth Network's (MAGNET) Early 92873  
College Early Career Program. The apprenticeship program shall 92874  
place high school students in a participating local private 92875  
business that will employ the student and provide the training 92876  
necessary for the student to earn a technical certification in 92877  
Computer Integrated Manufacturing (CIM), machining, or welding. 92878

Of the foregoing appropriation item 235533, Program and 92879  
Project Support, \$975,850 in fiscal year 2020 shall be allocated 92880  
to the Ashland University Military and Veterans Resource Center 92881  
Project. 92882

Of the foregoing appropriation item 235533, Program and 92883  
Project Support, \$750,000 in each fiscal year shall be used to 92884  
support the Ohio Aerospace Institute's Space Grant Consortium. 92885

Of the foregoing appropriation item 235533, Program and 92886  
Project Support, \$125,000 in each fiscal year shall be allocated 92887  
to the Seeds of Literacy organization in Cleveland. 92888

Of the foregoing appropriation item 235533, Program and 92889  
Project Support, \$100,000 in each fiscal year shall be allocated 92890  
to support the Kent State University Rising Scholars Program. 92891

**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 92892

CENTER 92893

The foregoing appropriation item 235535, Ohio Agricultural 92894  
Research and Development Center, shall be disbursed through the 92895  
Chancellor of Higher Education to The Ohio State University in 92896  
monthly payments, unless otherwise determined by the Director of 92897  
Budget and Management under section 126.09 of the Revised Code. 92898

The Ohio Agricultural Research and Development Center, an 92899  
entity of the College of Food, Agricultural, and Environmental 92900  
Sciences of The Ohio State University, shall further its mission 92901  
of enhancing Ohio's economic development and job creation by 92902  
continuing to internally allocate on a competitive basis 92903  
appropriated funding of programs based on demonstrated 92904  
performance. Academic units, faculty, and faculty-driven programs 92905  
shall be evaluated and rewarded consistent with agreed-upon 92906  
performance expectations as called for in the College's 92907  
Expectations and Criteria for Performance Assessment. 92908

**Section 381.300.** STATE UNIVERSITY CLINICAL TEACHING 92909

The foregoing appropriation items 235536, The Ohio State 92910  
University Clinical Teaching; 235537, University of Cincinnati 92911  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 92912  
235539, Wright State University Clinical Teaching; 235540, Ohio 92913  
University Clinical Teaching; and 235541, Northeast Ohio Medical 92914  
University Clinical Teaching, shall be distributed through the 92915  
Chancellor of Higher Education. 92916

Of the foregoing appropriation item 235537, University of 92917  
Cincinnati Clinical Teaching, \$350,000 in each fiscal year shall 92918  
be provided to People Working Cooperatively for the Whole Home 92919  
Innovation Center. The funds shall be used to administer 92920  
programming, conduct research and training, and convene 92921  
multi-disciplinary experts to assess and adopt strategies to help 92922

Ohioans remain in their homes.	92923
STEM PUBLIC-PRIVATE PARTNERSHIP PROGRAM	92924
The foregoing appropriation item 235544, STEM Public-Private Partnership Program, shall be used for grants for the STEM Public-Private Partnership Program established in Section 733.30 of this act.	92925 92926 92927 92928
<b>Section 381.310.</b> CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT	92929 92930
The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.	92931 92932 92933 92934 92935
<b>Section 381.320.</b> CAPITAL COMPONENT	92936
The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.	92937 92938 92939 92940 92941 92942 92943 92944 92945 92946 92947 92948 92949 92950
Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the	92951 92952

campus's formula-determined capital component allocation shall 92953  
have the difference subtracted from its State Share of Instruction 92954  
allocation in each fiscal year. Appropriation equal to the sum of 92955  
all such amounts shall be transferred from appropriation item 92956  
235501, State Share of Instruction, to appropriation item 235552, 92957  
Capital Component. 92958

**Section 381.330. LIBRARY DEPOSITORIES** 92959

The foregoing appropriation item 235555, Library 92960  
Depositories, shall be distributed to the state's five regional 92961  
depository libraries for the cost-effective storage of and access 92962  
to lesser-used materials in university library collections. The 92963  
depositories shall be administrated by the Chancellor of Higher 92964  
Education, or by OhioLINK at the discretion of the Chancellor. 92965

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 92966

The foregoing appropriation item 235556, Ohio Academic 92967  
Resources Network, shall be used by the Chancellor of Higher 92968  
Education to support the operations of the Ohio Academic Resources 92969  
Network, a consortium organized under division (T) of section 92970  
3333.04 of the Revised Code, which shall include support for 92971  
Ohio's colleges and universities in maintaining and enhancing 92972  
network connections, using new network technologies to improve 92973  
research, education, and economic development programs, and 92974  
sharing information technology services. To the extent network 92975  
capacity is available, OARnet shall support allocating bandwidth 92976  
to eligible programs directly supporting Ohio's economic 92977  
development. 92978

**Section 381.350. LONG-TERM CARE RESEARCH** 92979

The foregoing appropriation item 235558, Long-term Care 92980  
Research, shall be disbursed to Miami University for long-term 92981

care research.	92982
<b>Section 381.360.</b> OHIO COLLEGE OPPORTUNITY GRANT	92983
(A) Except as provided in division (C) of this section:	92984
Of the foregoing appropriation item 235563, Ohio College	92985
Opportunity Grant, at least \$116,560,126 in fiscal year 2020 and	92986
at least \$142,586,364 in fiscal year 2021 shall be used by the	92987
Chancellor of Higher Education to award need-based financial aid	92988
to students enrolled in eligible public and private nonprofit	92989
institutions of higher education, excluding early college high	92990
school and post-secondary enrollment option participants.	92991
The remainder of the foregoing appropriation item 235563,	92992
Ohio College Opportunity Grant, shall be used by the Chancellor to	92993
award needs-based financial aid to students enrolled in eligible	92994
private for-profit career colleges and schools.	92995
(B)(1) As used in this section:	92996
(a) "Eligible institution" means any institution described in	92997
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised	92998
Code.	92999
(b) The three "sectors" of institutions of higher education	93000
consist of the following:	93001
(i) State colleges and universities, community colleges,	93002
state community colleges, university branches, and technical	93003
colleges;	93004
(ii) Eligible private nonprofit institutions of higher	93005
education;	93006
(iii) Eligible private for-profit career colleges and	93007
schools.	93008
(2) Awards for students attending eligible state colleges and	93009
universities shall be \$2,000 in fiscal year 2020 and \$2,500 in	93010

fiscal year 2021, and for students attending eligible private 93011  
nonprofit institutions of higher education shall be \$3,500 in 93012  
fiscal year 2020 and \$4,000 in fiscal year 2021. 93013

For students attending an eligible institution year-round, 93014  
awards may be distributed on an annual basis, once Pell grants 93015  
have been exhausted. 93016

(3) If the Chancellor determines that the amounts 93017  
appropriated for support of the Ohio College Opportunity Grant 93018  
program are inadequate to provide grants to all eligible students 93019  
as calculated under division (D) of section 3333.122 of the 93020  
Revised Code, the Chancellor may create a distribution formula for 93021  
fiscal year 2020 and fiscal year 2021 based on the formula used in 93022  
fiscal year 2019, or may follow methods established in division 93023  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 93024  
Chancellor determines that reductions in award amounts are 93025  
necessary, the Chancellor shall reduce the award amounts 93026  
proportionally among the sectors of institutions specified in 93027  
division (B)(1) of this section in a manner determined by the 93028  
Chancellor. The Chancellor shall notify the Controlling Board of 93029  
the distribution method. Any formula calculated under this 93030  
division shall be complete and established to coincide with the 93031  
start of the 2019-2020 academic year. 93032

(C) Prior to determining the amount of funds available to 93033  
award under this section and section 3333.122 of the Revised Code, 93034  
the Chancellor shall use the foregoing appropriation item 235563, 93035  
Ohio College Opportunity Grant, to pay for waivers of tuition and 93036  
student fees for eligible students under the Ohio Safety Officer's 93037  
College Memorial Fund Program under sections 3333.26 of the 93038  
Revised Code. In paying for waivers under this division, the 93039  
Chancellor shall deduct funds from the allocations made under 93040  
division (A) of this section. Deductions shall be proportionate to 93041  
the amounts allocated to each sector from the total amounts 93042

appropriated for each sector under the foregoing appropriation 93043  
item 235563, Ohio College Opportunity Grant. 93044

In each fiscal year, with the exception of sections 3333.121 93045  
and 3333.124 of the Revised Code and the section of this act 93046  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 93047  
shall not distribute or obligate or commit to be distributed an 93048  
amount greater than what is appropriated under the foregoing 93049  
appropriation item 235563, Ohio College Opportunity Grant. 93050

(D) The Chancellor shall establish, and post on the 93051  
Department of Higher Education's web site, award tables based on 93052  
any formulas created under division (B) of this section. The 93053  
Chancellor shall notify students and institutions of any 93054  
reductions in awards under this section. 93055

(E) Notwithstanding section 3333.122 of the Revised Code, no 93056  
student shall be eligible to receive an Ohio College Opportunity 93057  
Grant for more than ten semesters, fifteen quarters, or the 93058  
equivalent of five academic years, less the number of semesters or 93059  
quarters in which the student received an Ohio Instructional 93060  
Grant. 93061

(F) During each fiscal year, the Chancellor, as soon as 93062  
possible after cancellation, may certify to the Director of Budget 93063  
and Management the amount of canceled prior-year encumbrances in 93064  
appropriation item 235563, Ohio College Opportunity Grant. Upon 93065  
receipt of the certification, the Director of Budget and 93066  
Management may transfer cash, up to the certified amount, from the 93067  
General Revenue Fund to the Ohio College Opportunity Grant Program 93068  
Reserve Fund (Fund 5PU0). 93069

**Section 381.370.** THE OHIO STATE UNIVERSITY COLLEGE OF 93070  
VETERINARY MEDICINE SUPPLEMENT 93071

The foregoing appropriation item 235569, The Ohio State 93072

University College of Veterinary Medicine Supplement, shall be 93073  
distributed through the Chancellor of Higher Education to The Ohio 93074  
State University College of Veterinary Medicine to provide 93075  
supplemental operating support. 93076

THE OHIO STATE UNIVERSITY CLINIC SUPPORT 93077

The foregoing appropriation item 235572, The Ohio State 93078  
University Clinic Support, shall be distributed through the 93079  
Chancellor of Higher Education to The Ohio State University for 93080  
support of dental and veterinary medicine clinics. 93081

STATE SHARE OF INSTRUCTION RECONCILIATION 93082

On July 1, 2019, or as soon as possible thereafter, the 93083  
Chancellor of Higher Education shall recommend to the Director of 93084  
Budget and Management the transfer of up to \$1,500,000 of 93085  
unexpended and unencumbered General Revenue Fund appropriations 93086  
within the Department of Higher Education that exist on June 30, 93087  
2019, to appropriation item 235505, State Share of Instruction 93088  
Reconciliation. Upon the recommendation of the Chancellor, the 93089  
Director of Budget and Management shall transfer up to \$1,500,000 93090  
of unexpended and unencumbered General Revenue Fund appropriations 93091  
within the Department of Higher Education to appropriation item 93092  
235505, State Share of Instruction Reconciliation. The transferred 93093  
appropriation shall be disbursed by the Chancellor to state 93094  
institutions of higher education, as defined in section 3345.011 93095  
of the Revised Code, for any prior year State Share of Instruction 93096  
funding obligations as determined by the Chancellor. 93097

**Section 381.373.** CO-OP INTERNSHIP PROGRAM 93098

Of the foregoing appropriation item 235591, Co-op Internship 93099  
Program, \$50,000 in each fiscal year shall be used to support the 93100  
operations of Ohio University's Voinovich School. 93101

Of the foregoing appropriation item 235591, Co-op Internship 93102

Program, \$50,000 in each fiscal year shall be used to support the 93103  
operations of The Ohio State University's John Glenn College of 93104  
Public Affairs. 93105

Of the foregoing appropriation item 235591, Co-op Internship 93106  
Program, \$50,000 in each fiscal year shall be used to support the 93107  
Bliss Institute of Applied Politics at the University of Akron. 93108

Of the foregoing appropriation item 235591, Co-op Internship 93109  
Program, \$50,000 in each fiscal year shall be used to support the 93110  
Center for Public Management and Regional Affairs at Miami 93111  
University. 93112

Of the foregoing appropriation item 235591, Co-op Internship 93113  
Program, \$150,000 in each fiscal year shall be used to support 93114  
students who attend institutions of higher education in Ohio and 93115  
are participating in the Washington Center Internship Program. 93116

Of the foregoing appropriation item 235591, Co-op Internship 93117  
Program, \$50,000 in each fiscal year shall be used to support the 93118  
Ohio Center for the Advancement of Women in Public Service at the 93119  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 93120  
University. 93121

Of the foregoing appropriation item 235591, Co-op Internship 93122  
Program, \$50,000 in each fiscal year shall be used to support the 93123  
University of Cincinnati Internship Program. 93124

Of the foregoing appropriation item 235591, Co-op Internship 93125  
Program, \$50,000 in each fiscal year shall be used to support the 93126  
operations of the Center for Regional Development at Bowling Green 93127  
State University. 93128

Of the foregoing appropriation item 235591, Co-op Internship 93129  
Program, \$50,000 in each fiscal year shall be used to support the 93130  
operations of the Center for Liberal Arts Student Success at 93131  
Wright State University. 93132

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

**Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE SCHOLARSHIP AND RETENTION PROGRAM**

(A) The foregoing appropriation item 235597, High School STEM Innovation and Ohio College Scholarship and Retention Program, shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science, in collaboration with Entrepreneurial Engagement Ohio, for the continuing development and implementation of recommendations of the Ohio Board of Regents that seek to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers and vocational schools. The purpose of this program is to create a "Culture of Innovation" in Ohio high schools, promote Ohio as a great place for high school students to continue their educations and careers, and to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the practical application of science, technology, engineering, and mathematics, including related medicine, health and arts fields, and the development of an entrepreneurial mindset and critical thinking skills that will be needed by today's students in Ohio's innovation economy.

(B) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall:

(1) Conduct STEM Innovation and Entrepreneurship forums at

Ohio's universities and colleges for high school students and educators;	93164 93165
(2) Develop an in-school STEM Innovation and Entrepreneurship Program and STEM Commercialization Plan and STEM Business Plan competitions that include student incentive awards for competition winners and related curriculum, content and other program support to teachers and students;	93166 93167 93168 93169 93170
(3) Conduct a statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, or post-secondary career center;	93171 93172 93173 93174 93175
(4) Conduct a statewide Innovation and Entrepreneurship Scholarship program that awards at least one scholarship to attend any Ohio college in each Ohio Senate and House District. Ohio high school students who have distinguished themselves in a significant STEM, entrepreneurship, or innovation program competition or accomplishment shall be eligible to apply for this scholarship program.	93176 93177 93178 93179 93180 93181 93182
(C) All aspects of the High School STEM Innovation and Ohio College Scholarship and Retention Program shall be open to any Ohio high school student, with an emphasis on minority, rural and economically disadvantaged students.	93183 93184 93185 93186
(D) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.	93187 93188 93189 93190 93191 93192
<b>Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM</b>	93193

The Chancellor of Higher Education shall disburse funds from 93194  
appropriation item 235599, National Guard Scholarship Program. 93195  
During each fiscal year, the Chancellor, as soon as possible after 93196  
cancellation, may certify to the Director of Budget and Management 93197  
the amount of canceled prior-year encumbrances in appropriation 93198  
item 235599, National Guard Scholarship Program. Upon receipt of 93199  
the certification, the Director of Budget and Management may 93200  
transfer cash, up to the certified amount, from the General 93201  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 93202  
5BM0). 93203

**Section 381.390. PLEDGE OF FEES** 93204

Any new pledge of fees, or new agreement for adjustment of 93205  
fees, made in the biennium ending June 30, 2021, to secure bonds 93206  
or notes of a state institution of higher education for a project 93207  
for which bonds or notes were not outstanding on the effective 93208  
date of this section or to secure a refund of prior debt that is 93209  
anticipated to increase the total cost of retiring the original 93210  
debt shall be effective only after approval by the Chancellor of 93211  
Higher Education, unless approved in a previous biennium. 93212

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND** 93213  
**DEBT SERVICE** 93214

The foregoing appropriation item 235909, Higher Education 93215  
General Obligation Bond Debt Service, shall be used to pay all 93216  
debt service and related financing costs during the period from 93217  
July 1, 2019, through June 30, 2021, for obligations issued under 93218  
sections 151.01 and 151.04 of the Revised Code. 93219

**Section 381.410. SALES AND SERVICES** 93220

The Chancellor of Higher Education is authorized to charge 93221  
and accept payment for the provision of goods and services. Such 93222

charges shall be reasonably related to the cost of producing the 93223  
goods and services. Except as otherwise provided by law, no 93224  
charges may be levied for goods or services that are produced as 93225  
part of the routine responsibilities or duties of the Chancellor. 93226  
All revenues received by the Chancellor shall be deposited into 93227  
Fund 4560, and may be used by the Chancellor to pay for the costs 93228  
of producing the goods and services. 93229

**Section 381.420.** HIGHER EDUCATIONAL FACILITY COMMISSION 93230  
ADMINISTRATION 93231

The foregoing appropriation item 235602, Higher Educational 93232  
Facility Commission Administration, shall be used by the 93233  
Chancellor of Higher Education for operating expenses related to 93234  
the Chancellor's support of the activities of the Ohio Higher 93235  
Educational Facility Commission. Upon the request of the 93236  
Chancellor, the Director of Budget and Management may transfer 93237  
cash in an amount up to the amount appropriated from the foregoing 93238  
appropriation item 235602, Higher Educational Facility Commission 93239  
Administration, in each fiscal year from the HEFC Operating 93240  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 93241  
4E80). 93242

**Section 381.440.** FEDERAL RESEARCH NETWORK 93243

The foregoing appropriation item 235654, Federal Research 93244  
Network, shall be allocated to The Ohio State University to 93245  
collaborate with federal installations in Ohio, state institutions 93246  
of higher education as defined in section 3345.011 of the Revised 93247  
Code, private nonprofit institutions of higher education holding 93248  
certificates of authorization under Chapter 1713. of the Revised 93249  
Code, and the private sector to align the state's research assets 93250  
with emerging missions and job growth opportunities emanating from 93251  
federal installations, strengthen related workforce development 93252

and technology commercialization programs, and better position the 93253  
state's university system to directly impact new job creation in 93254  
Ohio. A portion of the foregoing appropriation item 235654, 93255  
Federal Research Network, shall be used to support the growth of 93256  
small business federal contractors in the state and to expand the 93257  
participation of Ohio businesses in the federal Small Business 93258  
Innovation Research Program and related federal programs. 93259

On July 1, 2019, or as soon as possible thereafter, the 93260  
Chancellor of Higher Education may certify to the Director of 93261  
Budget and Management an amount up to the unexpended, unencumbered 93262  
balance of the foregoing appropriation item, 235654, Federal 93263  
Research Network, at the end of fiscal year 2019 to be 93264  
reappropriated to fiscal year 2020. The amount certified is hereby 93265  
reappropriated to the same appropriation item for fiscal year 93266  
2020. 93267

**Section 381.450.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT 93268  
REVOLVING LOAN PROGRAM 93269

The foregoing appropriation item 235684, OhioMeansJobs 93270  
Workforce Development Revolving Loan Program, shall be used by the 93271  
Chancellor of Higher Education to provide administrative support 93272  
for the OhioMeansJobs Workforce Development Revolving Loan 93273  
Program. 93274

**Section 381.460.** OHIOCORPS PILOT PROGRAM 93275

Of the appropriation item 235594, OhioCorps Pilot Program, up 93276  
to \$50,000 in each fiscal year shall be used by the Chancellor of 93277  
Higher Education to implement and administer the OhioCorps Pilot 93278  
Program pursuant to sections 3333.80 to 3333.802 of the Revised 93279  
Code. 93280

The remainder of the appropriation item 235594, OhioCorps 93281  
Pilot Program, shall be used by the Chancellor of Higher Education 93282

to assist eligible state institutions of higher education, as 93283  
defined in division (A)(4) of section 3333.80 of the Revised Code, 93284  
in establishing and administering OhioCorps mentorship programs 93285  
under section 3333.80 of the Revised Code. 93286

On July 1, 2019, or as soon as possible thereafter, the 93287  
Chancellor of Higher Education may certify to the Director of 93288  
Budget and Management an amount up to the unexpended, unencumbered 93289  
balance of the appropriation item, 235594, OhioCorps Pilot 93290  
Program, at the end of fiscal year 2019 to be reappropriated to 93291  
fiscal year 2020. The amount certified is hereby reappropriated to 93292  
the same appropriation item for fiscal year 2020 for purposes of 93293  
providing funds to support mentorship programs under the OhioCorps 93294  
Pilot Program. 93295

On July 1, 2020, or as soon as possible thereafter, the 93296  
Chancellor of Higher Education may certify to the Director of 93297  
Budget and Management an amount up to the unexpended, unencumbered 93298  
balance of the appropriation item, 235594, OhioCorps Pilot 93299  
Program, at the end of fiscal year 2020 to be reappropriated to 93300  
fiscal year 2021. The amount certified is hereby reappropriated to 93301  
the same appropriation item for fiscal year 2021 for purposes of 93302  
providing funds to support mentorship programs under the OhioCorps 93303  
Pilot Program. 93304

**Section 381.470. STATE FINANCIAL AID RECONCILIATION** 93305

By the first day of September in each fiscal year, or as soon 93306  
as possible thereafter, the Chancellor of Higher Education shall 93307  
certify to the Director of Budget and Management the amount 93308  
necessary to pay any outstanding prior year obligations to higher 93309  
education institutions for the state's financial aid programs. The 93310  
amounts certified are hereby appropriated to appropriation item 93311  
235618, State Financial Aid Reconciliation, from revenues received 93312  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 93313

**Section 381.480.** NURSING LOAN PROGRAM 93314

The foregoing appropriation item 235606, Nursing Loan 93315  
Program, shall be used to administer the nurse education 93316  
assistance program. 93317

**Section 381.520.** RESEARCH INCENTIVE THIRD FRONTIER 93318

The foregoing appropriation items 235634, Research Incentive 93319  
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 93320  
shall be used by the Chancellor of Higher Education to advance 93321  
collaborative research at institutions of higher education. Of the 93322  
foregoing appropriation items 235634, Research Incentive Third 93323  
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 93324  
to \$2,000,000 in each fiscal year may be allocated toward research 93325  
regarding the improvement of water quality, up to \$1,500,000 in 93326  
each fiscal year may be allocated for spinal cord research, up to 93327  
\$1,000,000 in each fiscal year may be allocated toward research 93328  
regarding the reduction of infant mortality, up to \$1,000,000 in 93329  
each fiscal year may be allocated toward research regarding opiate 93330  
addiction issues in Ohio, up to \$750,000 in each fiscal year may 93331  
be allocated toward research regarding cyber security initiatives, 93332  
\$500,000 in each fiscal year shall be allocated to the Ohio 93333  
Manufacturing and Innovation Center, up to \$300,000 in each fiscal 93334  
year may be allocated toward the I-Corps@Ohio program, and up to 93335  
\$200,000 in each fiscal year may be allocated toward the Ohio 93336  
Innovation Exchange program. 93337

**Section 381.530.** VETERANS PREFERENCES 93338

The Chancellor of Higher Education shall work with the 93339  
Department of Veterans Services to develop specific veterans 93340  
preference guidelines for higher education institutions. These 93341  
guidelines shall ensure that the institutions' hiring practices 93342  
are in accordance with the intent of Ohio's veterans preference 93343

laws.	93344
<b>Section 381.540.</b> (A) As used in this section:	93345
(1) "Board of trustees" includes the managing authority of a university branch district.	93346 93347
(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	93348 93349
(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.	93350 93351 93352 93353 93354
<b>Section 381.550.</b> EFFICIENCY REPORTS	93355
In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.	93356 93357 93358 93359
MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS	93360
For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the	93361 93362 93363 93364 93365 93366 93367 93368 93369 93370 93371 93372

respective programs receiving support from those appropriation 93373  
items one year and five years after graduating. 93374

**Section 381.580.** The Chancellor of Higher Education shall 93375  
support the continued development of the Ohio Innovation Exchange 93376  
for the purpose of showcasing the research expertise of Ohio's 93377  
university and college faculty in a variety of fields, including, 93378  
but not limited to, engineering, biomedicine, and information 93379  
technology, and to identify institutional research equipment 93380  
available in the state. 93381

**Section 381.590.** The Chancellor of Higher Education shall 93382  
work with state institutions of higher education, as defined by 93383  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 93384  
recognized by the Chancellor, and industry partners to develop 93385  
program models that include project-based learning to increase 93386  
continuing education and non-credit program offerings that lead to 93387  
a credential in order to meet the state's in-demand job needs. 93388

**Section 381.610. HEALTH CARE WORKFORCE PREPARATION** 93389

The Chancellor of Higher Education shall establish the Ohio 93390  
Physician and Allied Health Care Workforce Preparation Task Force 93391  
to study, evaluate, and make recommendations with respect to 93392  
health care workforce needs in Ohio. Topics considered by the task 93393  
force may include, but not be limited to, physician, nursing, and 93394  
allied health care education programs and health care workforce 93395  
shortages in Ohio. The Chancellor shall appoint task force members 93396  
with representation from the State Medical Board, medical school 93397  
deans, hospital administrators, physician and nursing 93398  
organizations, federally qualified health centers, and other 93399  
allied health personnel as the Chancellor may decide. The task 93400  
force shall convene as soon as practicable and issue a report to 93401  
the Governor, the Speaker and Minority Leader of the House of 93402

Representatives, and the President and Minority Leader of the 93403  
 Senate by March 1, 2020. 93404

**Section 381.620. FUND NAME CHANGES** 93405

On July 1, 2019, or as soon as possible thereafter, the 93406  
 Director of Budget and Management shall rename the SchoolNet Fees 93407  
 Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 93408

**Section 383.10. DRC DEPARTMENT OF REHABILITATION AND** 93409

**CORRECTION** 93410

General Revenue Fund 93411

GRF 501321 Institutional \$ 1,126,589,266 \$ 1,167,132,362 93412  
 Operations

GRF 501405 Halfway House \$ 69,440,618 \$ 74,922,786 93413

GRF 501406 Adult Correctional \$ 64,797,700 \$ 72,940,500 93414  
 Facilities Lease  
 Rental Bond Payments

GRF 501407 Community \$ 59,410,711 \$ 61,966,863 93415  
 Nonresidential  
 Programs

GRF 501408 Community Misdemeanor \$ 9,356,800 \$ 9,356,800 93416  
 Programs

GRF 501501 Community Residential \$ 83,072,332 \$ 84,758,355 93417  
 Programs - Community  
 Based Correctional  
 Facilities

GRF 503321 Parole and Community \$ 86,373,348 \$ 88,673,763 93418  
 Operations

GRF 504321 Administrative \$ 24,909,617 \$ 24,800,000 93419  
 Operations

GRF 505321 Institution Medical \$ 283,935,623 \$ 295,579,451 93420  
 Services

GRF 506321	Institution Education	\$ 34,961,767	\$ 33,950,000	93421
	Services			
TOTAL GRF	General Revenue Fund	\$ 1,842,847,782	\$ 1,914,080,880	93422
	Dedicated Purpose Fund Group			93423
4B00 501601	Sewer Treatment	\$ 1,759,683	\$ 1,800,000	93424
	Services			
4D40 501603	Prisoner Programs	\$ 400,000	\$ 400,000	93425
4L40 501604	Transitional Control	\$ 2,449,420	\$ 2,450,000	93426
4S50 501608	Education Services	\$ 4,546,081	\$ 4,660,000	93427
5AF0 501609	State and Non-Federal	\$ 1,375,000	\$ 2,375,000	93428
	Awards			
5H80 501617	Offender Financial	\$ 2,610,000	\$ 1,860,000	93429
	Responsibility			
5TZ0 501610	Probation Improvement	\$ 5,000,000	\$ 5,000,000	93430
	and Incentive Grants			
TOTAL DPF	Dedicated Purpose Fund	\$ 18,140,184	\$ 18,545,000	93431
	Group			
	Internal Service Activity Fund Group			93432
1480 501602	Institutional	\$ 2,925,000	\$ 2,850,000	93433
	Services			
2000 501607	Ohio Penal Industries	\$ 47,053,957	\$ 46,515,000	93434
4830 501605	Leased Property	\$ 2,000,000	\$ 2,000,000	93435
	Maintenance and			
	Operating			
5710 501606	Corrections Training	\$ 980,000	\$ 980,000	93436
	Maintenance and			
	Operating			
5L60 501611	Information	\$ 500,000	\$ 500,000	93437
	Technology Services			
TOTAL ISA	Internal Activity			93438
	Fund Group	\$ 53,458,957	\$ 52,845,000	93439
	Federal Fund Group			93440

3230	501619	Federal Grants	\$	1,566,734	\$	1,540,000	93441
3CW0	501622	Federal Equitable	\$	450,000	\$	450,000	93442
		Sharing					
		TOTAL FED Federal					93443
		Fund Group	\$	2,016,734	\$	1,990,000	93444
		TOTAL ALL BUDGET FUND GROUPS	\$	1,916,463,657	\$	1,987,460,880	93445
		OSU MEDICAL CHARGES					93446
		Notwithstanding section 341.192 of the Revised Code, at the					93447
		request of the Department of Rehabilitation and Correction, the					93448
		Ohio State University Medical Center, including the Arthur G.					93449
		James Cancer Hospital and Richard J. Solove Research Institute and					93450
		the Richard M. Ross Heart Hospital, shall provide necessary care					93451
		to persons who are confined in state adult correctional					93452
		facilities. The provision of necessary inpatient care billed to					93453
		the Department shall be reimbursed at a rate not to exceed the					93454
		authorized reimbursement rate for the same service established by					93455
		the Department of Medicaid under the Medicaid Program.					93456
		ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					93457
		The foregoing appropriation item 501406, Adult Correctional					93458
		Facilities Lease Rental Bond Payments, shall be used to meet all					93459
		payments during the period from July 1, 2019, through June 30,					93460
		2021, by the Department of Rehabilitation and Correction pursuant					93461
		to leases and agreements for facilities made under Chapters 152.					93462
		and 154. of the Revised Code. These appropriations are the source					93463
		of funds pledged for bond service charges on related obligations					93464
		issued under Chapters 152. and 154. of the Revised Code.					93465
		COMMUNITY BASED CORRECTIONAL FACILITIES					93466
		Of the foregoing appropriation item 501501, Community					93467
		Residential Programs - Community Based Correctional Facilities,					93468
		\$2,970,000 in fiscal year 2020 and \$3,053,977 in fiscal year 2021					93469
		shall be used to support staff retention for community based					93470

correctional facilities.	93471
REENTRY EMPLOYMENT GRANTS	93472
(A) Of the foregoing appropriation item 503321, Parole and Community Operations, \$250,000 in each fiscal year shall be used by the Department of Rehabilitation and Correction to create and implement a program to award grants to at least one nonprofit organization that operates reentry employment programs that meet all of the following criteria:	93473 93474 93475 93476 93477 93478
(1) Serve parolees, releasees, and probationers assessed by the Department as moderate or high risk to recidivate and referred by the Adult Parole Authority or probation for services;	93479 93480 93481
(2) Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;	93482 93483
(3) Have been independently and rigorously evaluated and shown to reduce recidivism;	93484 93485
(4) Have the ability to serve multiple large jurisdictions across the state.	93486 93487
(B) The Department shall establish guidelines, procedures, all forms by which applicants may apply for grants, and outcome-based criteria upon which performance, under the terms of the grant awards, is evaluated. The outcomes, as defined by the Department, should include enrollment, job placement, and job retention.	93488 93489 93490 93491 93492 93493
INSTITUTION EDUCATION SERVICES	93494
Of the foregoing appropriation item 506321, Institution Education Services, \$1,450,000 in each fiscal year shall be used to pay for the costs associated with providing postsecondary education programs to eligible students.	93495 93496 93497 93498
Of the foregoing appropriation item 506321, Institution Education Services, \$329,293 in each fiscal year shall be used to	93499 93500

pay for the costs to expand the current certificate offering for 93501  
students eligible for postsecondary education programs to attain 93502  
degree credentials in employment fields of study. 93503

Of the foregoing appropriation item 506321, Institution 93504  
Education Services, up to \$620,500 in each fiscal year shall be 93505  
used to pay for the costs to expand postsecondary education 93506  
programing to security level 3 and 4 correctional institutions. 93507  
Notwithstanding any provision of law to the contrary, the Director 93508  
of Rehabilitation and Correction shall have sole discretion on the 93509  
allocation these funds based upon needs of the security level 3 93510  
and 4 correctional institutions and those individuals classified 93511  
as such. Any unused balance in each fiscal year may be used to 93512  
cover the costs of postsecondary education programs other than 93513  
security level 3 and 4 correctional institutions or individuals 93514  
classified as such. 93515

Of the foregoing appropriation item 506321, Institution 93516  
Education Services, \$1,308,500 in fiscal year 2020 shall be used 93517  
for the Ashland University Correctional Education Expansion 93518  
Program. 93519

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 93520

The foregoing appropriation item 501610, Probation 93521  
Improvement and Incentive Grants, shall be allocated by the 93522  
Department of Rehabilitation and Correction to municipalities as 93523  
Probation Improvement and Incentive Grants with an emphasis on: 93524  
(1) providing services to those addicted to opiates and other 93525  
illegal substances, and (2) supplementing the programs and 93526  
services funded by grants distributed from the foregoing 93527  
appropriation item 501407, Community Nonresidential Programs. 93528

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS 93529

General Revenue Fund Group 93530

GRF	110908	Property Tax	\$	644,885,000	\$	650,342,850	93531
		Reimbursement - Local Government					
GRF	200903	Property Tax	\$	1,197,715,000	\$	1,207,908,150	93532
		Reimbursement - Education					
TOTAL GRF		General Revenue Fund	\$	1,842,600,000	\$	1,858,251,000	93533
		Group					
		Revenue Distribution Fund Group					93534
5JG0	110633	Gross Casino Revenue	\$	144,150,000	\$	147,030,000	93535
		Payments-County					
5JH0	110634	Gross Casino Revenue	\$	95,880,000	\$	97,800,000	93536
		Payments- School Districts					
5JJ0	110636	Gross Casino Revenue	\$	14,150,000	\$	14,430,000	93537
		- Host City					
7047	200902	Property Tax	\$	135,105,080	\$	111,196,773	93538
		Replacement Phase Out-Education					
7049	336900	Indigent Drivers	\$	2,250,000	\$	2,250,000	93539
		Alcohol Treatment					
7050	762900	International	\$	23,000,000	\$	23,000,000	93540
		Registration Plan Distribution					
7051	762901	Auto Registration	\$	328,000,000	\$	328,000,000	93541
		Distribution					
7060	110960	Gasoline Excise Tax	\$	576,000,000	\$	576,000,000	93542
		Fund					
7065	110965	Public Library Fund	\$	422,300,000	\$	430,000,000	93543
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000	93544
		Permits					
7069	110969	Local Government Fund	\$	417,300,000	\$	424,900,000	93545
7081	110907	Property Tax	\$	11,804,000	\$	8,620,000	93546

		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 93547
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 93548
TOTAL RDF Revenue Distribution						93549
Fund Group			\$	2,185,599,080	\$	2,178,886,773 93550
Fiduciary Fund Group						93551
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 93552
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000 93553
		Tax				
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000 93554
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 93555
		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000 93556
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$	2,733,517,000	\$	2,815,522,510 93557
		Distribution				
7067	110967	School District	\$	469,248,000	\$	488,017,920 93558
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000 93559
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000 93560
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000 93561
		Government Assistance				
7095	110995	Municipal Income Tax	\$	15,000,000	\$	15,000,000 93562
7099	762902	Permissive Tax	\$	213,100,000	\$	222,700,000 93563
		Distribution - Auto				
		Registration				
TOTAL FID Fiduciary Fund Group			\$	3,632,405,000	\$	3,767,780,430 93564
Holding Account Fund Group						93565

R045 110617	International Fuel	\$	56,100,000	\$	56,100,000	93566
	Tax Distribution					
TOTAL HLD Holding Account Fund		\$	56,100,000	\$	56,100,000	93567
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	7,716,704,080	\$	7,861,018,203	93568

**Section 387.20.** ADDITIONAL APPROPRIATIONS 93570

Appropriation items in Section 387.10 of this act shall be 93571  
used for the purpose of administering and distributing the 93572  
designated revenue distribution funds according to the Revised 93573  
Code. If it is determined that additional appropriations are 93574  
necessary for this purpose in any appropriation items in Section 93575  
387.10 of this act, such amounts are hereby appropriated. 93576

GENERAL REVENUE FUND TRANSFERS 93577

Notwithstanding any provision of law to the contrary, in 93578  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 93579  
Management may transfer from the General Revenue Fund to the Local 93580  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 93581  
the School District Tangible Property Tax Replacement Fund (Fund 93582  
7047) in the Revenue Distribution Fund Group, those amounts 93583  
necessary to reimburse local taxing units and school districts 93584  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 93585  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 93586  
Management may make temporary transfers from the General Revenue 93587  
Fund to ensure sufficient balances in the Local Government 93588  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 93589  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 93590  
replenish the General Revenue Fund for such transfers. 93591

PROPERTY TAX REIMBURSEMENT - EDUCATION 93592

The foregoing appropriation item 200903, Property Tax 93593  
Reimbursement - Education, is appropriated to pay for the state's 93594  
costs incurred because of the homestead exemption, the property 93595

tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

**HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK**

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the

appropriate county treasurer and the subsequent redistribution of 93628  
these funds to the appropriate local taxing districts by the 93629  
county auditor. 93630

Upon receipt of these amounts, each local taxing district 93631  
shall distribute the amount among the proper funds as if it had 93632  
been paid as real property taxes. Payments for the costs of 93633  
administration shall continue to be paid to the county treasurer 93634  
and county auditor as provided for in sections 319.54, 321.26, and 93635  
323.156 of the Revised Code. 93636

Any sums, in addition to the amounts specifically 93637  
appropriated in appropriation item 110908, Property Tax Allocation 93638  
- Local Government, for the Homestead Exemption, the Manufactured 93639  
Home Property Tax Rollback, and the Property Tax Rollback 93640  
payments, which are determined to be necessary for these purposes, 93641  
are hereby appropriated. 93642

PUBLIC LIBRARY FUND 93643

Notwithstanding the requirement in division (B) of section 93644  
131.51 of the Revised Code that the Director of Budget and 93645  
Management shall credit to the Public Library Fund one and 93646  
sixty-six one-hundredths per cent of the total tax revenue 93647  
credited to the General Revenue Fund during the preceding month, 93648  
the Director shall instead calculate these amounts during fiscal 93649  
year 2020 and fiscal year 2021 using one and seven-tenths as the 93650  
percentage. 93651

LOCAL GOVERNMENT FUND 93652

Notwithstanding the requirement in division (A) of section 93653  
131.51 of the Revised Code that the Director of Budget and 93654  
Management shall credit to the Local Government Fund one and 93655  
sixty-six one-hundredths per cent of the total tax revenue 93656  
credited to the General Revenue Fund during the preceding month, 93657  
the Director shall instead calculate these amounts during fiscal 93658

year 2020 and fiscal year 2021 using one and sixty-eight 93659  
one-hundredths as the percentage. 93660

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 93661

Notwithstanding any provision of law to the contrary, in 93662  
fiscal years 2020 and 2021, any city, local, or exempted village 93663  
school district that has a nuclear power plant located within its 93664  
territory shall receive the same payment amount under section 93665  
5709.92 of the Revised Code as in fiscal year 2017. 93666

MUNICIPAL INCOME TAX 93667

The foregoing appropriation item 110995, Municipal Income 93668  
Tax, shall be used to make payments to municipal corporations 93669  
under section 5745.05 of the Revised Code. If it is determined 93670  
that additional appropriations are necessary to make such 93671  
payments, such amounts are hereby appropriated. 93672

MUNICIPAL NET PROFIT TAX 93673

The foregoing appropriation item 110902, Municipal Net Profit 93674  
Tax, shall be used to make payments to municipal corporations 93675  
under section 718.83 of the Revised Code. If it is determined that 93676  
additional amounts are necessary to make such payments, such 93677  
amounts are hereby appropriated. 93678

During fiscal year 2020 and fiscal year 2021, if the Tax 93679  
Commissioner determines that there is insufficient cash in the 93680  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 93681  
distribution obligations under section 718.83 of the Revised Code, 93682  
the Tax Commissioner shall certify to the Director of Budget and 93683  
Management the amount of additional cash necessary to satisfy 93684  
those obligations. In addition, the Commissioner shall submit a 93685  
plan to the Director requesting the necessary cash be transferred 93686  
from one or a combination of the following funds: the Municipal 93687  
Income Tax Administrative Fund, the Local Sales Tax Administrative 93688  
Fund, the General School District Income Tax Administrative Fund, 93689

the Motor Fuel Tax Administrative Fund, the Property Tax 93690  
 Administrative Fund, or the General Revenue Fund. This plan shall 93691  
 include a proposed repayment schedule to reimburse those funds for 93692  
 any cash transferred in accordance with this section. After 93693  
 receiving the certification and funding plan from the Tax 93694  
 Commissioner and if the Director determines that sufficient cash 93695  
 is available, the Director may transfer the cash to the Municipal 93696  
 Net Profit Tax Fund in accordance with the plan submitted by the 93697  
 Tax Commissioner or as otherwise determined by the Director of 93698  
 Budget and Management. The Director of Budget and Management may 93699  
 transfer cash from the Municipal Net Profit Tax Fund to reimburse 93700  
 the funds from which cash was transferred for the purpose outlined 93701  
 in this section. 93702

**Section 391.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 93703

General Revenue Fund				93704
GRF 226321 Operations	\$	12,440,519	\$ 12,576,088	93705
TOTAL GRF General Revenue Fund	\$	12,440,519	\$ 12,576,088	93706
Dedicated Purpose Fund Group				93707
4H80 226602 Education Reform	\$	200,000	\$ 200,000	93708
Grants				
4M50 226601 Work Study and	\$	299,645	\$ 300,000	93709
Technology Investment				
5NJ0 226622 Food Service Program	\$	10,162	\$ 10,500	93710
TOTAL DPF Dedicated Purpose				93711
Fund Group	\$	509,807	\$ 510,500	93712
Federal Fund Group				93713
3100 226626 Federal Grants	\$	773,386	\$ 778,500	93714
3DT0 226621 Ohio Transition	\$	260,369	\$ 265,000	93715
Collaborative				
3P50 226643 Medicaid Professional	\$	100,000	\$ 100,000	93716
Services				

Reimbursement

TOTAL FED Federal Fund Group	\$	1,133,755	\$	1,143,500	93717
TOTAL ALL BUDGET FUND GROUPS	\$	14,084,081	\$	14,230,088	93718

**Section 393.10.** OSD OHIO SCHOOL FOR THE DEAF 93720

General Revenue Fund 93721

GRF 221321 Operations	\$	13,082,919	\$	13,594,347	93722
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TOTAL GRF General Revenue Fund	\$	13,082,919	\$	13,594,347	93723
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Dedicated Purpose Fund Group 93724

4M00 221601 Educational Program	\$	99,025	\$	101,000	93725
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Expenses

4M10 221602 Education Reform	\$	200,000	\$	200,000	93726
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Grants

5H60 221609 Even Start Fees and	\$	60,941	\$	63,000	93727
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Gifts

5NK0 221610 Food Service Program	\$	10,244	\$	10,500	93728
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TOTAL DPF Dedicated Purpose 93729

Fund Group	\$	370,210	\$	374,500	93730
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Federal Fund Group 93731

3110 221625 Federal Grants	\$	279,550	\$	281,000	93732
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3R00 221684 Medicaid Professional	\$	206,000	\$	206,000	93733
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Services

Reimbursement

TOTAL FED Federal Fund Group	\$	485,550	\$	487,000	93734
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TOTAL ALL BUDGET FUND GROUPS	\$	13,938,679	\$	14,455,847	93735
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**Section 395.10.** SOS SECRETARY OF STATE 93737

General Revenue Fund 93738

GRF 050321 Operating Expenses	\$	1,750,000	\$	1,750,000	93739
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GRF 050407 Poll Workers Training	\$	234,196	\$	234,196	93740
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GRF 050509 County Voting Systems	\$	10,116,000	\$	12,279,200	93741
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Lease Rental Payments

TOTAL GRF General Revenue Fund	\$	12,100,196	\$	14,263,396	93742
Dedicated Purpose Fund Group					93743
4120 050609 Notary Commission	\$	475,000	\$	475,000	93744
4S80 050610 Board of Voting Machine Examiners	\$	7,200	\$	7,200	93745
5990 050603 Business Services Operating Expenses	\$	13,961,351	\$	14,310,430	93746
5990 050629 Statewide Voter Registration Database	\$	700,000	\$	700,000	93747
5990 050630 Elections Support Supplement	\$	2,209,204	\$	2,288,196	93748
5FG0 050620 BOE Reimbursement and Education	\$	200,000	\$	200,000	93749
5SN0 050626 Address Confidentiality	\$	100,000	\$	100,000	93750
5VX0 050634 Women's Suffrage Centennial Commission	\$	50,000	\$	0	93751
TOTAL DPF Dedicated Purpose Fund Group	\$	17,702,755	\$	18,080,826	93752
Holding Account Fund Group					93753
R002 050606 Corporate/Business Filing Refunds	\$	85,000	\$	85,000	93754
TOTAL HLD Holding Account Fund Group	\$	85,000	\$	85,000	93755
Federal Fund Group					93756
3AS0 050616 Help America Vote Act (HAVA)	\$	2,740,000	\$	1,750,000	93757
TOTAL FED Federal Fund Group	\$	2,740,000	\$	1,750,000	93758
TOTAL ALL BUDGET FUND GROUPS	\$	32,627,951	\$	34,179,222	93759

**Section 395.20. POLL WORKERS TRAINING** 93761

The foregoing appropriation item 050407, Poll Workers 93762

Training, shall be used to reimburse county boards of elections 93763  
for precinct election official (PEO) training pursuant to section 93764  
3501.27 of the Revised Code. An amount equal to the unexpended, 93765  
unencumbered portion of the foregoing appropriation item 050407, 93766  
Poll Workers Training at the end of fiscal year 2020 is hereby 93767  
reappropriated to fiscal year 2021 for the same purpose. 93768

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 93769

The foregoing appropriation item 050509, County Voting 93770  
Systems Lease Rental Payments, shall be used to make payments 93771  
during the period from July 1, 2019, through June 30, 2021, 93772  
pursuant to leases and agreements entered into under Section 4 of 93773  
S.B. 135 of the 132nd General Assembly with respect to financing 93774  
the costs associated with the acquisition, development, 93775  
installation, and implementation of county voting systems. 93776

BOARD OF VOTING MACHINE EXAMINERS 93777

The foregoing appropriation item 050610, Board of Voting 93778  
Machine Examiners, shall be used to pay for the services and 93779  
expenses of the members of the Board of Voting Machine Examiners, 93780  
and for other expenses that are authorized to be paid from the 93781  
Board of Voting Machine Examiners Fund (Fund 4S80) created in 93782  
section 3506.05 of the Revised Code. Moneys not used shall be 93783  
returned to the person or entity submitting equipment for 93784  
examination. If it is determined by the Secretary of State that 93785  
additional appropriation amounts are necessary, the Secretary of 93786  
State may request that the Director of Budget and Management 93787  
approve such amounts. Upon approval of the Director of Budget and 93788  
Management, such amounts are hereby appropriated. 93789

BALLOT ADVERTISING COSTS 93790

Notwithstanding division (G) of section 3501.17 of the 93791  
Revised Code, upon requests submitted by the Secretary of State, 93792  
the Controlling Board may approve transfers from the Controlling 93793

Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 93794  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 93795  
the cost of public notices associated with statewide ballot 93796  
initiatives. 93797

ABSENT VOTER'S BALLOT APPLICATION MAILING 93798

Notwithstanding division (B) of section 111.31 of the Revised 93799  
Code, upon the request of the Secretary of State, the Controlling 93800  
Board may approve cash and appropriation transfers from the 93801  
Controlling Board Emergency Purposes/Contingencies Fund (Fund 93802  
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 93803  
5RG0) to be used by the Secretary of State to pay the costs of 93804  
printing and mailing unsolicited applications for absent voters' 93805  
ballots for the general election to be held in November 2020. 93806

ADDRESS CONFIDENTIALITY PROGRAM 93807

Upon the request of the Secretary of State, the Director of 93808  
Budget and Management may transfer up to \$50,000 per fiscal year 93809  
in cash from the Business Services Operating Expenses Fund (Fund 93810  
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 93811

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 93812

The foregoing appropriation item 050634, Women's Suffrage 93813  
Centennial Commission, shall be used to carry out the duties of 93814  
the Womens' Suffrage Commission in accordance with Am. S.B. 30 of 93815  
the 133rd General Assembly. An amount equal to the unexpended, 93816  
unencumbered portion of the foregoing appropriation item 050634, 93817  
Women's Suffrage Centennial Commission, at the end of fiscal year 93818  
2020 is hereby reappropriated to fiscal year 2021 for the same 93819  
purpose. 93820

CORPORATE/BUSINESS FILING REFUNDS 93821

The foregoing appropriation item 050606, Corporate/Business 93822  
Filing Refunds, shall be used to hold revenues until they are 93823

directed to the appropriate accounts or until they are refunded. 93824  
If it is determined by the Secretary of State that additional 93825  
appropriation amounts are necessary, the Secretary of State may 93826  
request that the Director of Budget and Management approve such 93827  
amounts. Upon approval of the Director of Budget and Management, 93828  
such amounts are hereby appropriated. 93829

HAVA FUNDS 93830

An amount equal to the unexpended, unencumbered portion of 93831  
appropriation item 050616, Help America Vote Act (HAVA), at the 93832  
end of fiscal year 2019 is hereby reappropriated for the same 93833  
purpose in fiscal year 2020. 93834

An amount equal to the unexpended, unencumbered portion of 93835  
appropriation item 050616, Help America Vote Act (HAVA), at the 93836  
end of fiscal year 2020 is hereby reappropriated for the same 93837  
purpose in fiscal year 2021. 93838

**Section 397.10.** SEN THE OHIO SENATE 93839

General Revenue Fund 93840

GRF 020321 Operating Expenses \$ 15,902,029 \$ 15,902,029 93841

TOTAL GRF General Revenue Fund \$ 15,902,029 \$ 15,902,029 93842

Internal Service Activity Fund Group 93843

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 93844

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 93845

TOTAL ISA Internal Service Activity 93846

Fund Group \$ 460,297 \$ 460,297 93847

TOTAL ALL BUDGET FUND GROUPS \$ 16,362,326 \$ 16,362,326 93848

OPERATING EXPENSES 93849

On July 1, 2019, or as soon as possible thereafter, the Clerk 93850  
of the Senate may certify to the Director of Budget and Management 93851  
an amount up to the unexpended, unencumbered balance of the 93852  
foregoing appropriation item 020321, Operating Expenses, at the 93853

end of fiscal year 2019 to be reappropriated to fiscal year 2020. 93854  
 The amount certified is hereby reappropriated to the same 93855  
 appropriation item for fiscal year 2020. 93856

On July 1, 2020, or as soon as possible thereafter, the Clerk 93857  
 of the Senate may certify to the Director of Budget and Management 93858  
 an amount up to the unexpended, unencumbered balance of the 93859  
 foregoing appropriation item 020321, Operating Expenses, at the 93860  
 end of fiscal year 2020 to be reappropriated to fiscal year 2021. 93861  
 The amount certified is hereby reappropriated to the same 93862  
 appropriation item for fiscal year 2021. 93863

**Section 399.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 93864

General Revenue Fund 93865

GRF 866321	CSV Operations	\$	307,176	\$	305,971	93866
TOTAL GRF	General Revenue Fund	\$	307,176	\$	305,971	93867

Dedicated Purpose Fund Group 93868

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	93869
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	93870

Group

Federal Fund Group 93871

3R70 866617	AmeriCorps Programs	\$	9,649,635	\$	9,671,749	93872
TOTAL FED	Federal Fund Group	\$	9,649,635	\$	9,671,749	93873
TOTAL ALL BUDGET FUND GROUPS		\$	9,986,811	\$	10,007,720	93874

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 93876

Debt Service Fund Group 93877

7070 155905	Third Frontier	\$	84,181,400	\$	87,403,000	93878
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Research and  
 Development Bond  
 Retirement Fund

7072 155902	Highway Capital	\$	152,796,000	\$	164,693,700	93879
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		Improvement Bond					
		Retirement Fund					
7073	155903	Natural Resources Bond	\$	20,359,800	\$	20,420,700	93880
		Retirement Fund					
7074	155904	Conservation Projects	\$	44,218,800	\$	44,394,800	93881
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	8,123,100	\$	7,682,600	93882
		Development Bond					
		Retirement Fund					
7077	155907	State Capital	\$	229,338,800	\$	231,754,500	93883
		Improvement Bond					
		Retirement Fund					
7078	155908	Common Schools Bond	\$	410,259,800	\$	424,825,900	93884
		Retirement Fund					
7079	155909	Higher Education Bond	\$	323,545,500	\$	348,550,200	93885
		Retirement Fund					
7080	155901	Persian Gulf,	\$	5,092,400	\$	5,586,600	93886
		Afghanistan, and Iraq					
		Conflict Bond					
		Retirement Fund					
7090	155912	Job Ready Site	\$	15,516,000	\$	9,879,900	93887
		Development Bond					
		Retirement Fund					
TOTAL	DSF	Debt Service Fund Group	\$	1,293,431,600	\$	1,345,191,900	93888
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,293,431,600	\$	1,345,191,900	93889

ADDITIONAL APPROPRIATIONS 93890

Appropriation items in this section are for the purpose of 93891  
 paying debt service and financing costs during the period from 93892  
 July 1, 2019, through June 30, 2021, on bonds or notes of the 93893  
 state issued under the Ohio Constitution, Revised Code, and acts 93894  
 of the General Assembly. If it is determined that additional 93895  
 amounts are necessary for this purpose, such amounts are hereby 93896  
 appropriated. 93897

<b>Section 403.10.</b>	SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY			93898
	DEVELOPMENT FOUNDATION			93899
	Dedicated Purpose Fund Group			93900
5M90 945601	Operating Expenses	\$	294,906 \$	300,910 93901
TOTAL DPF Dedicated Purpose Fund		\$	294,906 \$	300,910 93902
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$	294,906 \$	300,910 93903
<b>Section 404.10.</b>	SHP STATE SPEECH AND HEARING PROFESSIONALS			93905
	BOARD			93906
	Dedicated Purpose Fund Group			93907
4K90 123609	Operating Expenses	\$	620,000 \$	636,709 93908
TOTAL DPF Dedicated Purpose Fund		\$	620,000 \$	636,709 93909
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$	620,000 \$	636,709 93910
<b>Section 407.10.</b>	BTA BOARD OF TAX APPEALS			93912
	General Revenue Fund			93913
GRF 116321	Operating Expenses	\$	1,845,494 \$	1,857,751 93914
TOTAL GRF General Revenue Fund		\$	1,845,494 \$	1,857,751 93915
TOTAL ALL BUDGET FUND GROUPS		\$	1,845,494 \$	1,857,751 93916
<b>Section 409.10.</b>	TAX DEPARTMENT OF TAXATION			93918
	General Revenue Fund			93919
GRF 110321	Operating Expenses	\$	61,292,238 \$	62,378,576 93920
GRF 110404	Tobacco Settlement	\$	145,479 \$	150,810 93921
	Enforcement			
TOTAL GRF General Revenue Fund		\$	61,437,717 \$	62,529,386 93922
	Dedicated Purpose Fund Group			93923
2280 110628	CAT Administration	\$	13,872,268 \$	14,254,131 93924
4350 110607	Local Tax	\$	30,409,575 \$	31,020,628 93925

		Administration					
4360	110608	Motor Vehicle Audit	\$	1,982,731	\$	2,000,000	93926
		Administration					
4380	110609	School District	\$	9,027,264	\$	9,200,001	93927
		Income Tax					
		Administration					
4C60	110616	International	\$	683,494	\$	705,869	93928
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	177,706	\$	180,000	93929
		Administration					
5BP0	110639	Wireless 9-1-1	\$	296,210	\$	298,794	93930
		Administration					
5JM0	110637	Casino Tax	\$	125,000	\$	125,000	93931
		Administration					
5N50	110605	Municipal Income Tax	\$	400,000	\$	400,000	93932
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	96,954	\$	100,000	93933
		Administration					
5NY0	110643	Petroleum Activity	\$	992,581	\$	1,000,000	93934
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,899,525	\$	6,000,000	93935
		Administration					
5V80	110623	Property Tax	\$	5,872,025	\$	6,000,000	93936
		Administration					
6390	110614	Cigarette Tax	\$	1,548,152	\$	1,599,999	93937
		Enforcement					
6880	110615	Local Excise Tax	\$	588,213	\$	600,000	93938
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	71,971,698	\$	73,484,422	93939
		Group					
		Fiduciary Fund Group					93940
4250	110635	Tax Refunds	\$	2,205,303,300	\$	2,179,769,300	93941

5CZ0 110631	Vendor's License	\$	380,000	\$	380,000	93942
	Application					
6420 110613	Ohio Political Party	\$	180,000	\$	90,000	93943
	Distributions					
TOTAL FID	Fiduciary Fund Group	\$	2,205,863,300	\$	2,180,239,300	93944
	Group					93945
R010 110611	Tax Distributions	\$	25,000	\$	25,000	93946
R011 110612	Miscellaneous Income	\$	500	\$	500	93947
	Tax Receipts					
TOTAL HLD	Group	\$	25,500	\$	25,500	93948
	Group					
TOTAL ALL	BUDGET FUND GROUPS	\$	2,339,298,215	\$	2,316,278,608	93949

**Section 409.20. TAX REFUNDS** 93951

The foregoing appropriation item 110635, Tax Refunds, shall 93952  
 be used to pay refunds under section 5703.052 of the Revised Code. 93953  
 If it is determined that additional appropriations are necessary 93954  
 for this purpose, such amounts are hereby appropriated. 93955

**VENDOR'S LICENSE PAYMENTS** 93956

The foregoing appropriation item 110631, Vendor's License 93957  
 Application, shall be used to make payments to county auditors 93958  
 under section 5739.17 of the Revised Code. If it is determined 93959  
 that additional appropriations are necessary to make such 93960  
 payments, such amounts are hereby appropriated. 93961

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 93962

The foregoing appropriation item 110616, International 93963  
 Registration Plan Administration, shall be used under section 93964  
 5703.12 of the Revised Code for audits of persons with vehicles 93965  
 registered under the International Registration Plan. 93966

**TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT** 93967

Of the foregoing appropriation item 110607, Local Tax 93968

Administration, the Tax Commissioner may disburse funds, if 93969  
 available, for the purposes of paying travel expenses incurred by 93970  
 members of Ohio's delegation to the Streamlined Sales Tax Project, 93971  
 as appointed under section 5740.02 of the Revised Code. Any travel 93972  
 expense reimbursement paid for by the Department of Taxation shall 93973  
 be done in accordance with applicable state laws and guidelines. 93974

**TOBACCO SETTLEMENT ENFORCEMENT** 93975

The foregoing appropriation item 110404, Tobacco Settlement 93976  
 Enforcement, shall be used by the Tax Commissioner to pay costs 93977  
 incurred in the enforcement of divisions (F) and (G) of section 93978  
 5743.03 of the Revised Code. 93979

**PROPERTY TAX ADMINISTRATION** 93980

Notwithstanding section 5703.80 or division (F) of section 93981  
 321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax 93982  
 Commissioner shall not compute or certify the amounts calculated 93983  
 under divisions (A) and (B) of that section as amended by this 93984  
 act. The Director of Budget and Management shall not transfer any 93985  
 amounts from the General Revenue Fund to the Property Tax 93986  
 Administration Fund in fiscal year 2020 or fiscal year 2021. In 93987  
 fiscal years 2020 and 2021, the Tax Commissioner shall not 93988  
 subtract any amounts computed under section 5703.80 of the Revised 93989  
 Code, as amended by this act, from the payments made from the 93990  
 General Revenue Fund to county treasurers under division (F) of 93991  
 section 321.24 of the Revised Code. 93992

**Section 411.10. DOT DEPARTMENT OF TRANSPORTATION** 93993

General Revenue Fund 93994

GRF	772502	Local Transportation	\$	25,000	\$	25,000	93995
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Projects

GRF	776465	Rail Development	\$	2,000,000	\$	2,000,000	93996
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GRF	777471	Airport Improvements	\$	6,419,687	\$	6,669,687	93997
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- State

TOTAL GRF General Revenue Fund	\$	8,444,687	\$	8,694,687	93998
Dedicated Purpose Fund Group					93999
5QT0 776670 Ohio Maritime	\$	11,000,000	\$	12,000,000	94000
Assistance Program					
TOTAL DPF Dedicated Purpose Fund	\$	11,000,000	\$	12,000,000	94001
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	19,444,687	\$	20,694,687	94002

**Section 411.15. LOCAL TRANSPORTATION PROJECTS** 94004

The foregoing appropriation item 772502, Local Transportation 94005  
 Projects, shall be used to support the Regional Transportation 94006  
 Improvement Project in Stark, Columbiana, and Carroll counties. 94007

**Section 411.17. AIRPORT IMPROVEMENTS - STATE** 94008

The foregoing appropriation item 777471, Airport Improvements 94009  
 - State, shall be used for the Ohio Airport Grant Program in 94010  
 supporting capital improvements, maintaining infrastructure, and 94011  
 ensuring safety at publicly owned, public use airports in the 94012  
 state. 94013

**Section 411.20. OHIO MARITIME ASSISTANCE PROGRAM** 94014

The foregoing appropriation item 776670, Ohio Maritime 94015  
 Assistance Program, shall be used for the Ohio Maritime Assistance 94016  
 Program established in section 5501.91 of the Revised Code. 94017

Notwithstanding anything to the contrary in Chapter 166. of 94018  
 the Revised Code, the Director of Budget and Management shall 94019  
 transfer \$11,000,000 cash in fiscal year 2020 and \$12,000,000 cash 94020  
 in fiscal year 2021 from the Facilities Establishment Fund (Fund 94021  
 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0), which is 94022  
 hereby created. 94023

<b>Section 413.10. TOS TREASURER OF STATE</b>				94024
General Revenue Fund				94025
GRF 090321	Operating Expenses	\$ 8,037,839	\$ 8,037,839	94026
GRF 090401	Office of the Sinking Fund	\$ 476,836	\$ 476,836	94027
GRF 090402	Continuing Education	\$ 175,000	\$ 175,000	94028
GRF 090406	Treasury Management System Lease Rental Payments	\$ 1,113,400	\$ 1,115,000	94029
GRF 090613	STABLE Account Administration	\$ 1,660,000	\$ 1,660,000	94030
TOTAL GRF	General Revenue Fund	\$ 11,463,075	\$ 11,464,675	94031
Dedicated Purpose Fund Group				94032
4E90 090603	Securities Lending Income	\$ 7,480,675	\$ 7,843,565	94033
4X90 090614	Political Subdivision Obligation	\$ 45,000	\$ 45,000	94034
5770 090605	Investment Pool Reimbursement	\$ 1,050,000	\$ 1,050,000	94035
5C50 090602	County Treasurer Education	\$ 240,057	\$ 240,057	94036
5NH0 090610	OhioMeansJobs Workforce Development	\$ 350,000	\$ 350,000	94037
5VZ0 090615	State Pay for Success Contract Fund	\$ 0	\$ 5,000,000	94038
6050 090609	Treasurer of State Administrative Fund	\$ 700,000	\$ 700,000	94039
TOTAL DPF	Dedicated Purpose Fund Group	\$ 9,865,732	\$ 15,228,622	94040 94041
Fiduciary Fund Group				94042
4250 090635	Tax Refunds	\$ 12,000,000	\$ 12,000,000	94043

TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	94044
TOTAL ALL BUDGET FUND GROUPS	\$	33,328,807	\$	38,693,297	94045

**Section 413.20.** OFFICE OF THE SINKING FUND 94047

The foregoing appropriation item 090401, Office of the 94048  
Sinking Fund, shall be used for costs incurred by or on behalf of 94049  
the Commissioners of the Sinking Fund and the Ohio Public 94050  
Facilities Commission with respect to State of Ohio general 94051  
obligation bonds or notes, and the Treasurer of State with respect 94052  
to State of Ohio general obligation and special obligation bonds 94053  
or notes, including, but not limited to, printing, advertising, 94054  
delivery, rating fees and the procurement of ratings, professional 94055  
publications, membership in professional organizations, and other 94056  
services referred to in division (D) of section 151.01 of the 94057  
Revised Code. The General Revenue Fund shall be reimbursed for 94058  
such costs relating to the issuance and administration of Highway 94059  
Capital Improvement bonds or notes authorized under Ohio 94060  
Constitution, Article VIII, Section 2m and Chapter 151. of the 94061  
Revised Code. That reimbursement shall be made from appropriation 94062  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 94063  
intrastate transfer voucher pursuant to a certification by the 94064  
Office of the Sinking Fund of the actual amounts used. The amounts 94065  
necessary to make such a reimbursement are hereby appropriated 94066  
from the Highway Capital Improvement Bond Retirement Fund created 94067  
in section 151.06 of the Revised Code. 94068

STABLE ACCOUNT ADMINISTRATION 94069

The foregoing appropriation item 090613, STABLE Account 94070  
Administration, shall be used for administration of an Achieve a 94071  
Better Living Experience (ABLE) account program. 94072

TAX REFUNDS 94073

The foregoing appropriation item 090635, Tax Refunds, shall 94074  
be used to pay refunds under section 5703.052 of the Revised Code. 94075

If the Director of Budget and Management determines that 94076  
additional amounts are necessary for this purpose, such amounts 94077  
are hereby appropriated. 94078

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 94079  
PAYMENTS 94080

The foregoing appropriation item 090406, Treasury Management 94081  
System Lease Rental Payments, shall be used to make payments 94082  
during the period from July 1, 2019, through June 30, 2021, 94083  
pursuant to leases and agreements entered into under Section 94084  
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and 94085  
other prior acts of the General Assembly with respect to financing 94086  
the costs associated with the acquisition, development, 94087  
implementation, and integration of the Treasury Management System. 94088

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 94089  
LOAN PROGRAM 94090

The foregoing appropriation item 090610, OhioMeansJobs 94091  
Workforce Development, shall be used for the OhioMeansJobs 94092  
Workforce Development Revolving Loan Program to provide loans to 94093  
individuals for workforce training. 94094

Of the foregoing appropriation item 090610, OhioMeansJobs 94095  
Workforce Development, up to \$250,000 in fiscal year 2020 may be 94096  
used by the Treasurer of State to administer the program. 94097

Any unexpended and unencumbered portion of the foregoing 94098  
appropriation item 090610, OhioMeansJobs Workforce Development, at 94099  
the end of fiscal year 2020 is hereby reappropriated for the same 94100  
purpose in fiscal year 2021. To the extent that reappropriated 94101  
funds are available, of the foregoing appropriation item 090610, 94102  
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 94103  
2021 may be used by the Treasurer of State to administer the 94104  
program. 94105

<b>Section 413.50.</b>	STATE PAY FOR SUCCESS CONTRACT FUND				94106	
	The Director of Budget and Management shall transfer				94107	
	\$5,000,000 cash from the General Revenue Fund to the State Pay for				94108	
	Success Contract Fund (Fund 5VZ0) on July 1, 2020, or as soon as				94109	
	possible thereafter.				94110	
	The foregoing appropriation item 090615, State Pay for				94111	
	Success Contract Fund, shall be used for the purpose of				94112	
	implementing a pay for success project as established under				94113	
	section 113.60 of the Revised Code. The Treasurer of State, in				94114	
	consultation with the Department of Administrative Services and				94115	
	the Department of Rehabilitation and Correction shall initiate a				94116	
	pay for success contract with a service intermediary in the area				94117	
	of enhanced workforce training for prison populations or				94118	
	recidivism rate reduction utilizing the ZeroBack program. The				94119	
	project may take place at the following correctional institutions:				94120	
	Lake Erie Correctional Institution, Lorain Correctional				94121	
	Institution, Mansfield Correctional Institution, Northeast				94122	
	Reintegration Center, and Richland Correctional Institution.				94123	
<b>Section 414.10.</b>	VTO VETERANS' ORGANIZATIONS				94124	
	General Revenue Fund				94125	
	VAP AMERICAN EX-PRISONERS OF WAR				94126	
GRF	743501 State Support	\$	31,895	\$	31,895	94127
	VAN ARMY AND NAVY UNION, USA, INC.					94128
GRF	746501 State Support	\$	68,640	\$	68,808	94129
	VKW KOREAN WAR VETERANS					94130
GRF	747501 State Support	\$	62,400	\$	62,400	94131
	VJW JEWISH WAR VETERANS					94132
GRF	748501 State Support	\$	37,865	\$	37,865	94133
	VCW CATHOLIC WAR VETERANS					94134
GRF	749501 State Support	\$	72,800	\$	72,800	94135

		VPH MILITARY ORDER OF THE PURPLE HEART				94136	
GRF	750501	State Support	\$	72,800	\$	72,800	94137
		VVV VIETNAM VETERANS OF AMERICA				94138	
GRF	751501	State Support	\$	236,948	\$	236,948	94139
		VAL AMERICAN LEGION OF OHIO				94140	
GRF	752501	State Support	\$	385,237	\$	385,237	94141
		VII AMVETS				94142	
GRF	753501	State Support	\$	366,877	\$	366,877	94143
		VAV DISABLED AMERICAN VETERANS				94144	
GRF	754501	State Support	\$	275,628	\$	275,628	94145
		VMC MARINE CORPS LEAGUE				94146	
GRF	756501	State Support	\$	169,520	\$	169,520	94147
		V37 37TH DIVISION VETERANS' ASSOCIATION				94148	
GRF	757501	State Support	\$	10,400	\$	10,400	94149
		VFW VETERANS OF FOREIGN WARS				94150	
GRF	758501	State Support	\$	314,246	\$	314,246	94151
TOTAL GRF		General Revenue Fund	\$	2,105,256	\$	2,105,424	94152
TOTAL ALL BUDGET FUND GROUPS			\$	2,105,256	\$	2,105,424	94153
		<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>				94155	
		General Revenue Fund				94156	
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392	94157
GRF	900402	Hall of Fame	\$	124,400	\$	135,638	94158
GRF	900408	Department of	\$	4,448,745	\$	4,605,661	94159
		Veterans Services					
GRF	900901	Veterans Compensation	\$	5,092,400	\$	5,586,600	94160
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	51,107,964	\$	55,730,291	94161
		Dedicated Purpose Fund Group				94162	
4840	900603	Veterans' Homes	\$	995,000	\$	995,000	94163
		Services					

4E20	900602	Veterans' Homes Operating	\$	11,672,589	\$	11,672,589	94164
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	94165
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	94166
5VV0	900644	Transcranial Magnetic Stimulation Pilot	\$	3,000,000	\$	3,000,000	94167
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	94168
TOTAL DPF		Dedicated Purpose Fund Group	\$	17,237,589	\$	17,237,589	94169
		Debt Service Fund Group					94170
7041	900615	Veteran Bonus Program - Administration	\$	311,497	\$	260,856	94171
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	722,832	\$	552,706	94172
TOTAL DSF		Debt Service Fund Group	\$	1,034,329	\$	813,562	94173
		Federal Fund Group					94174
3680	900614	Veterans Training	\$	864,932	\$	930,262	94175
3BX0	900609	Medicare Services	\$	3,578,278	\$	3,578,278	94176
3L20	900601	Veterans' Homes Operations - Federal	\$	33,838,615	\$	34,986,679	94177
TOTAL FED		Federal Fund Group	\$	38,281,825	\$	39,495,219	94178
TOTAL ALL BUDGET FUND GROUPS			\$	107,661,707	\$	113,276,661	94179
		VETERANS ORGANIZATIONS' RENT					94180
		The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.					94181
		SAVE A WARRIOR					94182

Of the foregoing appropriation item 900408, Department of 94187  
Veterans Services, \$100,000 in each fiscal year shall be 94188  
distributed to Save a Warrior for the purpose of providing 94189  
post-traumatic stress rehabilitation services to Ohio veterans at 94190  
their facility located in Licking County. 94191

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 94192

The foregoing appropriation item 900901, Veterans 94193  
Compensation General Obligation Bond Debt Service, shall be used 94194  
to pay all debt service and related financing costs during the 94195  
period from July 1, 2019, through June 30, 2021, on obligations 94196  
issued under Section 2r of Article VIII, Ohio Constitution. 94197

TRANSCRANIAL MAGNETIC STIMULATION PILOT 94198

The foregoing appropriation item 900644, Transcranial 94199  
Magnetic Stimulation Pilot, shall be used for a transcranial 94200  
magnetic stimulation pilot program for veterans with substance use 94201  
disorders or mental illness as described in section 5902.09 of the 94202  
Revised Code. 94203

**Section 417.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 94204

Dedicated Purpose Fund Group 94205

4K90 888609	Operating Expenses	\$	433,150	\$	435,046	94206
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TOTAL DPF	Dedicated Purpose					94207
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Fund Group		\$	433,150	\$	435,046	94208
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Internal Service Activity Fund Group 94209

5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	94210
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Loan Program

TOTAL ISA	Internal Service Activity					94211
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Fund Group		\$	30,000	\$	30,000	94212
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TOTAL ALL BUDGET FUND GROUPS		\$	463,150	\$	465,046	94213
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**Section 419.10.** VPB STATE VISION PROFESSIONALS BOARD 94215

Dedicated Purpose Fund Group				94216
4K90	129609	Operating Expenses	\$ 640,756 \$	654,140 94217
TOTAL DPF Dedicated Purpose Fund				94218
Group				
TOTAL ALL BUDGET FUND GROUPS				94219
<b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				94221
General Revenue Fund				94222
GRF	470401	RECLAIM Ohio	\$ 171,784,391 \$	177,765,001 94223
GRF	470412	Juvenile Correctional	\$ 14,990,500 \$	17,441,300 94224
Facilities Lease				
Rental Bond Payments				
GRF	470510	Youth Services	\$ 16,702,727 \$	16,702,728 94225
GRF	472321	Parole Operations	\$ 10,481,781 \$	10,661,690 94226
GRF	477321	Administrative	\$ 12,505,577 \$	12,936,832 94227
Operations				
TOTAL GRF General Revenue Fund				94228
Dedicated Purpose Fund Group				94229
1470	470612	Vocational Education	\$ 1,463,162 \$	1,463,162 94230
1750	470613	Education Services	\$ 3,204,678 \$	3,292,983 94231
4790	470609	Employee Food Service	\$ 40,000 \$	40,000 94232
4A20	470602	Child Support	\$ 153,968 \$	153,968 94233
4G60	470605	Juvenile Special	\$ 115,000 \$	115,000 94234
Revenue - Non-Federal				
5BN0	470629	E-Rate Program	\$ 59,000 \$	59,000 94235
TOTAL DPF Dedicated Purpose				94236
Fund Group				94237
Federal Fund Group				94238
3210	470601	Education	\$ 1,003,161 \$	1,019,832 94239
3210	470603	Juvenile Justice	\$ 2,486,393 \$	2,499,486 94240
Prevention				
3210	470606	Nutrition	\$ 930,000 \$	930,000 94241

3210	470614	Title IV-E	\$	800,000	\$	700,000	94242
		Reimbursements					
3V50	470604	Juvenile	\$	1,720,000	\$	1,720,000	94243
		Justice/Delinquency					
		Prevention					
TOTAL FED Federal							94244
Fund Group			\$	6,939,554	\$	6,869,318	94245
TOTAL ALL BUDGET FUND GROUPS							94246

COMMUNITY PROGRAMS 94247

For purposes of implementing juvenile sentencing reforms, and 94248  
notwithstanding any provision of law to the contrary, the 94249  
Department of Youth Services may use up to \$1,375,000 of the 94250  
unexpended, unencumbered balance of the portion of appropriation 94251  
item 470401, RECLAIM Ohio, that is allocated to juvenile 94252  
correctional facilities in each fiscal year to expand Targeted 94253  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 94254  
other evidence-based community programs. 94255

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 94256

The foregoing appropriation item 470412, Juvenile 94257  
Correctional Facilities Lease Rental Bond Payments, shall be used 94258  
to meet all payments during the period from July 1, 2019, through 94259  
June 30, 2021, by the Department of Youth Services under the 94260  
leases and agreements for facilities made under Chapters 152. and 94261  
154. of the Revised Code. These appropriations are the source of 94262  
funds pledged for bond service charges on related obligations 94263  
issued under Chapters 152. and 154. of the Revised Code. 94264

EDUCATION SERVICES 94265

The foregoing appropriation item 470613, Education Services, 94266  
shall be used to fund the operating expenses of providing 94267  
educational services to youth supervised by the Department of 94268  
Youth Services. Operating expenses include, but are not limited 94269

to, teachers' salaries, maintenance costs, and educational 94270  
equipment. 94271

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 94272

In collaboration with the county family and children first 94273  
council, the juvenile court of that county that receives 94274  
allocations from one or both of the foregoing appropriation items 94275  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 94276  
portions of those allocations to a flexible funding pool as 94277  
authorized by the section of this act titled "FAMILY AND CHILDREN 94278  
FIRST FLEXIBLE FUNDING POOL." 94279

**Section 501.10.** All appropriation items in this section are 94280  
hereby appropriated as designated out of any moneys in the state 94281  
treasury to the credit of the designated fund. The appropriations 94282  
made in this section are in addition to any other appropriations 94283  
made for the fiscal year 2019-2020 capital biennium. 94284

DPS DEPARTMENT OF PUBLIC SAFETY 94285

Administrative Building Fund (Fund 7026) 94286

C76067 Radiological Calibration Laboratory \$ 2,250,000 94287  
Relocation

TOTAL Administrative Building Fund \$ 2,250,000 94288

TOTAL ALL FUNDS \$ 2,250,000 94289

**Section 501.11.** The appropriations made in Section 501.10 of 94291  
this act are subject to all provisions of H.B. 529 of the 132nd 94292  
General Assembly that are generally applicable to such 94293  
appropriations. Expenditures from appropriations contained in 94294  
Section 501.10 of this act shall be accounted for as though made 94295  
in H.B. 529 of the 132nd General Assembly. 94296

**Section 501.12.** The Treasurer of State is hereby authorized 94297  
to issue and sell, in accordance with Section 2i of Article VIII, 94298

Ohio Constitution, Chapter 154. of the Revised Code, and other 94299  
applicable sections of the Revised Code, original obligations in 94300  
an aggregate principal amount not to exceed \$3,000,000 in addition 94301  
to the original issuance of obligations heretofore authorized by 94302  
prior acts of the General Assembly. These authorized obligations 94303  
shall be issued, subject to applicable constitutional and 94304  
statutory limitations, as needed to provide sufficient moneys to 94305  
the credit of the Administrative Building Fund (Fund 7026) to pay 94306  
costs associated with previously authorized capital facilities for 94307  
the housing of branches and agencies of state government or their 94308  
functions. 94309

**Section 503.10. PERSONAL SERVICE EXPENSES** 94310

Unless otherwise prohibited by law, any appropriation from 94311  
which personal service expenses are paid shall bear the employer's 94312  
share of public employees' retirement, workers' compensation, 94313  
disabled workers' relief, and insurance programs; the costs of 94314  
centralized financial services, centralized payroll processing, 94315  
and related reports and services; centralized human resources 94316  
services, including affirmative action and equal employment 94317  
opportunity programs; the Office of Collective Bargaining; 94318  
centralized information technology management services; 94319  
administering the enterprise resource planning system; and 94320  
administering the state employee merit system as required by 94321  
section 124.07 of the Revised Code. These costs shall be 94322  
determined in conformity with the appropriate sections of law and 94323  
paid in accordance with procedures specified by the Office of 94324  
Budget and Management. Expenditures from appropriation item 94325  
070601, Public Audit Expense - Intra-State, may be exempted from 94326  
the requirements of this section. 94327

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 94328

AGAINST THE STATE 94329

Except as otherwise provided in this section, an 94330  
appropriation in this act or any other act may be used for the 94331  
purpose of satisfying judgments, settlements, or administrative 94332  
awards ordered or approved by the Court of Claims or by any other 94333  
court of competent jurisdiction in connection with civil actions 94334  
against the state. This authorization does not apply to 94335  
appropriations to be applied to or used for payment of guarantees 94336  
by or on behalf of the state, or for payments under lease 94337  
agreements relating to, or debt service on, bonds, notes, or other 94338  
obligations of the state. Notwithstanding any other statute to the 94339  
contrary, this authorization includes appropriations from funds 94340  
into which proceeds of direct obligations of the state are 94341  
deposited only to the extent that the judgment, settlement, or 94342  
administrative award is for, or represents, capital costs for 94343  
which the appropriation may otherwise be used and is consistent 94344  
with the purpose for which any related obligations were issued or 94345  
entered into. Nothing contained in this section is intended to 94346  
subject the state to suit in any forum in which it is not 94347  
otherwise subject to suit, and is not intended to waive or 94348  
compromise any defense or right available to the state in any suit 94349  
against it. 94350

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 94351

This section specifies an additional and supplemental 94352  
procedure to provide for payments of judgments and settlements if 94353  
the Director of Budget and Management determines, pursuant to 94354  
division (C)(4) of section 2743.19 of the Revised Code, that 94355  
sufficient unencumbered moneys do not exist in the fund to support 94356  
a particular appropriation to pay the amount of a final judgment 94357  
rendered against the state or a state agency, including the 94358  
settlement of a claim approved by a court, in an action upon and 94359

arising out of a contractual obligation for the construction or 94360  
improvement of a capital facility if the costs under the contract 94361  
were payable in whole or in part from a state capital projects 94362  
appropriation. In such a case, the Director may either proceed 94363  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 94364  
or apply to the Controlling Board to increase an appropriation or 94365  
create an appropriation out of any unencumbered moneys in the 94366  
state treasury to the credit of the capital projects fund from 94367  
which the initial state appropriation was made. The amount of an 94368  
increase in appropriation or new appropriation approved by the 94369  
Controlling Board is hereby appropriated from the applicable 94370  
capital projects fund and made available for the payment of the 94371  
judgment or settlement. 94372

If the Director does not make the application authorized by 94373  
this section or the Controlling Board disapproves the application, 94374  
and the Director does not make application under division (C)(4) 94375  
of section 2743.19 of the Revised Code, the Director shall for the 94376  
purpose of making that payment make a request to the General 94377  
Assembly as provided for in division (C)(5) of that section. 94378

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 94379

In order to provide funds for the reissuance of voided 94380  
warrants under section 126.37 of the Revised Code, there is hereby 94381  
appropriated, out of moneys in the state treasury from the fund 94382  
credited as provided in section 126.37 of the Revised Code, that 94383  
amount sufficient to pay such warrants when approved by the Office 94384  
of Budget and Management. 94385

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 94386  
**BALANCES OF OPERATING APPROPRIATIONS** 94387

(A) Notwithstanding the original year of appropriation or 94388  
encumbrance, the unexpended balance of an operating appropriation 94389

or reappropriation that a state agency lawfully encumbered prior 94390  
to the close of fiscal year 2019 or fiscal year 2020 is hereby 94391  
reappropriated on the first day of July of the following fiscal 94392  
year from the fund from which it was originally appropriated or 94393  
reappropriated for the period of time listed in this section and 94394  
shall remain available only for the purpose of discharging the 94395  
encumbrance: 94396

(1) For an encumbrance for personal services, maintenance, 94397  
equipment, or items for resale not otherwise identified in this 94398  
section, for a period of not more than five months from the end of 94399  
the fiscal year; 94400

(2) For an encumbrance for an item of special order 94401  
manufacture not available on state contract or in the open market, 94402  
for a period of not more than five months from the end of the 94403  
fiscal year or, with the written approval of the Director of 94404  
Budget and Management, for a period of not more than twelve months 94405  
from the end of the fiscal year; 94406

(3) For an encumbrance for reclamation of land or oil and gas 94407  
wells, for a period ending when the encumbered appropriation is 94408  
expended provided such period does not extend beyond the FY 2020 - 94409  
FY 2021 biennium; 94410

(4) For an encumbrance for any other type of expense not 94411  
otherwise identified in division (A)(1), (2), or (3) of this 94412  
section, for such period as the Director approves, provided such 94413  
period does not extend beyond the FY 2020 - FY 2021 biennium. 94414

(B) Any operating appropriations for which unexpended 94415  
balances are reappropriated in fiscal year 2020 or fiscal year 94416  
2021 pursuant to division (A)(2) of this section shall be reported 94417  
to the Controlling Board by the Director of Budget and Management 94418  
by the thirty-first day of December of each year. The report shall 94419  
include the item, the cost of the item, and the name of the 94420

vendor. The report shall be updated on a quarterly basis for 94421  
encumbrances remaining open. 94422

(C) Upon the expiration of the reappropriation period set out 94423  
in division (A) of this section, a reappropriation made by this 94424  
section lapses and the Director of Budget and Management shall 94425  
cancel the encumbrance of the unexpended reappropriation not later 94426  
than the end of the weekend following the expiration of the 94427  
reappropriation period. 94428

(D) If the Controlling Board approved a purchase, that 94429  
approval remains in effect so long as the appropriation used to 94430  
make that purchase remains encumbered. 94431

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 94432

(A) The Director of Budget and Management may correct 94433  
accounting errors committed by the staff of the Office of Budget 94434  
and Management, such as reestablishing encumbrances or 94435  
appropriations canceled in error, during the cancellation of 94436  
operating encumbrances in November and of non-operating 94437  
encumbrances in December. 94438

(B) The Director of Budget and Management may at any time 94439  
correct accounting errors committed by staff or a state agency or 94440  
state institution of higher education, as defined in section 94441  
3345.011 of the Revised Code, such as reestablishing prior year 94442  
non-operating encumbrances canceled or modified in error. The 94443  
reestablished encumbrance amounts are hereby appropriated. 94444

**Section 503.70. TEMPORARY REVENUE HOLDING** 94445

The Director of Budget and Management may create funds in the 94446  
state treasury solely for the purpose of temporarily holding 94447  
revenue required to be credited to a fund in the state treasury, 94448  
whose disposition is not immediately known at the time of receipt. 94449  
Once identified, the Director shall credit the revenue to the 94450

appropriate fund in the state treasury. 94451

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 94452  
RE-ESTABLISHMENT OF ENCUMBRANCES 94453

Any cash transferred by the Director of Budget and Management 94454  
under section 126.15 of the Revised Code is hereby appropriated. 94455  
Any amounts necessary to re-establish appropriations or 94456  
encumbrances under section 126.15 of the Revised Code are hereby 94457  
appropriated. 94458

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 94459

The Director of Budget and Management may transfer 94460  
appropriations between the Third Frontier Research and Development 94461  
Fund (Fund 7011) and the Third Frontier Research and Development 94462  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 94463  
exclusion from the calculation of gross income for federal income 94464  
taxation purposes under the Internal Revenue Code with respect to 94465  
obligations issued to fund projects appropriated from the Third 94466  
Frontier Research and Development Fund (Fund 7011). 94467

The Director may also create new appropriation items within 94468  
the Third Frontier Research and Development Taxable Bond Fund 94469  
(Fund 7014) and make transfers of appropriations to them for 94470  
projects originally funded from appropriations made from the Third 94471  
Frontier Research and Development Fund (Fund 7011). 94472

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 94473

There are hereby appropriated out of any moneys in the state 94474  
treasury to the credit of the General Revenue Fund, which are not 94475  
otherwise appropriated, funds sufficient to make any payment 94476  
required by division (B)(2) of section 5747.03 of the Revised 94477  
Code. 94478

<b>Section 503.110.</b> EXPENDITURES AND APPROPRIATION INCREASES	94479
APPROVED BY THE CONTROLLING BOARD	94480
Any money that the Controlling Board approves for expenditure	94481
or any increase in appropriation that the Controlling Board	94482
approves under sections 127.14, 131.35, and 131.39 of the Revised	94483
Code or any other provision of law is hereby appropriated for the	94484
period ending June 30, 2021.	94485
<b>Section 503.120.</b> FUNDS RECEIVED FOR USE OF GOVERNOR'S	94486
RESIDENCE	94487
If the Governor's Residence Fund (Fund 4H20) receives payment	94488
for use of the residence pursuant to section 107.40 of the Revised	94489
Code, the amounts so received are hereby appropriated to	94490
appropriation item 100604, Governor's Residence Gift.	94491
<b>Section 504.10.</b> GENERAL OBLIGATION DEBT SERVICE PAYMENTS	94492
Certain appropriations are in this act for the purpose of	94493
paying debt service and financing costs on general obligation	94494
bonds or notes of the state issued pursuant to the Ohio	94495
Constitution, Revised Code, and acts of the General Assembly. If	94496
it is determined that additional appropriations are necessary for	94497
this purpose, such amounts are hereby appropriated.	94498
<b>Section 504.20.</b> LEASE RENTAL PAYMENTS FOR DEBT SERVICE	94499
Certain appropriations are in this act for the purpose of	94500
making lease rental payments pursuant to leases and agreements	94501
relating to bonds, notes, or other obligations issued by or on	94502
behalf of the state pursuant to the Ohio Constitution, Revised	94503
Code, and acts of the General Assembly. If it is determined that	94504
additional appropriations are necessary for this purpose, such	94505
amounts are hereby appropriated.	94506

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 94507  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 94508

The Office of Budget and Management shall process payments 94509  
from general obligation and lease rental payment appropriation 94510  
items during the period from July 1, 2019, through June 30, 2021, 94511  
relating to bonds, notes, or other obligations issued by or on 94512  
behalf of the state pursuant to the Ohio Constitution, Revised 94513  
Code, and acts of the General Assembly. Payments shall be made 94514  
upon certification by the Treasurer of State of the dates and the 94515  
amounts due on those dates. 94516

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 94517

If it is determined that a payment is necessary in the amount 94518  
computed at the time to represent the portion of investment income 94519  
to be rebated or amounts in lieu of or in addition to any rebate 94520  
amount to be paid to the federal government in order to maintain 94521  
the exclusion from gross income for federal income tax purposes of 94522  
interest on those state obligations under section 148(f) of the 94523  
Internal Revenue Code, such an amount is hereby appropriated from 94524  
those funds designated by or pursuant to the applicable 94525  
proceedings authorizing the issuance of state obligations. 94526

Payments for this purpose shall be approved and vouchered by 94527  
the Office of Budget and Management. 94528

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 94529

Whenever the Director of Budget and Management determines 94530  
that an appropriation made to a state agency from a fund of the 94531  
state is insufficient to provide for the recovery of statewide 94532  
indirect costs under section 126.12 of the Revised Code, the 94533  
amount required for such purpose is hereby appropriated from the 94534  
available receipts of such fund. 94535

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 94536  
COST ALLOCATION PLAN 94537

The total transfers made from the General Revenue Fund by the 94538  
Director of Budget and Management under this section shall not 94539  
exceed the amounts transferred into the General Revenue Fund under 94540  
section 126.12 of the Revised Code. 94541

The director of an agency may certify to the Director of 94542  
Budget and Management the amount of expenses not allowed to be 94543  
included in the Statewide Indirect Cost Allocation Plan under 94544  
federal regulations, from any fund included in the Statewide 94545  
Indirect Cost Allocation Plan, prepared as required by section 94546  
126.12 of the Revised Code. 94547

Upon determining that no alternative source of funding is 94548  
available to pay for such expenses, the Director of Budget and 94549  
Management may transfer cash from the General Revenue Fund into 94550  
the fund for which the certification is made, up to the amount of 94551  
the certification. The director of the agency receiving such funds 94552  
shall include, as part of the next budget submission prepared 94553  
under section 126.02 of the Revised Code, a request for funding 94554  
for such activities from an alternative source such that further 94555  
federal disallowances would not be required. 94556

The director of an agency may certify to the Director of 94557  
Budget and Management the amount of expenses paid in error from a 94558  
fund included in the Statewide Indirect Cost Allocation Plan. The 94559  
Director of Budget and Management may transfer cash from the fund 94560  
from which the expenditure should have been made into the fund 94561  
from which the expenses were erroneously paid, up to the amount of 94562  
the certification. 94563

The director of an agency may certify to the Director of 94564  
Budget and Management the amount of expenses or revenues not 94565  
allowed to be included in the Statewide Indirect Cost Allocation 94566

Plan under federal regulations, for any fund included in the 94567  
Statewide Indirect Cost Allocation Plan, for which the federal 94568  
government requires payment. If the Director of Budget and 94569  
Management determines that an appropriation made to a state agency 94570  
from a fund of the state is insufficient to pay the amount 94571  
required by the federal government, the amount required for such 94572  
purpose is hereby appropriated from the available receipts of such 94573  
fund, up to the amount of the certification. 94574

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 94575

Notwithstanding any provision of law to the contrary, on or 94576  
before the first day of September of each fiscal year, the 94577  
Director of Budget and Management, in order to reduce the payment 94578  
of adjustments to the federal government, as determined by the 94579  
plan prepared under division (A) of section 126.12 of the Revised 94580  
Code, may designate such funds as the Director considers necessary 94581  
to retain their own interest earnings. 94582

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 94583

Pursuant to the plan for compliance with the Federal Cash 94584  
Management Improvement Act required by section 131.36 of the 94585  
Revised Code, the Director of Budget and Management may cancel and 94586  
re-establish all or part of encumbrances in like amounts within 94587  
the funds identified by the plan. The amounts necessary to 94588  
re-establish all or part of encumbrances are hereby appropriated. 94589

**Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF** 94590  
**INTEREST EARNED** 94591

Notwithstanding any provision of law to the contrary, the 94592  
Director of Budget and Management, through June 30, 2021, may 94593  
transfer interest earned by any state fund to the General Revenue 94594  
Fund. This section does not apply to funds whose source of revenue 94595

is restricted or protected by the Ohio Constitution, federal tax 94596  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 94597  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 94598

**Section 509.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 94599  
FROM NON-GRF FUNDS 94600

Notwithstanding any provision of law to the contrary, the 94601  
Director of Budget and Management may transfer up to \$100,000,000 94602  
cash, during the biennium ending June 30, 2021, from non-General 94603  
Revenue Funds that are not constitutionally restricted to the 94604  
General Revenue Fund. 94605

**Section 509.30.** CASH TRANSFERS FROM THE STATE FIRE MARSHAL 94606  
FUND TO THE GENERAL REVENUE FUND 94607

On July 1, 2020, or as soon as possible thereafter, the 94608  
Director of Budget and Management shall transfer \$2,000,000 cash 94609  
from the State Fire Marshal Fund (Fund 5460) to the General 94610  
Revenue Fund. 94611

**Section 509.40.** CASH TRANSFER TO THE GENERAL REVENUE FUND 94612  
FROM THE LOCAL GOVERNMENT INNOVATION FUND 94613

On July 1, 2019, or as soon as possible thereafter, the 94614  
Director of Budget and Management shall transfer \$2,250,000 from 94615  
the Local Government Innovation Fund (Fund 5KN0) to the General 94616  
Revenue Fund. 94617

**Section 509.45.** CASH TRANSFER TO THE GENERAL REVENUE FUND 94618  
FROM THE LOCAL GOVERNMENT SAFETY CAPITAL GRANT FUND 94619

On July 1, 2019, or as soon as possible thereafter, the 94620  
Director of Budget and Management shall transfer the unencumbered 94621  
cash balance remaining in the Local Government Safety Capital 94622  
Grant Fund (Fund 5RD0) to the General Revenue Fund. 94623

**Section 509.47.** TRANSFER FROM THE HEALTH CARE SERVICES 94624  
SUPPORT AND RECOVERIES FUND TO THE GENERAL REVENUE FUND 94625

Notwithstanding any provision of law to the contrary, on July 94626  
1, 2019, or as soon as possible thereafter, the Director of Budget 94627  
and Management shall transfer \$6,000,000 cash from the Health Care 94628  
Services Support and Recoveries Fund (Fund 5DL0) to the General 94629  
Revenue Fund. 94630

Notwithstanding any other provision of law to the contrary, 94631  
on July 1, 2020, or as soon as possible thereafter, the Director 94632  
of Budget and Management shall transfer \$4,000,000 cash from the 94633  
Health Care Services Support and Recoveries Fund (Fund 5DL0) to 94634  
the General Revenue Fund. 94635

**Section 509.49.** UNEMPLOYMENT COMPENSATION INTEREST 94636  
CONTINGENCY FUND TRANSFER TO THE GENERAL REVENUE FUND 94637

On July 1, 2020, or as soon as possible thereafter, the 94638  
Director of Budget and Management shall transfer the unexpended, 94639  
unencumbered balance of the Unemployment Compensation Interest 94640  
Contingency Fund (Fund 5HC0) to the General Revenue Fund. 94641

**Section 509.50.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 94642

On October 1, 2019, or as soon as possible thereafter, the 94643  
Director of Commerce and the Executive Director of the Board of 94644  
Pharmacy shall consult with the Director of Budget and Management 94645  
to determine a repayment schedule for the biennium ending June 30, 94646  
2021, to fully repay transfers on behalf of each agency from the 94647  
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 94648  
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 94649  
Department of Commerce and the Board of Pharmacy in accordance 94650  
with this repayment schedule shall be credited to the General 94651  
Revenue Fund. 94652

**Section 512.10.** GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 94653  
FUND 94654

On July 1, 2019, or as soon as possible thereafter, the 94655  
Director of Budget and Management may transfer up to \$20,000,000 94656  
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 94657  
5MJ0). 94658

**Section 512.20.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 94659  
TREATMENT AND PREVENTION FUND 94660

Notwithstanding any provision of law to the contrary, in 94661  
fiscal year 2020, the Director of Budget and Management may 94662  
transfer up to \$5,050,000 cash from the General Revenue Fund to 94663  
the Statewide Treatment and Prevention Fund (Fund 4750). 94664

Notwithstanding any provision of law to the contrary, in 94665  
fiscal year 2021, the Director of Budget and Management may 94666  
transfer up to \$50,000 cash from the General Revenue Fund to the 94667  
Statewide Treatment and Prevention Fund (Fund 4750). 94668

**Section 512.30.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 94669  
COMMUNITY POLICE RELATIONS FUND 94670

Notwithstanding any provision of law to the contrary, in 94671  
fiscal year 2020, the Director of Budget and Management may 94672  
transfer up to \$2,200,000 cash from the General Revenue Fund to 94673  
the Statewide Community Police Relations Fund (Fund 5RS0). 94674

**Section 512.40.** GENERAL REVENUE FUND TRANSFER TO TARGETED 94675  
ADDICTION PROGRAM FUND 94676

Notwithstanding any provision of law to the contrary, in each 94677  
fiscal year of the biennium ending June 30, 2021, the Director of 94678  
Budget and Management may transfer up to \$23,750,000 cash from the 94679  
General Revenue Fund to the Targeted Addiction Program Fund (Fund 94680

5TZ0).	94681
<b>Section 512.50.</b> GENERAL REVENUE FUND TRANSFER TO PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND	94682 94683
During fiscal year 2021, upon request of the Director of Veterans Services, the Director of Budget and Management may transfer up to \$500,000 cash from the General Revenue Fund to the Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041).	94684 94685 94686 94687
<b>Section 512.70.</b> GENERAL REVENUE FUND TRANSFER TO STUDENT WELLNESS AND SUCCESS FUND	94688 94689
Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$250,000,000 cash in fiscal year 2020 and up to \$300,000,000 cash in fiscal year 2021 from the General Revenue Fund to the Student Wellness and Success Fund (Fund 5VS0), which is hereby created in the state treasury.	94690 94691 94692 94693 94694 94695
<b>Section 512.85.</b> GENERAL REVENUE FUND TRANSFER TO TRANSCRANIAL MAGNETIC STIMULATION FUND	94696 94697
On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$6,000,000 cash from the General Revenue Fund to the Transcranial Magnetic Stimulation Fund (Fund 5VV0).	94698 94699 94700 94701
<b>Section 512.90.</b> GENERAL REVENUE FUND TRANSFER TO SPORTS EVENT GRANT FUND	94702 94703
On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 cash from the General Revenue Fund to the Sports Event Grant Fund (Fund 5UY0).	94704 94705 94706 94707

Section 513.10. FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING 94708  
BALANCE 94709

Notwithstanding section 131.44 of the Revised Code, the 94710  
Director of Budget and Management shall determine the surplus 94711  
General Revenue Fund revenue that existed on June 30, 2019. 94712  
Notwithstanding any provision of law to the contrary, except for 94713  
the transfers listed in this section, the surplus shall remain in 94714  
the General Revenue Fund. The Director shall transfer cash, not to 94715  
exceed the amount of the surplus revenue from the General Revenue 94716  
Fund in the following order: 94717

(A) Up to \$10,000,000 cash to the Targeted Addiction Program 94718  
Fund (Fund 5TZ0); 94719

(B) Up to \$172,000,000 cash to the H2Ohio Fund (Fund 6H20); 94720

(C) Up to \$20,000,000 cash to the School Bus Purchase Fund 94721  
(Fund 5VU0), which is hereby created in the state treasury; 94722

(D) Up to \$5,000,000 cash to the Ohio Governor's Imagination 94723  
Library Fund (Fund 5VJ0), which is hereby created in the state 94724  
treasury; 94725

(E) Up to \$25,000,000 cash to the Emergency Purposes Fund 94726  
(Fund 5KM0); 94727

(F) Up to \$25,000,000 cash to the Disaster Services Fund 94728  
(Fund 5E20); 94729

(G) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund 94730  
(Fund 5BX0); 94731

(H) Up to \$7,400,000 cash to the Economic Development 94732  
Programs Fund (Fund 5JC0); and 94733

(I) Up to \$2,000,000 cash to the Ohio Incumbent Workforce Job 94734  
Training Fund (Fund 5HR0). 94735

**Section 513.20.** FISCAL YEAR 2020 GENERAL REVENUE FUND ENDING BALANCE 94736  
94737

Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2020, shall remain in the General Revenue Fund. 94738  
94739  
94740

**Section 513.30.** FISCAL YEAR 2021 APPROPRIATIONS FOR THE H2OHIO FUND 94741  
94742

Notwithstanding section 131.35 of the Revised Code, in fiscal year 2021, the Controlling Board may increase or establish appropriations in the H2Ohio Fund (Fund 6H20) for state agencies or boards responsible for water protection and water management in amounts necessary to support the statewide strategic vision and comprehensive periodic water protection strategy in that fiscal year. 94743  
94744  
94745  
94746  
94747  
94748  
94749

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 94750

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows: 94751  
94752  
94753  
94754  
94755

<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	
Utility	Department of	\$ 97,610	\$ 101,130	94756 94757
Radiological Safety Fund (Fund 4E40)	Agriculture			
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,300,000	\$ 1,300,000	94758

ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 276,500	\$	278,500	94759
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,258,624	\$	1,258,624	94760

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 94761

(A) On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

User Agency	Transfer from: Fund	Fund Name	Transfer to: Fund	Fund Name	
AGR	5HP0	Livestock Care Standards Board	4C90	Commercial Feed Inspection/Lab	94771
AIR	7004	Advanced Energy Research and Development Taxable Fund	5M50	Advanced Energy Fund	94772
AIR	7005	Advanced Energy Research and Development	5M50	Advanced Energy Fund	94773
BWC	8290	Long Term Care Loan Fund	8260	Safety and Hygiene Fund	94774
COM	5PA0	BUSTR Revolving Loan Fund	6530	Underground Storage Tank Administration	94775
DAS	4P30	DAS Information Services	1330	Information Technology	94776
DAS	5D70	Workforce	5EB0	OAKS Support	94777

		Development		Organization	
DEV	3DB0	Federal Stimulus	GRF	General Revenue Fund	94778
		Energy Efficiency and Conservation			
DEV	5AD0	Job Development	5430	Unclaimed Funds	94779
		Initiatives		Trust	
DEV	5CG0	Alternative Fuel	5M50	Advanced Energy Fund	94780
		Transportation			
DEV	5MB0	Economic Development	5LN0	Liquor Operating	94781
		Support		Services Fund	
DEV	5NS0	Career Exploration	5JC0	Economic Development	94782
		Internship		Projects	
DNR	5CU0	Mine Safety	5290	Mining Regulation	94783
				and Safety	
DNR	5MF0	Ohio Geology License	5110	Geological Mapping	94784
		Plate			
DOH	6830	Employee Assistance	1250	Human Resources	94785
		Program		Services Fund	
DOT	5CF0	Rail Transload	4N40	Rail Development	94786
		Facilities			
DPS	8500	Public Safety	5RH0	Ohio Investigative	94787
		Investigative Unit		Unit Fund	
		Salvage and Exchange			
DRC	5UB0	Institution	GRF	General Revenue Fund	94788
		Addiction Treatment			
		Services			
DYS	3BH0	Federal Juvenile	3V50	Juvenile	94789
		Justice Program		Justice/Delinquency	
		FFY06		Prevention Fund	
DYS	3BT0	Federal Juvenile	3V50	Juvenile	94790
		Justice Program		Justice/Delinquency	
		FFY07		Prevention Fund	
DYS	3BY0	Federal Juvenile	3V50	Juvenile	94791

		Justice Program SFY07		Justice/Delinquency Prevention Fund	
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	94792
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	94793
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	94794
DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	94795
DYS	3GB0	Federal Juvenile Justice Program FFY13	3V50	Juvenile Justice/Delinquency Prevention Fund	94796
DYS	3V90	Federal Juvenile Justice Program FFY01	3V50	Juvenile Justice/Delinquency Prevention Fund	94797
DYS	3W00	Federal Juvenile Justice Program FFY02	3V50	Juvenile Justice/Delinquency Prevention Fund	94798
DYS	3Z80	Federal Juvenile Justice Program FFY04	3V50	Juvenile Justice/Delinquency Prevention Fund	94799
DYS	3Z90	Federal Juvenile Justice Program FFY05	3V50	Juvenile Justice/Delinquency Prevention Fund	94800
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	94801
EDU	4D10	Ohio Prevention/Education	6200	Education Grants	94802

		Resource Center			
EDU	5B10	Child Nutrition	GRF	General Revenue Fund	94803
		Services			
EDU	5KY0	Community Schools	5KX0	Ohio School	94804
		Temporary		Sponsorship Program	
		Sponsorship			
EDU	5RB0	Straight A Fund	6200	Educational Grants	94805
EDU	5T30	Gates Foundation	6200	Educational Grants	94806
		Grants			
EDU	5UC0	Accountability/Report	4L20	Teacher	94807
		Cards		Certification	
EDU	5W20	Head Start Plus/Head	GRF	General Revenue	94808
		Start		Funds	
EDU	5X90	NGA Stem	6200	Educational Grants	94809
EDU	6210	Pre-School Foreign	6200	Educational Grants	94810
		Language			
EPA	3560	Indirect Costs	GRF	General Revenue Fund	94811
EPA	3580	205-J Federal	3BU0	Water Quality	94812
		Planning		Protection	
EPA	3M50	HazMat	GRF	General Revenue Fund	94813
		Transportation			
		Uniform Safety			
INS	3EV0	Health Insurance	5540	Department of	94814
		Premium Rev		Insurance Operating	
INS	3EW0	Health Exchange	5540	Department of	94815
		Planning		Insurance Operating	
INS	3EX0	Consumer Assistance	5540	Department of	94816
		Grant		Insurance Operating	
INS	5AG0	Medical Liability	GRF	General Revenue Fund	94817
INS	5FZ0	Claims Processing	5540	Department of	94818
		Education		Insurance Operating	
JFS	5GC0	GOFBI/Family	5RY0	Human Services	94819
		Stability		Projects	

JFS	5HA0	Health Care Services	5RY0	Human Services	94820
		Other		Projects	
JFS	5S30	JFS Administration	GRF	General Revenue Fund	94821
		and Oversight			
JSC	6A80	Supreme Court	4C80	Attorney	94822
		Admissions		Registration	
MCD	5AJ0	Money Follows the	5DL0	Medicaid Support and	94823
		Person		Recoveries	
MCD	5HA0	Health Care Services	GRF	General Revenue Fund	94824
		- Other			
MCD	5KC0	Health Care Special	5DL0	Medicaid Support and	94825
		Activities		Recoveries	
OBM	3CM0	Medicaid Agency	3B10	Community Medicaid	94826
		Transition		Expansion	
OBM	7087	Settlement Agreement	GRF	General Revenue Fund	94827
		Fund			
PUB	3FF0	Capital Case	4070	County	94828
		Litigation		Representation	
PUB	3FX0	Wrongful Conviction	4070	County	94829
		Program		Representation	
PUB	3GJ0	Byrne Memorial Grant	4070	County	94830
				Representation	
TAX	7054	Loc Govt Prop Tax	GRF	General Revenue Fund	94831
		Replacement			
TAX	4K00	Beverage Tax	GRF	General Revenue Fund	94832
		Administrative			
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	94833
TAX	5BW0	Tax Amnesty	GRF	General Revenue Fund	94834
		Promotion and			
		Administration			
TAX	QD20	OBG-Assessment	GRF	General Revenue Fund	94835
		Payments			
TOS	4N00	Treasury Education	6050	Treasurer of State's	94836

				Administration	
TOS	R044	Tax Holding	6050	Treasurer of State's Administration	94837
		(B) On July 1, 2019, or as soon as possible thereafter, the			94838
		Director of Budget and Management shall cancel existing			94839
		encumbrances against each appropriation item indicated in the			94840
		table below and reestablish them against the appropriation item			94841
		also indicated in the table below. The Director may cancel and			94842
		reestablish other encumbrances as needed to properly close out the			94843
		funds identified in division (A) of this section. The encumbrances			94844
		reestablished under this section are hereby appropriated.			94845
		Cancel existing encumbrances	Reestablish encumbrances against:		94846
		against:			
Fund	Appropriation Item	Fund	Appropriation Item		94847
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety		94848
5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping		94849
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other		94850
3EV0	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses		94851
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses		94852
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses		94853
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses		94854
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation		94855
3FX0	019621 - Wrongful	4070	019604 - County		94856

	Conviction Program		Representation	
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	94857
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	94858
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	94859

(C) The following funds are hereby abolished on the effective date of their repeal by this act: 94860  
94861

User	Fund	Fund Name	
DNR	5260	Coal Mining Administration and Reclamation Reserve	94862 94863
DOH	5QH0	Dental Hygiene Resource Shortage Area	94864
DVS	A041	Veterans Compensation Series 2011	94865
DVS	B041	Veterans Compensation Series 2013	94866
EDU	3090	Neglected & Delinquent Education	94867
EDU	3660	Adult Basic Education	94868
EDU	3690	Vocational Education	94869
EDU	3720	Federal Drivers' Education Projects	94870
EDU	3730	Pupil Transportation Safety Program	94871
EDU	3760	Job Training Partnership Act	94872
EDU	3780	Math/Science Tech Investments	94873
EDU	5960	Ohio Career Information System	94874
EDU	7006	Education Improvement	94875
EDU	3E20	AIDS Education Project	94876
EDU	3AK0	State Homeland Security	94877
EDU	3AX0	Improving Health and Education Outcomes of Young People	94878
EDU	3BK0	Longitudinal Data Systems	94879
EDU	3BV0	Character Education	94880
EDU	3CF0	Foreign Language Assistance	94881
EDU	3CG0	Teacher Incentive	94882
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	94883

EDU	3DJ0	Idea Part B - Federal Stimulus	94884
EDU	3DK0	Title I A - Federal Stimulus	94885
EDU	3EC0	Teacher Incentive - Federal Stimulus	94886
EDU	3EF0	National School Lunch Program Equipment	94887
EDU	3EK0	Advanced Placement	94888
EDU	3EL0	Even Start	94889
EDU	3EM0	Byrd Scholarship	94890
EDU	3EN0	State Data System - Federal Stimulus	94891
EDU	3ES0	Special Education Research	94892
EDU	3ET0	Ed Jobs	94893
EDU	3FD0	Race to the Top	94894
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	94895
EDU	3GP0	School Climate Transformation	94896
EDU	3GQ0	Project Aware	94897
EDU	3GZ0	JAVITS Gifted and Talented Students Education	94898
EDU	3M10	ESEA Chapter Two	94899
EDU	3N70	School-to-Work	94900
EDU	3P90	SRRC/FRC Evaluation Project	94901
EDU	3R30	Goals 2000	94902
EDU	3S20	Tech Literacy Transfer	94903
EDU	3S70	Child Care School Age	94904
EDU	3T50	Coordinated School Health	94905
EDU	3T60	Class Size Reduction	94906
EDU	3U60	Provision 2&3 Grant	94907
EDU	3W60	TANF Education	94908
EDU	3X50	School Renovation Idea & Tech Program	94909
EDU	3Y40	Reading First	94910
EDU	3Z70	General Supervision Enhancement	94911
EDU	4M40	Emergency Svc Telecommunicator Training	94912
EDU	4Y50	Supplemental School Assistance	94913
EDU	4Z40	School District 1987 Reimburse	94914
EDU	5BB0	State Action for Education Leadership	94915
EDU	5F80	Instructional Materials Education	94916

EDU	5JA0	ARRA Compliance	94917
EDU	5X80	Jobs for Ohio Graduates	94918
EPA	3520	Wastewater Pollution	94919
EPA	3630	Construction Grant	94920
EPA	4910	Moving Expenses	94921
EPA	4990	Emergency Village Capital Improvements	94922
EPA	6020	Motor Vehicle Inspection/Maintenance	94923
EPA	6600	Infectious Waste Management	94924
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	94925
EPA	3F40	Water Quality Management	94926
EPA	3J10	Urban Stormwater	94927
EPA	3J50	Maumee AOC Assessment	94928
EPA	3K20	Clean Water Act 106	94929
EPA	3K30	DOE Agreement in Principle	94930
EPA	3K40	DOD Base Realign/Closure Grant	94931
EPA	3K60	Remedial Action Plans	94932
EPA	3N10	Pollution Prevention Grants	94933
EPA	3S40	Performance Partnership Grants	94934
EPA	3T10	Rural Hardship Grant	94935
EPA	4C30	State Special Revenue Indirect	94936
EPA	4U70	Construction/Demolition Debris	94937
EPA	5DW0	Automotive Mercury Switch Program	94938
EPA	5N20	Dredge and Fill	94939
EPA	6A90	Construction/Demolition Debris Facility Oversight	94940
JFS	3W30	Adult Special Needs	94941
JFS	4J50	Home/Community Based Services/Aged	94942
JFS	4Z10	Health Care Compliance	94943
JFS	5BG0	Managed Care Assessment	94944
JFS	5KU0	Unemployment Insurance Support - Other Sources	94945
JFS	5Q90	Supplemental Inpatient Hospital	94946
JFS	R013	Forgery Collections	94947
MED	5LE0	Education and Patient Safety	94948

OOD	5L90	TANF/PCA Maintenance of Effort	94949
OOD	5QL0	Disability Determination Reimbursement	94950
PRX	3CT0	2008 Developing/Enhancing PMP	94951
PRX	3EB0	NASPER	94952
PRX	3EY0	Administration of the PMIX Hub	94953
PRX	3EZ0	NASPER 10	94954
SOS	3AH0	Election Reform/Health and Human Services	94955

**Section 601.03.** That Section 261.168 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 of the 132nd General Assembly, be amended to read as follows:

**Sec. 261.168.** MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019,~~ 2020, AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING PHASED OUT

(A) As used in this section:

(1) "Change of operator," "cost report year," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 3-B," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Formula being phased out" means the formula specified in division (C) of section 5124.15 of the Revised Code.

(3) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1-B or peer group 2-B and to which either of the following, as applicable to a fiscal year, applies:

~~(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2019 under the formula being phased out, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019;~~ 94978  
94979  
94980

~~(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.~~ 94981  
94982  
94983  
94984  
94985  
94986

~~(b)~~ In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2020, either of the following is the case: 94987  
94988  
94989

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020; 94990  
94991  
94992

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020. 94993  
94994  
94995  
94996  
94997  
94998

~~(e)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case: 94999  
95000  
95001

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021; 95002  
95003  
95004

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the 95005  
95006  
95007  
95008

entering operator has a valid Medicaid provider agreement for the 95009  
ICF/IID during fiscal year 2021. 95010

(2) This section does not apply to either of the following: 95011

(a) An ICF/IID in peer group 3-B; 95012

(b) An ICF/IID for which the provider obtains an initial 95013  
provider agreement during a fiscal year for which modifications to 95014  
the formula being phased out are made under this section. 95015

(C) Notwithstanding Chapter 5124. of the Revised Code, the 95016  
following modifications shall be made when determining under the 95017  
formula being phased out the fiscal years ~~2019~~, 2020~~7~~ and 2021 95018  
total per Medicaid day payment rates for an ICF/IID to which this 95019  
section applies: 95020

(1) The ICF/IID's efficiency incentive for capital costs, as 95021  
determined under division (F) of section 5124.171 of the Revised 95022  
Code, shall be reduced by 50%. 95023

(2) In place of the maximum cost per case-mix unit 95024  
established for the ICF/IID's peer group under division (C) of 95025  
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 95026  
per case-mix unit shall be the amount the Department determined 95027  
for the ICF/IID's peer group for fiscal year 2016 in accordance 95028  
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 95029  
131st General Assembly. 95030

(3) In place of the inflation adjustment otherwise calculated 95031  
under division (D) of section 5124.195 of the Revised Code for the 95032  
purpose of division (A)(1)(b) of that section, an inflation 95033  
adjustment of 1.014 shall be used. 95034

(4) In place of the efficiency incentive otherwise calculated 95035  
under division (B)(2) of section 5124.211 of the Revised Code, the 95036  
ICF/IID's efficiency incentive for indirect care costs shall be 95037  
the following: 95038

(a) In the case of an ICF/IID in peer group 1-B, not more than \$3.69; 95039  
95040

(b) In the case of an ICF/IID in peer group 2-B, not more than \$3.19. 95041  
95042

(5) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.211 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be an amount the Department shall determine in accordance with division (D) of this section. 95043  
95044  
95045  
95046  
95047  
95048

(6) In place of the inflation adjustment otherwise calculated under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used. 95049  
95050  
95051  
95052

(7) In place of the inflation adjustment otherwise made under section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from the applicable cost report year shall be multiplied by 1.014. 95053  
95054  
95055  
95056  
95057

(D) In determining the amount of the maximum rate for indirect costs for the purpose of division (C)(5) of this section, the Department shall strive to the greatest extent possible to do both of the following: 95058  
95059  
95060  
95061

(1) Avoid rate reductions under division (E)~~(1)~~ of this section; 95062  
95063

(2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable indirect care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1-B as for ICFs/IID in peer group 2-B as of the first day of the fiscal year for which the determination is made, based on May Medicaid days from the calendar year in which the fiscal year begins. 95064  
95065  
95066  
95067  
95068  
95069

(E)~~(1)~~ If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, as determined under division (C) of this section as of the first day of a fiscal year for which a rate is determined under this section and weighted by May Medicaid days from the calendar year in which the fiscal year begins, is greater than the amount determined under ~~division (E)(2) of this section~~ \$290.10, the Department shall adjust, for the fiscal year for which the rate is determined, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater ~~or less~~ than the amount determined under ~~division (E)(2) of this section~~ \$290.10.

~~(2) The amount to be used for the purpose of division (E)(1) of this section shall be not less than \$290.10. The Department, in its sole discretion, may use a larger amount for the purpose of that division. In determining whether to use a larger amount, the Department may consider any of the following:~~

~~(a) The reduction in the total Medicaid certified capacity of all ICFs/IID that occurs in the fiscal year immediately preceding the fiscal year for which the determination is made, and the reduction that is projected to occur in the fiscal year for which the determination is made, as a result of either of the following:~~

~~(i) A downsizing pursuant to a plan approved by the Department under section 5123.042 of the Revised Code;~~

~~(ii) A conversion of beds to providing home and community based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.~~

~~(b) The increase in Medicaid payments made for ICF/IID services provided during the fiscal year immediately preceding the fiscal year for which the determination is made, and the increase that is projected to occur in the fiscal year for which the~~

determination is made, as a result of the modifications to the  
payment rates made under section 5124.101 of the Revised Code; 95101  
95102

~~(c) The total reduction in the number of ICF/IID beds that  
occurs pursuant to section 5124.67 of the Revised Code; 95103  
95104~~

~~(d) Other factors the Department determines to be relevant. 95105~~

(F) If the United States Centers for Medicare and Medicaid  
Services requires that the franchise permit fee be reduced or  
eliminated, the Department shall reduce the rate determined under  
this section as necessary to reflect the loss to the state of the  
revenue and federal financial participation generated from the  
franchise permit fee. 95106  
95107  
95108  
95109  
95110  
95111

**Section 601.04.** That existing Section 261.168 of Am. Sub. 95112  
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 95113  
of the 132nd General Assembly, is hereby repealed. 95114

**Section 601.05.** Sections 601.03 and 601.04 of this act are 95115  
exempt from the referendum under section 1d of Article II, Ohio 95116  
Constitution, and take effect July 1, 2019. 95117

**Section 601.07.** That Section 1 of H.B. 336 of the 132nd 95118  
General Assembly be amended to read as follows: 95119

**Sec. 1.** (A) As used in this section: 95120

(1) "Eligible offense" means an offense under any of the 95121  
following Revised Code sections if the offense, an essential 95122  
element of the offense, the basis of the charge, or any underlying 95123  
offense did not involve alcohol, a drug of abuse, combination 95124  
thereof, or a deadly weapon: 2151.354, 2152.19, 2152.21, 2907.24, 95125  
2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 95126  
4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4510.32, 95127  
4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4549.021, and 95128

5743.99.	95129
(2) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	95130 95131
(3) "Drug of abuse" has the same meaning as in section 4511.181 of the Revised Code.	95132 95133
(4) "Complete amnesty" means a waiver of reinstatement fees.	95134
(5) "Driver's license or permit" does not include a commercial driver's license or permit.	95135 95136
(6) "Indigent" means a person who is a participant in the supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	95137 95138 95139 95140
(B) Not later than ninety days after <del>the effective date of this section</del> <u>November 2, 2018</u> , the Registrar of Motor Vehicles shall establish a driver's license reinstatement fee debt reduction and amnesty program. The program shall immediately terminate <del>six months after that effective date</del> <u>on December 31, 2019</u> .	95141 95142 95143 95144 95145 95146
(C) During the period the program is in operation, both of the following apply:	95147 95148
(1) A person whose driver's license or permit has been suspended as a result of an eligible offense may apply to the Registrar for driver's license reinstatement fee debt reduction if the person has completed all court-ordered sanctions related to the eligible offense other than the payment of reinstatement fees and at least eighteen months have expired since the end of the period of suspension ordered by the court.	95149 95150 95151 95152 95153 95154 95155
(2) A person whose driver's license or permit has been suspended as a result of an eligible offense may apply to the Registrar for complete amnesty if the person has completed all	95156 95157 95158

court-ordered sanctions related to the eligible offense other than 95159  
the payment of reinstatement fees, and the person is indigent and 95160  
can demonstrate proof of indigence by providing documentation in a 95161  
form approved by the Registrar. 95162

(D)(1) The Registrar shall grant reinstatement fee debt 95163  
reduction to a person who is eligible under division (C)(1) of 95164  
this section as follows: 95165

(a) If the person owes reinstatement fees for multiple 95166  
eligible offenses, the person shall be required to pay either the 95167  
lowest reinstatement fee owed for those offenses or ten per cent 95168  
of the total amount owed for those offenses, whichever amount is 95169  
greater. 95170

(b) If the person owes reinstatement fees for one eligible 95171  
offense, the person shall be required to pay one-half of the 95172  
reinstatement fee owed for that offense. 95173

(2) The Registrar shall grant complete amnesty to a person 95174  
eligible under division (C)(2) of this section. 95175

(E) The Registrar shall conduct a public service announcement 95176  
regarding the driver's license reinstatement fee debt reduction 95177  
and amnesty program that includes a description of the program and 95178  
its requirements. In addition, the Registrar shall make such 95179  
information available on the Bureau of Motor Vehicle's web site. 95180

(F) The Registrar may establish any requirements and 95181  
procedures necessary to administer and implement this section. 95182

**Section 601.08.** That existing Section 1 of H.B. 336 of the 95183  
132nd General Assembly is hereby repealed. 95184

**Section 601.10.** That Sections 207.10, 207.210, 215.10, 95185  
215.20, 221.10, 225.10, 237.30, 253.310, and 701.10 of H.B. 529 of 95186  
the 132nd General Assembly be amended to read as follows: 95187

<b>Sec. 207.10.</b>	DEPARTMENT OF HIGHER EDUCATION AND STATE		95188
	INSTITUTIONS OF HIGHER EDUCATION		95189
	BOR DEPARTMENT OF HIGHER EDUCATION		95190
	Higher Education Improvement Fund (Fund 7034)		95191
C23501	Ohio Supercomputer Center	\$    6,105,076	95192
C23516	Ohio Library and Information Network	\$   13,844,808	95193
C23524	Supplemental Renovations - Library	\$      447,000	95194
	Depositories		
C23529	Workforce Based Training and Equipment	\$ <del>8,000,000</del>	95195
		<u>16,000,000</u>	
C23530	Technology Initiatives	\$    2,500,000	95196
C23532	OARnet	\$   10,203,116	95197
C23551	Ohio Innovation Exchange	\$      400,000	95198
C23560	HEI Critical Maintenance and Upgrades	\$    2,500,000	95199
C23563	Ohio Cyber Range	\$    1,000,000	95200
C23564	Ohio Aerospace Institute Improvements	\$      150,000	95201
	TOTAL Higher Education Improvement Fund	\$ <del>45,150,000</del>	95202
		<u>53,150,000</u>	
	TOTAL ALL FUNDS	\$ <del>45,150,000</del>	95203
		<u>53,150,000</u>	
	RESEARCH FACILITY ACTION AND INVESTMENT FUNDS		95204
	Capital appropriations or reappropriations in this act made		95205
	from appropriation item C23502, Research Facility Action and		95206
	Investment Funds, shall be used for a program of grants to be		95207
	administered by the Department of Higher Education to provide		95208
	timely availability of capital facilities for research programs		95209
	and research-oriented instructional programs at or involving		95210
	state-supported and state-assisted institutions of higher		95211
	education.		95212
	WORKFORCE BASED TRAINING AND EQUIPMENT		95213
	(A) Capital appropriations or reappropriations in this act		95214

made from appropriation item C23529, Workforce Based Training and Equipment, shall be used to support the Regionally Aligned Priorities in Developing Skills (RAPIDS) program in the Department of Higher Education. The purpose of the RAPIDS program is to support collaborative projects among higher education institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state.

(B) Capital funds appropriated or reappropriated for this purpose by the General Assembly shall be distributed by the Chancellor of Higher Education to Ohio regions or subsets of regions. Regions or subsets of regions may be defined by the state's economic development strategy.

(C) The Chancellor shall award capital funds within the program using an application and review process, as developed by the Chancellor. In reviewing applications and making awards, priority shall be given to proposals that demonstrate:

(1) Collaboration among and between state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other entities as determined to be appropriate by the Chancellor;

(2) Evidence of meaningful business support and engagement;

(3) Identification of targeted occupations and industries supported by data, which sources may include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;

(4) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region.

(D) In submitting proposals for consideration under the program, a state institution of higher education, as defined in section 3345.011 of the Revised Code, shall be the lead applicant

and preference shall be given to proposals in which equipment and 95246  
technology acquired by capital funds awarded under the program are 95247  
owned by a state institution of higher education. If equipment, 95248  
technology, or facilities acquired by capital funds awarded under 95249  
the program will be owned by a separate governmental or nonprofit 95250  
entity, the state institution of higher education shall enter into 95251  
a joint use agreement with the entity, which shall be approved by 95252  
the Chancellor. 95253

**Sec. 207.210. NEM NORTHEAST OHIO MEDICAL UNIVERSITY** 95254

Higher Education Improvement Fund (Fund 7034) 95255

C30533 Air Handling Unit #3 (Building B) \$ 600,000 95256  
Replacement

C30534 Chiller-Cooling Tower Replacement and \$ 400,000 95257  
Upgrade

C30535 Electrical Panels Infrastructure \$ 100,000 95258  
Replacement and Upgrade

C30536 Air Handling Units #4 & #5 (Building E) \$ 728,644 95259  
Replacement

C30538 University Hospitals Geauga Medical \$ 900,000 95260  
Center

C30539 Cleveland Clinic Children's Outpatient \$ 750,000 95261  
Therapy Services Medina

C30540 Pro Football Hall of Fame ~~Center of~~ \$ 1,000,000 95262  
~~Excellence~~

TOTAL Higher Education Improvement Fund \$ 4,478,644 95263

TOTAL ALL FUNDS \$ 4,478,644 95264

**Sec. 215.10. AGR DEPARTMENT OF AGRICULTURE** 95266

Administrative Building Fund (Fund 7026) 95267

C70007 Building and Grounds \$ 1,500,000 95268

C70022 Agricultural Society Facilities \$ ~~2,185,000~~ 95269

			<u>6,885,000</u>	
C70024	Building #22 Renovation	\$	660,000	95270
C70026	EPA Warehouse Facility	\$	872,000	95271
TOTAL	Administrative Building Fund	\$	<del>5,217,000</del>	95272
			<u>9,917,000</u>	
	Clean Ohio Agricultural Easement Fund (Fund 7057)			95273
C70009	Clean Ohio Agricultural Easement	\$	12,500,000	95274
TOTAL	Clean Ohio Agricultural Easement	\$	12,500,000	95275
TOTAL ALL FUNDS		\$	<del>17,717,000</del>	95276
			<u>22,417,000</u>	

**Sec. 215.20. AGRICULTURAL SOCIETY FACILITIES** 95278

The Of the foregoing appropriation item C70022, Agricultural Society Facilities, \$4,700,000 shall be distributed evenly to each county and independent agricultural society in accordance with Section 717.11 of H.B. 166 of the 133rd General Assembly. 95279  
95280  
95281  
95282

Of the foregoing appropriation item C70022, Agricultural Society Facilities, \$2,185,000 shall be used to support the projects listed in this section. 95283  
95284  
95285

<b>Project Description</b>	<b>Amount</b>	
Pickaway County Agricultural Facility Improvements	\$ 400,000	95287
Warren County Fairgrounds Event Center	\$ 400,000	95288
Ashtabula County Agricultural Facility Improvements	\$ 250,000	95289
Clinton County Agricultural Facility Improvements	\$ 250,000	95290
Pike County Agricultural Facility Improvements	\$ 230,000	95291
Harrison County Agricultural Facility Improvements	\$ 200,000	95292
Brown County Agricultural Facility Improvements	\$ 150,000	95293
Monroe County Agricultural Education Complex Classroom	\$ 100,000	95294
Shelby County Agricultural Facility Improvements	\$ 100,000	95295
Preble County Agricultural Facility Improvements	\$ 50,000	95296
Defiance County Agricultural Facility Improvements	\$ 30,000	95297



Assembly. These authorized obligations shall be issued, subject to 95325  
applicable constitutional and statutory limitations, as needed to 95326  
provide sufficient moneys to the credit of the School Building 95327  
Program Assistance Fund (Fund 7032) to pay the state share of the 95328  
costs of constructing classroom facilities pursuant to Chapter 95329  
3318. of the Revised Code. 95330

Reappropriations

<b>Sec. 253.310.</b>	UAK UNIVERSITY OF AKRON		95331
	Higher Education Improvement Fund (Fund 7034)		95332
C25000	Basic Renovations	\$ 249,343	95333
C25002	Basic Renovations - Wayne	\$ 689,642	95334
C25054	General Lab Renovations	\$ 2,609,586	95335
C25055	Auburn Science and Engineering Center	\$ 600,000	95336
C25063	Austen BioInnovation Institute	\$ 500,000	95337
C25065	Akron Battered Women's Shelter	\$ 750,000	95338
C25069	Campus Hardscape	\$ 840,000	95339
C25070	IT Cabling and Network Switches	\$ 4,839,000	95340
C25071	Orrville Area Boys and Girls Club	\$ 250,000	95341
C25072	Wooster Area Boys and Girls Club	\$ 40,000	95342
<del>C25073</del>	<del>Medina County Fiber Network</del>	<del>\$ 100,000</del>	95343
C25078	Akron Global Business Accelerator	\$ 750,000	95344
C25083	Airborne Maintenance and Engineering Services	\$ 1,097,461	95345
C25084	Bierce Library	\$ 850,000	95346
TOTAL	Higher Education Improvement Fund	\$ <del>14,165,032</del>	95347
		<u>14,065,032</u>	
TOTAL ALL FUNDS		\$ <del>14,165,032</del>	95348
		<u>14,065,032</u>	

BASIC RENOVATIONS 95349

The amount reappropriated for the foregoing appropriation 95350  
item C25000, Basic Renovations, is the unencumbered balance as of 95351

June 30, 2018, in appropriation item C25000, Basic Renovations, 95352  
plus the unencumbered balance as of June 30, 2018, in 95353  
appropriation item C25068, Polsky Exterior Facade and Renovation. 95354

AIRBORNE MAINTENANCE AND ENGINEERING SERVICES 95355

The amount reappropriated for the foregoing appropriation 95356  
item C25083, Airborne Maintenance and Engineering Services, is the 95357  
unencumbered balance as of June 30, 2018, in appropriation item 95358  
C25083, Airborne Maintenance and Engineering Services, plus the 95359  
unencumbered balance as of June 30, 2018, in appropriation items 95360  
C25008, Supercritical Fluid Technology, C25018, Nanoscale Polymers 95361  
Manufacturing, C25045, Polymer Dynamics, and C25059, Capitol 95362  
Square Internship Center, plus \$400,000 of the unencumbered 95363  
balance as of June 30, 2018, in appropriation item C25074, Akron 95364  
Global Business Accelerator Main Street Redevelopment. 95365

BIERCE LIBRARY 95366

The amount reappropriated for the foregoing appropriation 95367  
item C25084, Bierce Library, is the unencumbered balance as of 95368  
June 30, 2018, in appropriation item C25084, Bierce Library, plus 95369  
\$850,000 of the unencumbered balance as of June 30, 2018, in 95370  
appropriation item C25074, Akron Global Business Accelerator Main 95371  
Street Redevelopment. 95372

**Sec. 701.10. OHIO ENTERPRISE DATA AND INFORMATION SYSTEM** 95373  
PROJECTS 95374

The enterprise data center solutions (EDCS) project is an 95375  
information technology initiative that will expand and improve the 95376  
state's cloud computing environment and support expansion of and 95377  
upgrades to enterprise shared solutions. The Ohio Administrative 95378  
Knowledge System (OAKS) is an enterprise resource planning system 95379  
that replaced the state's central services infrastructure systems. 95380  
The Department of Administrative Services may continue to acquire 95381

and implement EDCS, OAKS, and related information system projects, 95382  
including, but not limited to, acquisition of the application 95383  
hardware and software and the installation, implementation, and 95384  
integration thereof. The Department of Administrative Services may 95385  
enter into a lease-purchase agreement pursuant to Chapter 125. of 95386  
the Revised Code as necessary to finance or refinance the 95387  
projects. At the request of the Director of Administrative 95388  
Services, the Office of Budget and Management shall make 95389  
arrangements for the issuance of obligations, including 95390  
fractionalized interests in public obligations as defined in 95391  
division (N) of section 133.01 of the Revised Code, to finance the 95392  
enterprise data and information system and OAKS projects, provided 95393  
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 95394  
this purpose. 95395

**Section 601.11.** That existing Sections 207.10, 207.210, 95396  
215.10, 215.20, 221.10, 225.10, 237.30, 253.310, and 701.10 of 95397  
H.B. 529 of the 132nd General Assembly are hereby repealed. 95398

**Section 601.12.** That Section 207.440 of H.B. 529 of the 132nd 95399  
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 95400  
General Assembly, be amended to read as follows: 95401

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 95402  
authorized to issue and sell, in accordance with Section 2n of 95403  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 95404  
sections 151.01 and 151.04 of the Revised Code, original 95405  
obligations in an aggregate principal amount not to exceed 95406  
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 95407  
obligations heretofore authorized by prior acts of the General 95408  
Assembly. These authorized obligations shall be issued, subject to 95409  
applicable constitutional and statutory limitations, as needed to 95410  
provide sufficient moneys to the credit of the Higher Education 95411

Improvement Fund (Fund 7034) and the Higher Education Improvement 95412  
Taxable Fund (Fund 7024) to pay costs of capital facilities for 95413  
state-supported and state-assisted institutions of higher 95414  
education. 95415

**Section 601.13.** That existing Section 207.440 of H.B. 529 of 95416  
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 95417  
132nd General Assembly, is hereby repealed. 95418

**Section 601.15.** That Sections 223.15, 227.10, 237.10, and 95419  
237.13 of H.B. 529 of the 132nd General Assembly, as most recently 95420  
amended by Am. Sub. S.B. 51 of the 132nd General Assembly, be 95421  
amended to read as follows: 95422

**Sec. 223.15.** LOCAL PARKS, RECREATION, AND CONSERVATION 95423  
PROJECTS 95424

Of the foregoing appropriation item C725E2, Local Parks, 95425  
Recreation, and Conservation Projects, an amount equal to two per 95426  
cent of the projects listed may be used by the Department of 95427  
Natural Resources for the administration of local projects. 95428

<b>Project Description</b>	<b>Amount</b>	
Cuyahoga Franklin Hill Stabilization	\$ 2,500,000	95429
Quarry Trails Project	\$ 1,250,000	95430
Bridge Park Center	\$ 1,000,000	95431
Canal Fulton Community Park	\$ 750,000	95432
North Canton Parks Upgrades	\$ 750,000	95433
The Wilds - Visitors Center, Overlook Facilities & Cheetah Facility Expansion	\$ 700,000	95434
John F. Wolfe Palm House Renovation and Improvements	\$ 600,000	95435
The REC at Crawford Commons Facility	\$ 500,000	95436
Prairie Township Artificial Turf Soccer Fields	\$ 500,000	95437
Jackson Township North Park Activity Complex	\$ 500,000	95438

Westward Ho National Monument	\$ 500,000	95440
City of Sheffield Lake Regional Watershed Initiative	\$ 450,000	95441
Buckeye Lake Feeder Channel Restoration	\$ 400,000	95442
Chagrin Riverbank Stabilization	\$ 400,000	95443
Buckeye Lake Public Pier	\$ 400,000	95444
Mill Creek Conservation and Flood Control Area in North Ridgeville	\$ 400,000	95445
Danny Thomas Park Renovation	\$ 400,000	95446
Lincoln Park Stadium and Field Restoration	\$ 400,000	95447
New Philadelphia South Side Community Park	\$ 400,000	95448
Mason Common Ground Park	\$ 400,000	95449
<u>Williams County Opdyke Park</u>	<u>\$ 400,000</u>	95450
Grand River Conservation Campus	\$ 385,000	95451
Stanbery Park Pavilion	\$ 360,000	95452
Miami Canal Trail Extension at Gilmore MetroPark	\$ 350,000	95453
Voice of America Park Turf Fields	\$ 350,000	95454
Dover Riverfront Trailhead Connector	\$ 350,000	95455
Montpelier Rails to Trails	\$ 325,000	95456
Ashland Brookside Tennis Courts	\$ 300,000	95457
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000	95458
Ohio to Erie Trail Land Acquisition	\$ 300,000	95459
Grove City Gantz Park Improvements	\$ 300,000	95460
Symmes Township Home of the Brave Phase 2	\$ 300,000	95461
Wadsworth City Park	\$ 300,000	95462
Piqua Great Miami River Trail Bridge Replacement Project	\$ 300,000	95463
Chudzinski Johannsen Conservancy Park Improvements	\$ 300,000	95464
Tiffin Recreation, Arts and Learning Park	\$ 300,000	95465
Wooster Venture Boulevard Park Project	\$ 300,000	95466
Pierce Park Learning and History Trail Improvements	\$ 275,000	95467
Versailles Poultry Days Amphitheater	\$ 275,000	95468
Adams County Splash Pad	\$ 250,000	95469
New Bremen Bike Path	\$ 250,000	95470

Grand Lake Shoreline Water Quality Improvements	\$ 250,000	95471
Clinton County to Little Miami Scenic Trail Connector	\$ 250,000	95472
Jeffrey Mansion Expansion Project	\$ 250,000	95473
Chardon Mel Harder Park Improvements	\$ 250,000	95474
Montgomery Gateway Keystone Park	\$ 250,000	95475
Hocking Valley Scenic Trail	\$ 250,000	95476
Sheffield Village Walking Trails	\$ 250,000	95477
Magnolia Flouring Mills Restoration	\$ 250,000	95478
Wilmington Parks	\$ 250,000	95479
Eastlake Field and Press Box	\$ 225,000	95480
Cleveland Zoological Society	\$ 200,000	95481
Powhatan Point Marina Improvement Project	\$ 200,000	95482
Chagrin Falls Chagrin River Retaining Walls	\$ 200,000	95483
Avon Veterans Memorial and Ice Rink	\$ 200,000	95484
London Access Cowling Playground	\$ 200,000	95485
Plum Creek Recreation, Conservation, and Flood Control Project	\$ 200,000	95486
Dayton Webster Station Landing	\$ 200,000	95487
Village of New Paris Community Park Splash Pad Development	\$ 200,000	95488
Waynesburg Park	\$ 200,000	95489
Little Miami State Park / Little Miami Trail	\$ 200,000	95490
James E. Carnes Convention Center	\$ 200,000	95491
Sharonville Sharon Woods Park Improvements	\$ 175,000	95492
Monroe Crossings Park	\$ 165,000	95493
Ottawa Corridor Improvements	\$ 150,000	95494
Harrisburg Baseball Complex	\$ 150,000	95495
Hilliard Miracle Field	\$ 150,000	95496
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	95497
Moberly Branch Connector Trail-Pedestrian Bridge	\$ 150,000	95498
Willard Reservoir Recreation and Safety Upgrades	\$ 150,000	95499
Merrick Hutchinson Memorial Park	\$ 150,000	95500

Montville Township Park Improvements	\$ 150,000	95501
Medina County Rocky River Trail West Branch	\$ 150,000	95502
Middle Point Ballpark Improvements	\$ 150,000	95503
Redskin Memorial Park Playground	\$ 145,000	95504
Cahoon Memorial Park Improvements	\$ 130,000	95505
Valley View Outdoor Classroom	\$ 125,000	95506
Schines Park Stage	\$ 125,000	95507
McIntyre Park Bike Path	\$ 125,000	95508
Fairlawn Gully Water Quality Basins	\$ 125,000	95509
Fremont Upland Reservoir Trail	\$ 123,000	95510
St. Mary's Splash Pad	\$ 100,000	95511
Fairview Park Indoor Pool and Aquatics Center	\$ 100,000	95512
Maple Heights Recreation Improvements	\$ 100,000	95513
Greenville Parks Projects	\$ 100,000	95514
Concord Township History and Community Trail	\$ 100,000	95515
Upper Arlington Multi-modal Transportation Project	\$ 100,000	95516
Blue Ash Summit Park Nature Playscape	\$ 100,000	95517
Deer Park Community Center Renovation & Trailhead	\$ 100,000	95518
Fairfax Ziegler Park Improvements	\$ 100,000	95519
Filview Bike/Hike Trail-Green Township	\$ 100,000	95520
Findlay Miracle Field Upgrades	\$ 100,000	95521
Sally Buffalo Park Playground Improvement	\$ 100,000	95522
Norwalk Alex Waite Trail Project	\$ 100,000	95523
Steubenville Ohio River Marina Improvement Project	\$ 100,000	95524
City of Sylvania SOMO Project	\$ 100,000	95525
Brunswick Hills Township Park	\$ 100,000	95526
Westfield Center Village Park Improvements	\$ 100,000	95527
Racine Star Mill Park Splash Pad	\$ 100,000	95528
Meadowbrook and Clayton Community Center Renovations	\$ 100,000	95529
Earl Thomas Conley <del>Splash Pad</del> <u>Park</u>	\$ 100,000	95530
Akron Finish Line Park	\$ 100,000	95531
Richwood Beach and Shelter House	\$ 100,000	95532
Lebanon Countryside YMCA Trail Realignment	\$ 100,000	95533

Muskingum Township River Road Streambank Stabilization	\$ 100,000	95534
Rails to Trails of Wayne County	\$ 100,000	95535
<u>Van Wert Jubilee Park Improvements</u>	<u>\$ 100,000</u>	95536
Sandusky River Sand Dock	\$ 78,000	95537
2019 Loudonville Swimming Pool Improvements Project	\$ 75,000	95538
Jackson Street Pier and Shoreline Drive Revitalization Project	\$ 75,000	95539
Holmes County Rails to Trails Maintenance Building	\$ 75,000	95540
Jackson Manpower Park Improvements	\$ 75,000	95541
Leipsic Parks Tennis Courts and Boat Dock	\$ 75,000	95542
Western Reserve Greenway Bike Trail	\$ 75,000	95543
Smiley Park Ball Field Updates	\$ 75,000	95544
Miracle League of Northwest Ohio Restroom & Concession Building	\$ 75,000	95545
Delhi Township Bicentennial Pavilion	\$ 62,000	95546
Indian Mound Park & Cultural Education Project	\$ 60,000	95547
Plymouth Game Room and Spray Park	\$ 60,000	95548
James Day Park Splash Pad	\$ 50,000	95549
Jefferson Park Recreation Upgrades	\$ 50,000	95550
Fairborn Fairfield Park Enhancements	\$ 50,000	95551
Napoleon Buckeye Trail Connections	\$ 50,000	95552
Rocky Fork State Park Water and Electrical Upgrade	\$ 50,000	95553
Manry Park Exercise Trail Improvements	\$ 50,000	95554
Avon Lake Veterans Park Gazebo	\$ 50,000	95555
Camp Sherman Park	\$ 50,000	95556
Roger Young & Biggs Kettner Parks Tennis Courts	\$ 50,000	95557
Hinton/Humiston Fitness Park	\$ 50,000	95558
<del>Van Wert Jubilee Park Improvements</del>	<del>\$ 50,000</del>	95559
<del>Van Wert Rotary Athletic Complex Improvements</del>	<del>\$ 50,000</del>	95560
Little Hocking Riverfront Park Enhancements	\$ 50,000	95561
Upper Sandusky Bicentennial Park	\$ 50,000	95562
Kelley Nature Preserve Boat Ramp	\$ 50,000	95563

Swanton Village Memorial Park Pavilion Improvements	\$	45,000	95564
Carroll Community Park	\$	40,000	95565
Michael A. Reis Park Playground	\$	35,000	95566
Monroeville Clark Park - North Coast Inland Trail Connection	\$	33,000	95567
Sam Kerr Campground Expansion	\$	25,000	95568
Crestline Park Lighting	\$	25,000	95569
Sandusky County North Inland Trail Hub	\$	25,000	95570
Miami Erie Canal Towpath Trail	\$	25,000	95571
Delphos Swimming Pool Renovations	\$	25,000	95572
Orr Pool Bathhouse Renovations	\$	25,000	95573
Ohio City Warrior Trail Extension Phase 2	\$	22,000	95574
Epworth Park Walking Trail Project	\$	20,000	95575
Clifton to Yellow Springs Bike Trail	\$	20,000	95576
Village of Roseville Park Improvements	\$	20,000	95577
Waverly Canal Park	\$	20,000	95578
Seville Memorial Park Public Restroom Facilities	\$	15,000	95579
Hinkley Township Park	\$	13,000	95580
Van Wert County Park District Trail Improvements	\$	13,000	95581
Shiloh Firestone Park Restoration	\$	12,000	95582

**Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY**

95583

Public Safety - Highway Purposes Fund (Fund 5TM0)			95584
C76000 Platform Scales Improvements	\$	350,000	95585
C76035 Alum Creek Facility Renovations and Upgrades	\$	1,500,000	95586
C76036 Shipley Building Renovations and Improvements	\$	1,500,000	95587
C76043 Minor Capital Projects	\$	2,500,000	95588
C76044 OSHP Headquarters/Post Renovations and Improvements	\$	2,000,000	95589
C76045 OSHP Academy Renovations and Improvements	\$	1,250,000	95590

C76050	OSHP Dispatch Center Renovations and Improvements	\$	1,500,000	95591
TOTAL Public Safety - Highway Purposes Fund		\$	10,600,000	95592
Administrative Building Fund (Fund 7026)				95593
C76049	EMA Building Renovations and Improvements	\$	250,000	95594
C76059	Medina County Driving Skills Pad	\$	250,000	95595
C76060	Medina County Safety Services Complex	\$	400,000	95596
C76061	Warren County Drug Taskforce Headquarters	\$	500,000	95597
<del>C76063</del>	<del>Williams County MARCS Tower</del>	<del>\$</del>	<del>400,000</del>	95598
C76065	Clermont County Sheriff's Safety and Training Center	\$	500,000	95599
C76066	Clinton/Fayette County MARCS Tower	\$	175,000	95600
TOTAL Administrative Building Fund		\$	<del>2,475,000</del> <u>2,075,000</u>	95601
TOTAL ALL FUNDS		\$	<del>13,075,000</del> <u>12,675,000</u>	95602
 <b>Sec. 237.10. FCC FACILITIES CONSTRUCTION COMMISSION</b>				95604
Lottery Profits Education Fund (Fund 7017)				95605
C23014	Classroom Facilities Assistance Program - Lottery Profits	\$	50,000,000	95606
TOTAL Lottery Profits Education Fund		\$	50,000,000	95607
Public School Building Fund (Fund 7021)				95608
C23001	Public School Buildings	\$	75,000,000	95609
TOTAL Public School Building Fund		\$	75,000,000	95610
Administrative Building Fund (Fund 7026)				95611
C23016	Energy Conservation Projects	\$	2,000,000	95612
C230E5	State Agency Planning/Assessment	\$	1,500,000	95613
TOTAL Administrative Building Fund		\$	3,500,000	95614
Cultural and Sports Facilities Building Fund (Fund 7030)				95615

C23023	OHS - Ohio History Center Exhibit Replacement	\$ 500,000	95616
C23024	OHS - Statewide Site Exhibit Renovation	\$ 650,000	95617
C23025	OHS - Statewide Site Repairs	\$ 1,615,000	95618
C23028	OHS - Basic Renovations and Emergency Repairs	\$ 1,000,000	95619
C23031	OHS - Harding Home State Memorial	\$ 1,500,000	95620
C23032	OHS - Ohio Historical Center Rehabilitation	\$ 1,000,000	95621
C23057	OHS - Online Portal to Ohio's Heritage	\$ 750,000	95622
C230C8	Serpent Mound	\$ 50,000	95623
C230E6	OHS - Exhibits Native American Sites	\$ 100,000	95624
C230E8	OHS - Armstrong Air and Space Museum Improvements	\$ 250,000	95625
C230ED	OHS - Historical Center/Ohio Village Buildings	\$ 390,000	95626
C230EN	OHS - Collections Storage Facilities Expansion	\$ 15,000,000	95627
C230EO	Poindexter Village Museum	\$ 247,000	95628
C230FM	Cultural and Sports Facilities Projects	\$ <del>69,733,500</del> <u>69,983,500</u>	95629
C230FN	John and Annie Glenn Museum Improvements	\$ 25,000	95630
C230FO	OHS - Marion Cemetery Association/Harding Receiving Vault Project	\$ 65,000	95631
C230X1	OHS - Site Energy Conservation	\$ 305,000	95632
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$ 500,000	95633
TOTAL	Cultural and Sports Facilities Building	\$ <del>93,680,500</del>	95634

Fund		<u>93,930,500</u>	
School Building Program Assistance Fund (Fund 7032)			95635
C23002 School Building Program Assistance	\$	<del>475,000,000</del>	95636
		<u>575,000,000</u>	
TOTAL School Building Program Assistance Fund	\$	475,000,000	95637
TOTAL ALL FUNDS	\$	<del>697,180,500</del>	95638
		<u>797,430,500</u>	
STATE AGENCY PLANNING/ASSESSMENT			95639
Capital appropriations or reappropriations in H.B. 529 of the			95640
132nd General Assembly made from appropriation item C230E5, State			95641
Agency Planning/Assessment, shall be used by the Facilities			95642
Construction Commission to provide assistance to any state agency			95643
for assessment, capital planning, and maintenance management.			95644
<b>Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS</b>			95645
The foregoing appropriation item C230FM, Cultural and Sports			95646
Facilities Projects, shall be used to support the projects listed			95647
in this section. If the Cincinnati MLS franchise is not awarded by			95648
December 31, 2018, funds for the FC Cincinnati Stadium shall not			95649
be released for this purpose.			95650
<b>Project Description</b>		<b>Amount</b>	95651
Columbus Crew SC Stadium	\$	15,000,000	95652
COSI Redevelopment	\$	5,000,000	95653
FC Cincinnati Stadium	\$	4,000,000	95654
Cleveland Museum of Natural History Phase II	\$	2,500,000	95655
Cincinnati Museum Center STEM and Space Galleries	\$	2,000,000	95656
Cleveland Museum of Art Holden Terrace	\$	1,250,000	95657
Cincinnati Playhouse in the Park Theater Project	\$	1,200,000	95658
Playhouse Square Parking District Improvement	\$	1,000,000	95659
BalletMet Renovation and Building Connector	\$	1,000,000	95660
North Market Grand Atrium	\$	1,000,000	95661
Cincinnati Art Museum Building Envelope Improvements	\$	1,000,000	95662

Imagination Station Theater Experience	\$ 1,000,000	95663
Toledo Museum of Art	\$ 1,000,000	95664
Dayton Arcade Innovation Hub	\$ 1,000,000	95665
Playhouse Square Theater Improvements	\$ 850,000	95666
Murphy Theatre Improvements	\$ 750,000	95667
Gordon Square Arts District Theatre Renovations	\$ 750,000	95668
Renovations of the Palace Theater	\$ 750,000	95669
Dayton Art Institute Historic Stair and Hillside Preservation	\$ 750,000	95670
Mansfield Art Center Art Rising	\$ 750,000	95671
Renaissance of Duncan Plaza	\$ 750,000	95672
Karamu House	\$ 700,000	95673
Akron Civic Theater Restoration and Expansion	\$ 675,000	95674
Holmes County Center for the Arts Facility	\$ 600,000	95675
The Music Settlement	\$ 550,000	95676
Ohio Aviation Hall of Fame	\$ 550,000	95677
Stan Hywet Hall & Gardens Campus Improvement Plan	\$ 550,000	95678
Schine's Theater	\$ 500,000	95679
Flats East Bank Performance Stage	\$ 500,000	95680
Columbus Zoo - Elephant Habitat Enhancements	\$ 500,000	95681
Columbus Zoo - Orangutan Habitat and Indoor Facility	\$ 500,000	95682
King Arts Complex Renovations	\$ 500,000	95683
Westerville Police Memorial	\$ 500,000	95684
Center for Holocaust & Humanity Center Expansion & Relocation	\$ 500,000	95685
Riverbend Music Center Capital Improvements	\$ 500,000	95686
Cincinnati Contemporary Arts Center Learning Center Renovation	\$ 500,000	95687
SeaGate Convention Centre Renovation	\$ 500,000	95688
Majestic Theater	\$ 500,000	95689
Canton Cultural Center for the Arts	\$ 500,000	95690
Canton Market Square Enhancement	\$ 500,000	95691
Akron Zoological Park Pride of Africa and Wild Asia	\$ 500,000	95692

Kettering Rosewood Arts Center Renovation	\$	450,000	95693
Valentine Theatre Symphonic Acoustical Enhancement	\$	400,000	95694
Restoration of John Brown House	\$	400,000	95695
Champaign Aviation Museum Work & Education Space	\$	350,000	95696
Lake View Cemetery Garfield Memorial Preservation	\$	350,000	95697
Mazza Museum S.T.E.(A.)M. Exhibit Gallery	\$	350,000	95698
Lynchburg Covered Bridge	\$	350,000	95699
Victoria Theater Arts Annex	\$	350,000	95700
Kister Water Mill and Education Center Improvements	\$	350,000	95701
The Historic Mary Modroo Family Farm	\$	325,000	95702
Glenville Arts Campus	\$	300,000	95703
LaSalle Arts & Media Center Redevelopment	\$	300,000	95704
National Museum of the Great Lakes Expansion	\$	300,000	95705
Ashtabula Lighthouse Restoration & Preservation	\$	280,000	95706
Gaslight District Renovation Project	\$	250,000	95707
Historic Sorg Opera House Renovation	\$	250,000	95708
Springfield Museum of Art Improvements	\$	250,000	95709
Historical Stratford Barn Restoration	\$	250,000	95710
Cincinnati Shakespeare Company Facility Renovation	\$	250,000	95711
Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$	250,000	95712
Medina Town Square Improvements	\$	250,000	95713
Dayton Society of Natural History Boonshoft Exhibit Space	\$	250,000	95714
Zanesville Performing Arts Theater Preservation	\$	250,000	95715
Preble County Art Association Historic Renovation	\$	250,000	95716
Yoctangee Park Historic Armory	\$	250,000	95717
McKinley Presidential Library and Museum Enhancements	\$	250,000	95718
Massillon Museum Improvements	\$	250,000	95719
Hale Farm & Village Capital Improvement Project	\$	250,000	95720
<u>Springboro Performing Arts Center</u>	<u>\$</u>	<u>250,000</u>	95721
Delaware Arts Castle Improvements	\$	225,000	95722
Wellston Pride Park Depot	\$	225,000	95723

Lilly Weston House Improvements	\$	200,000	95724
Upper Arlington Veterans Memorial	\$	200,000	95725
Sauder Village Walk Through Time	\$	200,000	95726
Wolcott House Heritage Center	\$	200,000	95727
Great Lakes Museum of Natural History	\$	200,000	95728
Medina County and Brunswick Historical Societies Project	\$	200,000	95729
Ohio State Reformatory Fire Suppression and ADA Upgrades	\$	200,000	95730
Peninsula Grand Army of the Republic Hall Improvements	\$	200,000	95731
Van Wert County Niswonger Performing Arts Center	\$	200,000	95732
Unionville Tavern Restoration Structural Rehabilitation	\$	185,000	95733
Beach Park Railway Museum Improvements	\$	175,000	95734
Wright Factory Unit - Dayton	\$	175,000	95735
Freer Children's County Home	\$	170,000	95736
Cozad-Bates House Interpretive Center and Cultural Park Renovations	\$	180,000	95737
Grand Theater Restoration Project	\$	150,000	95738
Village of Genoa Civic Theater Renovations	\$	150,000	95739
Glamorgan Castle Improvements	\$	150,000	95740
Sandusky State Theater Improvements	\$	125,000	95741
Gallipolis Railroad Freight Station Museum Restoration	\$	125,000	95742
Evendale Cultural Arts Center ADA Compliance	\$	125,000	95743
Lorain Carnegie Center Exhibits	\$	125,000	95744
Lorain County Historical Society	\$	112,000	95745
Southeast Ohio History Center Renovation Project	\$	100,000	95746
Great Stone Viaduct Park	\$	100,000	95747
BAYarts Huntington Playhouse Improvements	\$	100,000	95748
Cleveland Museum of Contemporary Art	\$	100,000	95749
Levi Scofield Mansion Transformation	\$	100,000	95750

El Mercado at La Villa Hispana Cultural Revitalization	\$	100,000	95751
Mayfield Civic Center Theater Renovation	\$	100,000	95752
2018 North Royalton Cemetery Improvements	\$	100,000	95753
Leesburg Historic B & O Rail Depot	\$	100,000	95754
Lorain County Law Enforcement and Firefighters Memorial	\$	100,000	95755
The Funk Music Hall of Fame & Exhibition Center	\$	100,000	95756
Shawnee Development/Tecumseh Theater Restoration	\$	100,000	95757
Jacob Miller's Tavern Renovation	\$	100,000	95758
The Arthur-Lugibihl Community Center Restoration	\$	100,000	95759
Marietta Armory Revitalization	\$	100,000	95760
Stuart's Opera House Renovation	\$	75,000	95761
AuGlaize Village Mansfield Museum	\$	75,000	95762
Morris-Sharp Estate Restoration Project	\$	75,000	95763
Willoughby Fine Arts Association	\$	75,000	95764
Mantua Township Historic Building Upgrades	\$	75,000	95765
Clinton County Police and Fire Memorial	\$	75,000	95766
Sugarloaf Mountain Amphitheatre Improvements	\$	70,000	95767
LaGrange Township Fire Station Restoration	\$	65,000	95768
Medina Historical Society - John Smart Museum	\$	65,000	95769
Downtown Ottawa's "Paul's Lot"	\$	65,000	95770
Rose Hill Museum Repairs	\$	62,000	95771
Milford Leming House Improvements	\$	60,000	95772
Weatherwane Playhouse Improvements	\$	60,000	95773
Medina Vietnam Veterans Memorial	\$	60,000	95774
Frostville Museum Schoolhouse	\$	50,000	95775
Pepper Pike Community Theater	\$	50,000	95776
AHA! Children's Museum STEM/Nature Play Area	\$	50,000	95777
Motts Military Museum - Improvements	\$	50,000	95778
Silverton Park Art District Improvement Project	\$	50,000	95779
Clark Gable Facility Improvements	\$	50,000	95780
Tiffin History Museum Improvements	\$	50,000	95781

Case-Barlow Farm Restoration	\$	50,000	95782
Cuyahoga Valley Scenic Railroad Parking Lot	\$	50,000	95783
Avalon Uptown Theatre Restoration	\$	50,000	95784
Holmes County Historical Society Museum Upgrades	\$	30,000	95785
Platt R. Spencer House Preservation	\$	25,000	95786
Bucyrus Bicentennial Arch Project	\$	25,000	95787
Fairborn Military Veterans Memorial	\$	25,000	95788
Salt Lick Village Restoration	\$	25,000	95789
Medina Twin Tower Memorial	\$	25,000	95790
Bradford Rail Museum Tower Exhibits	\$	25,000	95791
Lewisburg Bicentennial Museum	\$	25,000	95792
Cortland Veterans Memorial Project	\$	25,000	95793
Historic 19th Century Jefferson Depot Village	\$	22,500	95794
Lake Erie Nature and Science Center Improvements	\$	15,000	95795
French Art Colony Renovations	\$	15,000	95796
1893 Genoa Schoolhouse Renovation	\$	12,000	95797
Seville Vietnam War Memorial	\$	5,000	95798

**Section 601.16.** That existing Sections 223.15, 227.10, 95799  
237.10, and 237.13 of H.B. 529 of the 132nd General Assembly, as 95800  
most recently amended by Am. Sub. S.B. 51 of the 132nd General 95801  
Assembly, is hereby repealed. 95802

**Section 601.17.** On the effective date of this section, or as 95803  
soon as possible thereafter, the Director of Budget and Management 95804  
shall cancel encumbrances totaling \$250,000 against Fund 7034 95805  
appropriation item C37728, Hopkins Commons Senior Center. 95806

**Section 601.18.** That Section 221.13 of H.B. 529 of the 132nd 95807  
General Assembly, as most recently amended by Am. Sub. S.B. 299 of 95808  
the 132nd General Assembly, be amended to read as follows: 95809

**Sec. 221.13.** COMMUNITY ASSISTANCE PROJECTS 95810

Capital appropriations or reappropriations in this act made 95811  
from appropriation item C58001, Community Assistance Projects, may 95812  
be used for facilities constructed or to be constructed pursuant 95813  
to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the 95814  
authority granted by section 154.20 and other applicable sections 95815  
of the Revised Code and the rules issued pursuant to those 95816  
chapters and that section and shall be distributed by the 95817  
Department of Mental Health and Addiction Services subject to 95818  
Controlling Board approval. 95819

Of the foregoing appropriation item C58001, Community 95820  
Assistance Projects, ~~\$9,470,000~~ 9,570,000 shall be used to support 95821  
the projects listed in this section. 95822

<b>Project Description</b>	<b>Amount</b>	
Bellefaire JCB Expansion	\$ 1,000,000	95823
Dayton Regional Crisis Stabilization Unit and Detox Center	\$ 800,000	95824
Stella Maris Expansion	\$ 750,000	95825
Cuyahoga County Mental Health Jail Diversion Facility	\$ 700,000	95826
Cornerstone of Hope - Cuyahoga County	\$ 500,000	95827
Lorain County Recovery One Center Renovation	\$ 500,000	95828
Cincinnati Center for Addiction Treatment Facility Improvements	\$ 450,000	95829
Tri-County One Wellness Place Troy Facility	\$ 450,000	95830
Portage County Detoxification and Residential Treatment Center	\$ 400,000	95831
The Cocoon Center for Victims of Domestic and Sexual Violence	\$ 375,000	95832
Applewood Jones Home Renovation	\$ 350,000	95833
Hamilton County First Step Home Improvements	\$ 350,000	95834
Sidney STAR Transitional Treatment House	\$ 325,000	95835
Opiate Treatment Center at Western Reserve Area	\$ 300,000	95836

on Aging

Alvis House Opiate Addiction Treatment Center	\$	300,000	95838
Adams County Wilson Children's Home	\$	250,000	95839
Concord Counseling Services Facility and Operations Expansion at Westerville	\$	250,000	95840
Field of Hope Prevention Center Renovations at Gallipolis	\$	250,000	95841
Cornerstone of Hope - Allen County	\$	200,000	95842
Lake County Extended Housing Wellness Center Renovation	\$	200,000	95843
Lake County Painesville Addiction Recovery Center Building Franklin's Hope Project	\$	160,000	95844
Maryhaven's Addiction Stabilization Center	\$	150,000	95845
Henry County Opiate Interoperable Communications Project	\$	125,000	95846
Massillon Recovery Campus Renovations	\$	110,000	95847
<u>Medina County Women's Recovery House</u>	\$	<u>100,000</u>	95849
Talbert House Glenway Outpatient Treatment Center Renovations	\$	75,000	95850
Coshocton County First Step Family Violence Intervention Services Building	\$	50,000	95851

**Section 601.19.** That existing Section 221.13 of H.B. 529 of 95852  
the 132nd General Assembly, as most recently amended by Am. Sub. 95853  
S.B. 299 of the 132nd General Assembly, is hereby repealed. 95854

**Section 601.20.** That Sections 213.20, 223.10, and 223.50 of 95855  
H.B. 529 of the 132nd General Assembly, as most recently amended 95856  
by Am. Sub. H.B. 62 of the 133rd General Assembly, be amended to 95857  
read as follows: 95858

**Sec. 213.20.** The Treasurer of State is hereby authorized to 95859  
issue and sell, in accordance with Section 2i of Article VIII, 95860

Ohio Constitution, Chapter 154. of the Revised Code, and other 95861  
 applicable sections of the Revised Code, original obligations in 95862  
 an aggregate principal amount not to exceed ~~\$122,800,000~~ 95863  
\$127,500,000 in addition to the original issuance of obligations 95864  
 heretofore authorized by prior acts of the General Assembly. These 95865  
 authorized obligations shall be issued, subject to applicable 95866  
 constitutional and statutory limitations, as needed to provide 95867  
 sufficient moneys to the credit of the Administrative Building 95868  
 Fund (Fund 7026) to pay costs associated with previously 95869  
 authorized capital facilities for the housing of branches and 95870  
 agencies of state government or their functions. 95871

**Sec. 223.10.** DNR DEPARTMENT OF NATURAL RESOURCES 95872

Oil and Gas Well Fund (Fund 5180) 95873

C725U6	Oil and Gas Facilities	\$	1,150,000	95874
TOTAL	Oil and Gas Well Fund	\$	1,150,000	95875

Wildlife Fund (Fund 7015) 95876

C725B0	Access Development	\$	<del>15,000,000</del>	95877
			<u>18,000,000</u>	

C725B6	Upgrade Underground Fuel Tanks	\$	460,000	95878
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C725K9	Wildlife Area Building Development/Renovation	\$	9,950,000	95879
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C725L9	Dam Rehabilitation	\$	6,200,000	95880
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TOTAL	Wildlife Fund	\$	<del>31,610,000</del>	95881
			<u>34,610,000</u>	

Administrative Building Fund (Fund 7026) 95882

C725D5	Fountain Square Building and Telephone Improvement	\$	2,000,000	95883
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C725N7	District Office Renovations	\$	2,455,343	95884
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TOTAL	Administrative Building Fund	\$	4,455,343	95885
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Ohio Parks and Natural Resources Fund (Fund 7031) 95886

C72549	Facilities Development	\$	1,500,000	95887
C725E1	Local Parks Projects Statewide	\$	6,668,925	95888
C725E5	Project Planning	\$	1,147,700	95889
C725K0	State Park Renovations/Upgrading	\$	1,100,000	95890
C725M0	Dam Rehabilitation	\$	11,928,000	95891
C725N8	Operations Facilities Development	\$	1,000,000	95892
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	95893
TOTAL Ohio Parks and Natural Resources Fund		\$	43,344,625	95894
Parks and Recreation Improvement Fund (Fund 7035)				95895
<u>C72513</u>	<u>Land Acquisition</u>	<u>\$</u>	<u>47,000,000</u>	95896
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	95897
C725C4	Muskingum River Lock and Dam	\$	6,800,000	95898
C725E2	Local Parks, Recreation, and	\$	<del>31,351,000</del>	95899
	Conservation Projects		<u>31,751,000</u>	
C725E6	Project Planning	\$	4,082,793	95900
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	95901
C725R3	State Parks Renovations/Upgrades	\$	8,640,000	95902
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	95903
C725U5	The Banks	\$	2,000,000	95904
C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	95905
TOTAL Parks and Recreation Improvement Fund		\$	<del>167,508,136</del>	95906
			<u>214,908,136</u>	
Clean Ohio Trail Fund (Fund 7061)				95907
C72514	Clean Ohio Trail Fund	\$	12,500,000	95908
TOTAL Clean Ohio Trail Fund		\$	12,500,000	95909
TOTAL ALL FUNDS		\$	<del>260,568,104</del>	95910
			<u>310,968,104</u>	
FEDERAL REIMBURSEMENT				95911
All reimbursements received from the federal government for				95912
any expenditures made pursuant to this section shall be deposited				95913
in the state treasury to the credit of the fund from which the				95914
expenditure originated.				95915

HEALTHY LAKE ERIE INITIATIVE 95916

Of the foregoing appropriation item C725T3, Healthy Lake Erie 95917  
Initiative, \$10,000,000 shall be used to support projects that 95918  
enhance efforts to reduce open lake disposal of dredged materials 95919  
into Lake Erie by 2020. 95920

STATE PARKS RENOVATIONS/UPGRADES 95921

Of the foregoing appropriation item C725R3, State Parks 95922  
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 95923  
to the Kenny Road dock on North Bass Island in Ottawa County. 95924

EAGLE CREEK WATERSHED FLOOD MITIGATION 95925

The foregoing appropriation item C725U7, Eagle Creek 95926  
Watershed Flood Mitigation, shall be used to support the Eagle 95927  
Creek Watershed Flood Mitigation Project in Hancock County, 95928  
provided that there are local matching funds committed to the 95929  
project of not less than twenty per cent of the total project 95930  
cost. 95931

**Sec. 223.50.** The Treasurer of State is hereby authorized to 95932  
issue and sell, in accordance with Section 2i of Article VIII, 95933  
Ohio Constitution, and Chapter 154. of the Revised Code, 95934  
particularly section 154.22, and other applicable sections of the 95935  
Revised Code, original obligations in an aggregate principal 95936  
amount not to exceed ~~\$134,500,000~~ \$181,400,000, in addition to the 95937  
original issuance of obligations heretofore authorized by prior 95938  
acts of the General Assembly. These authorized obligations shall 95939  
be issued, subject to applicable constitutional and statutory 95940  
limitations, as needed to provide sufficient moneys to the credit 95941  
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 95942  
the costs of capital facilities for parks and recreation purposes. 95943

**Section 601.21.** That existing Sections 213.20, 223.10, and 95944  
223.50 of H.B. 529 of the 132nd General Assembly, as most recently 95945

amended by Am. Sub. H.B. 62 of the 133rd General Assembly, are 95946  
hereby repealed. 95947

**Section 601.22.** That Sections 125.10 and 125.11 of Am. Sub. 95948  
H.B. 59 of the 130th General Assembly, as most recently amended by 95949  
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 95950  
as follows: 95951

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04, 95952  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 95953  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 95954  
repealed, effective October 16, ~~2019~~ 2021. 95955

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 95956  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 95957  
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 95958

**Section 601.23.** That existing Sections 125.10 and 125.11 of 95959  
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 95960  
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 95961  
hereby repealed. 95962

**Section 601.30.** That Section 207.71 of Am. Sub. H.B. 49 of 95963  
the 132nd General Assembly be amended to read as follows: 95964

**Sec. 207.71.** PAY FOR SUCCESS CONTRACTING PROGRAM 95965

(A) As used in this section, "social service intermediary" 95966  
has the same meaning as in section 125.66 of the Revised Code, as 95967  
enacted by Am. Sub. H.B. 49 of the 132nd General Assembly. 95968

(B) Not later than six months after ~~the effective date of~~ 95969  
~~this section~~ June 29, 2017, the Director of Administrative 95970  
Services shall, in consultation with the Department of Health and 95971

as part of the Pay for Success Contracting Program established 95972  
under section 125.66 of the Revised Code, as enacted by Am. Sub. 95973  
H.B. 49 of the 132nd General Assembly, contract with one or more 95974  
social service intermediaries to administer one or two pilot 95975  
projects intended to do both of the following: 95976

(1) Reduce the incidence of infant mortality, low-birthweight 95977  
births, premature births, and stillbirths in the urban and rural 95978  
communities of this state that are specified by the Director of 95979  
Health under section 3701.142 of the Revised Code; 95980

(2) Promote equity in birth outcomes among infants of 95981  
different races in this state. 95982

(C) The Director of Administrative Services may request that 95983  
the Director of Health pay the costs of the Pay for Success 95984  
Contracting Program under appropriations to the Department of 95985  
Health. Upon approval of the Director of Health, these costs shall 95986  
be paid from General Revenue Fund appropriation item 440474, 95987  
Infant Vitality. 95988

(D) Notwithstanding any contrary provision of sections 113.60 95989  
to 113.62 of the Revised Code, the Director of Administrative 95990  
Services and the Department of Health may continue to contract 95991  
with social service intermediaries to administer the pilot 95992  
projects described in division (B) of this section in accordance 95993  
with this section and sections 125.66 and 125.661 of the Revised 95994  
Code, as enacted by Am. Sub. H.B. 49 of the 132nd General 95995  
Assembly, on and after the effective date of this amendment. 95996

**Section 601.31.** That existing Section 207.71 of Am. Sub. H.B. 95997  
49 of the 132nd General Assembly is hereby repealed. 95998

**Section 603.01.** That Section 5 of Am. Sub. H.B. 410 of the 95999  
131st General Assembly be amended to read as follows: 96000

~~Sec. 5. The amendment made by this act to division (G) of section 5919.34 of the Revised Code applies to a A scholarship recipient who became is not liable on or before September 30, 2016, under division (G) of section 5919.34 of the Revised Code for failure to complete the scholarship recipient's enlistment term in the Ohio National Guard due to enlistment, warrant, commission, or appointment in the National Guard, the active duty component of the United States Armed Forces, or other service or component of the United States Armed Forces, if such failure occurred between April 2, 2012, and the effective date of this amendment. Not later than one year after the effective date of this act, the state shall return to a scholarship recipient, who is no longer liable under this section, any scholarship amount recovered from a scholarship recipient who became liable under division (G) of section 5919.34 of the Revised Code, on or before September 30, 2016.~~

**Section 603.02.** That existing Section 5 of Am. Sub. H.B. 410 of the 131st General Assembly is hereby repealed.

**Section 603.10.** That Section 205.10 of Am. Sub. H.B. 62 of the 133rd General Assembly be amended to read as follows:

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF	761408	Highway Patrol	\$	0	\$	35,000,000
		Operating Expenses				
TOTAL GRF		General Revenue Fund	\$	0	\$	35,000,000

Highway Safety Fund Group

5TMO	761401	Public Safety	\$	1,595,800	\$	1,598,300
		Facilities Lease				
		Rental Bond Payments				

5TM0	762321	Operating Expense - BMV	\$	108,178,738	\$	111,822,673	96027
5TM0	762636	Financial Responsibility Compliance	\$	5,463,977	\$	5,540,059	96028
5TM0	762637	Local Immobilization Reimbursement	\$	200,000	\$	200,000	96029
5TM0	764321	Operating Expense - Highway Patrol	\$	345,534,531	\$	<del>349,339,662</del> <u>314,339,662</u>	96030
5TM0	764605	Motor Carrier Enforcement Expenses	\$	4,283,940	\$	4,308,088	96031
5TM0	769636	Administrative Expenses - Highway Purposes	\$	48,326,950	\$	49,020,261	96032
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263	96033
83C0	764630	Contraband, Forfeiture, and Other	\$	1,210,917	\$	1,213,407	96034
83F0	764657	Law Enforcement Automated Data System	\$	6,903,824	\$	6,441,735	96035
83G0	764633	OMVI Enforcement/Education	\$	593,518	\$	596,799	96036
83M0	765624	Operating - EMS	\$	<del>5,281,688</del> <u>4,850,688</u>	\$	<del>5,521,843</del> <u>5,020,843</u>	96037
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	96038
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	96039
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782	96040
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143	96041
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000	96042
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	96043

8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	96044
TOTAL HSF Highway Safety Fund Group							
			\$	<del>584,493,868</del>	\$	<del>592,807,136</del>	96045
				<u>584,062,868</u>		<u>557,306,136</u>	
Dedicated Purpose Fund Group							
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	96047
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	96048
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	96049
TOTAL DPF Dedicated Purpose Fund Group							
			\$	2,274,000	\$	2,274,000	96050
Fiduciary Fund Group							
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	96052
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	96053
TOTAL FID Fiduciary Fund Group							
			\$	3,450,000	\$	3,450,000	96054
Holding Account Fund Group							
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	96056
R052	762623	Security Deposits	\$	50,000	\$	50,000	96057
TOTAL HLD Holding Account Fund Group							
			\$	1,935,000	\$	1,935,000	96058
Federal Fund Group							
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	96060
3GR0	764693	Highway Patrol Justice Contraband	\$	1,230,549	\$	1,234,258	96061
3GS0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	96062

3GU0 761610	Information and Education Grant	\$	300,000	\$	300,000	96063
3GU0 764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	96064
3GU0 764610	Highway Safety Programs Grant	\$	4,036,721	\$	4,071,387	96065
3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$	5,755,900	\$	5,816,116	96066
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	96067
3GV0 761612	Traffic Safety Action Plan Grants	\$	30,200,000	\$	30,200,000	96068
TOTAL FED	Federal Fund Group	\$	43,094,170	\$	43,192,761	96069
TOTAL ALL BUDGET FUND GROUPS		\$	<del>635,247,038</del>	\$	<del>678,658,897</del>	96070
			<u>634,816,038</u>		<u>643,157,897</u>	

**Section 603.11.** That existing Section 205.10 of Am. Sub. H.B. 96072  
62 of the 133rd General Assembly is hereby repealed. 96073

**Section 701.10.** Notwithstanding any provision of the Revised 96074  
Code to the contrary, designees of the Office of Budget and 96075  
Management and the Department of Administrative Services jointly 96076  
shall review agency functions and programs and determine if any 96077  
overlap or duplicative functions exist and shall collaborate with 96078  
affected agencies in the course of their review. The designees 96079  
shall determine the cost-effectiveness of the programming in terms 96080  
of administrative and operational costs, including facilities, 96081  
personnel, technology, supplies, contracts, and services. 96082  
Following review and not later than January 1, 2020, the Directors 96083  
of Budget and Management and Administrative Services jointly shall 96084  
determine, in consultation with the affected agencies, the 96085  
functions that may be consolidated within and across state 96086  
departments, with particular emphasis on facilities utilization, 96087

laboratory testing facility consolidation, and field or regional 96088  
office operation consolidation. The determination also may include 96089  
other functions, programs, and services that would reduce costs 96090  
and improve services and would be suitable for operation within 96091  
the Office of Budget and Management's Shared Services Center. 96092

Should the consolidation of functions result in consolidation 96093  
within the Shared Services Center or otherwise impact any employee 96094  
not subject to Chapter 4117. of the Revised Code, the Director of 96095  
Administrative Services may assign, reassign, classify, 96096  
reclassify, transfer, reduce, promote, or demote any employee so 96097  
transferred. Any employment records and actions, including 96098  
personnel actions, disciplinary actions, performance improvement 96099  
plans, and performance evaluations transfer with the employee. 96100  
These employees are subject to the policies, procedures, and work 96101  
rules of the agency to which they are transferred. The Director of 96102  
Administrative Services also may transfer all equipment and assets 96103  
relating to the program or function that is being consolidated to 96104  
the department that is to be responsible for the functions after 96105  
consolidation occurs. 96106

On or after the effective date of the respective 96107  
consolidation of functions and notwithstanding any provision of 96108  
law to the contrary, the Director of Budget and Management may 96109  
make budget changes made necessary by this section, including 96110  
cancelling encumbrances and reestablishing them as encumbrances of 96111  
the department that is to be responsible for the functions after 96112  
consolidation occurs. Any reestablished encumbrances are hereby 96113  
appropriated. 96114

**Section 701.15.** Each fiscal year during the biennium 96115  
beginning July 1, 2019, and ending June 30, 2021, the Director of 96116  
Agriculture shall convene an advisory board consisting of persons 96117  
representing agriculture, the environment, conservation, and 96118

institutions of higher education engaged in water quality research 96119  
for consultation in determining priorities for water quality 96120  
funding and to determine the projects and programs for which the 96121  
Department of Agriculture will fund with money from the H2Ohio 96122  
Fund created in section 126.60 of the Revised Code. 96123

Each fiscal year during the biennium beginning July 1, 2019, 96124  
and ending June 30, 2021, the Director of Natural Resources shall 96125  
convene an advisory board consisting of persons representing water 96126  
resources design and engineering, local government, agriculture, 96127  
the environment, conservation, and institutions of higher 96128  
education engaged in water quality research for consultation in 96129  
determining priorities for water quality funding and to determine 96130  
the projects and programs for which the Department of Natural 96131  
Resources will fund with money from the H2Ohio fund created in 96132  
section 126.60 of the Revised Code. 96133

Each fiscal year during the biennium beginning July 1, 2019, 96134  
and ending June 30, 2021, the Director of Environmental Protection 96135  
shall convene an advisory board consisting of persons representing 96136  
the environment, conservation, public health, local governments, 96137  
and institutions of higher education engaged in water quality 96138  
research for consultation in determining priorities for water 96139  
quality funding and to determine the projects and programs for 96140  
which the Environmental Protection Agency will fund with money 96141  
from the H2Ohio fund created in section 126.60 of the Revised 96142  
Code. 96143

**Section 701.20.** On the effective date of this act, or as soon 96144  
as possible thereafter, the Director of Budget and Management 96145  
shall transfer the cash balance from all money collected under 96146  
sections 718.80 to 718.95 of the Revised Code, if any, in the 96147  
municipal income tax fund to the municipal net profit tax fund. 96148

**Section 701.30.** COORDINATION OF BENEFITS 96149

The Development Services Agency and the Department of Job and 96150  
Family Services may collaborate to coordinate benefits available 96151  
to eligible Ohioans. By evaluating current procedures and working 96152  
toward a goal of developing a single application for eligible 96153  
customers, the agencies shall work to produce new efficiencies and 96154  
prevent duplication of efforts. 96155

**Section 701.40.** RECOVERY HOUSING PILOT PROGRAM 96156

The Department of Mental Health and Addiction Services shall 96157  
work with the Development Services Agency to develop a pilot 96158  
program in partnership with rural Ohio counties hard hit by the 96159  
opioid epidemic to enhance funding availability for recovery 96160  
housing. This partnership may include local OhioMeansJobs and Job 96161  
and Family Services entities to develop workforce job training and 96162  
employer participation for those individuals participating in 96163  
recovery housing programs. 96164

**Section 701.55.** Notwithstanding section 5160.23 of the 96165  
Revised Code, the Auditor of State is not responsible for the 96166  
costs the Auditor of State incurs in carrying out the Auditor of 96167  
State's duties under sections 5160.21 and 5160.22 of the Revised 96168  
Code. All audits authorized by Chapter 117. of the Revised Code or 96169  
as otherwise provided by state law shall be charged in accordance 96170  
with section 117.13 of the Revised Code. In addition to the 96171  
Auditor of State's authority under division (C) of section 117.10 96172  
of the Revised Code, the Auditor of State may conduct audits of 96173  
Medicaid providers and Medicaid comprehensive risk contracts as 96174  
defined in 42 C.F.R. 438.2. This section expires on June 30, 2023. 96175

**Section 709.10.** The Director of Agriculture may reimburse the 96176  
license application fee paid by a person for a pet store license 96177

if both of the following apply: 96178

(A) The person holds a valid pet store license issued under 96179  
section 956.21 of the Revised Code on the effective date of this 96180  
section; and 96181

(B) The person no longer qualifies as an owner or operator of 96182  
a pet store as a result of the amendment by this act of the 96183  
definition of "pet store" in section 956.01 of the Revised Code. 96184

**Section 709.21.** The Department of Agriculture, in 96185  
consultation with the Lake Erie Commission and the Ohio Soil and 96186  
Water Conservation Commission, shall establish a pilot program not 96187  
later than one hundred twenty days after the effective date of 96188  
this section that assists farmers, agricultural retailers, and 96189  
soil and water conservation districts in reducing phosphorus and 96190  
dissolved reactive phosphorous in a watershed determined by the 96191  
Director of Agriculture. The program shall be supported by 96192  
appropriations under the Department of Agriculture's budget that 96193  
fund water quality initiatives. 96194

Funding under the program shall be used to pay for, but is 96195  
not limited to, the following: (1) equipment for subsurface 96196  
placement of nutrients into the soil; (2) equipment for nutrient 96197  
placement based on geographic information system data; (3) soil 96198  
testing; (4) implementation of variable rate technology; (5) 96199  
equipment involved with manure transformation and manure 96200  
conversion technologies; (6) tributary monitoring; (7) water 96201  
management and edge-of-field drainage management strategies; and 96202  
(8) implementation of nutrient best management practices according 96203  
to data collected by soil and water conservation districts under 96204  
division (C)(2) of section 940.36 of the Revised Code. 96205

Data and any associated records under this pilot program are 96206  
not a public record subject to disclosure under section 149.43 of 96207

the Revised Code. 96208

**Section 715.10.** Except for an applicant for a nonresident 96209  
youth hunting license who shall pay nine dollars for an annual 96210  
license as specified in section 1533.10 of the Revised Code, an 96211  
applicant for a hunting or fishing license who is not a resident 96212  
of a reciprocal state, and a nonresident applicant for a deer 96213  
permit shall pay the annual fee for each license or permit through 96214  
December 31, 2019, in accordance with the fee schedule established 96215  
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 96216

**Section 717.11.** (A) The Agricultural Society Facilities Grant 96217  
Program is hereby created for fiscal year 2020 to provide grants 96218  
to county agricultural societies established under section 1711.01 96219  
of the Revised Code and independent agricultural societies 96220  
established under section 1711.02 of the Revised Code to support 96221  
capital projects that enhance the use and enjoyment of 96222  
agricultural society facilities by individuals. Agricultural 96223  
societies may apply to the Director of Agriculture for monetary 96224  
assistance for the acquisition, construction, reconstruction, 96225  
expansion, improvement, planning, and equipping of such 96226  
facilities. Except as provided in division (D) of this section, 96227  
each county agricultural society and each independent agricultural 96228  
society that applies for assistance shall receive an equal amount 96229  
appropriated for those purposes. 96230

(B) Not later than ninety days after the effective date of 96231  
this section and subject to division (D) of this section, the 96232  
Director or the Director's designee shall establish requirements 96233  
and procedures for the administration of the Agricultural Society 96234  
Facilities Grant Program, including establishing a grant 96235  
application form, procedures for reviewing an application, 96236  
procedures for awarding grant money, and any other requirements 96237  
and procedures the Director or the Director's designee determines 96238

to be necessary to administer this section. In issuing grants 96239  
under the Grant program, the Director shall require each 96240  
agricultural society receiving a grant to provide a matching 96241  
amount equal to the amount of the grant, unless an agricultural 96242  
society can demonstrate in a manner acceptable to the Director 96243  
that the agricultural society cannot provide the matching amount. 96244  
The matching amount may be any combination of funding, materials, 96245  
and donated labor. Documentation of the matching amount shall be 96246  
submitted with the grant application. 96247

(C) An agricultural society that applies for a grant under 96248  
the Program shall submit the grant application and matching amount 96249  
documentation to the Director or the Director's designee not later 96250  
than May 30, 2020, in accordance with the requirements and 96251  
procedures established by the Director or the Director's designee 96252  
and this section. 96253

(D) After reviewing a grant application and matching amount 96254  
documentation, the Director or the Director's designee shall 96255  
approve the application unless one of the following applies: 96256

(1) The project or facility that is the subject of the 96257  
application is not a bondable capital improvement project. 96258

(2) The agricultural society does not provide a matching 96259  
amount as required in division (B) of this section, unless the 96260  
agricultural society demonstrates to the Director that the society 96261  
cannot provide the matching amount. 96262

The Director or the Director's designee shall award all 96263  
grants not later than June 30, 2020, and shall so notify each 96264  
grant recipient. 96265

**Section 733.10.** If a city, local, or exempted village school 96266  
district experienced an increase in the taxable value of all 96267  
utility tangible personal property subject to taxation by the 96268

district between tax years 2017 and 2018 and, as a result, the 96269  
Department of Education deducted funds from the district under 96270  
division (B) of section 3317.028 of the Revised Code, as it 96271  
existed prior to the effective date of this section, the 96272  
Department, during the fiscal year that begins after that 96273  
effective date, shall credit the deducted amount to the district. 96274

**Section 733.30.** (A) The STEM Public-Private Partnership Pilot 96275  
Program is hereby created. The program shall operate for fiscal 96276  
years 2020 and 2021 to encourage public-private partnerships 96277  
between high schools, colleges, and the community to provide high 96278  
school students the opportunity to receive education and training 96279  
in a targeted industry, as defined by JobsOhio established under 96280  
section 187.01 of the Revised Code, while simultaneously earning 96281  
high school and college credit for the course. The Chancellor of 96282  
Higher Education shall administer the program and select five 96283  
partnerships, one from each quadrant of the state and one from the 96284  
central part of the state, each to receive a one-time grant of 96285  
\$100,000. No partnership that received a grant under Section 96286  
733.13 of Am. Sub. H.B. 64 of the 131st General Assembly shall be 96287  
eligible to receive a grant under this section. 96288

(B) The Chancellor shall adopt rules for the implementation 96289  
of the STEM Public-Private Partnership Pilot Program, including 96290  
the requirements for applying for program approval. The rules also 96291  
shall include, but not be limited to, all of the following 96292  
operational requirements for the program: 96293

(1) Partnerships shall consist of one community college or 96294  
state community college, one or more private companies, and one or 96295  
more high schools, either public or private. 96296

(2) For purposes of the program, the partnering community 96297  
college or state community college shall pursue one targeted 96298  
industry during the pilot period. However, the college may partner 96299

with multiple private companies within that industry. 96300

(3) Students that take courses offered under the program 96301  
shall earn college credit for that class from the community or 96302  
state community college. 96303

(4) Students, high schools, and colleges that participate in 96304  
this program shall do so under the College Credit Plus Program 96305  
established under Chapter 3365. of the Revised Code. 96306

(5) The curriculum offered by the program shall be developed 96307  
by and agreed upon by all members of the partnership. 96308

(6) The private company or companies that are part of the 96309  
partnership shall provide full- or part-time facilities to be used 96310  
as classroom space. 96311

(C) The Chancellor shall develop an application and review 96312  
process to select the five partnerships to receive grants under 96313  
the program. The community college or state community college 96314  
shall be responsible for submitting the application for the 96315  
partnership to the Chancellor. The application shall include a 96316  
proposed budget for the program. 96317

(D) The Chancellor shall select the five partnerships for the 96318  
program based on the following considerations: 96319

(1) Whether the partnership existed before the application 96320  
was submitted; 96321

(2) Whether the program is oriented toward a targeted 96322  
industry; 96323

(3) The likelihood of a student gaining employment upon 96324  
graduating from high school or upon completing a two-year degree 96325  
in the industry to which the program is oriented in relation to 96326  
its geographic region; 96327

(4) The number of students projected to be served; 96328

(5) The program's cost-per-student; 96329

(6) The sustainability of the program beyond the duration of the two-year pilot program;	96330 96331
(7) The level of investment made by the private company partner or partners in the program, including use of facilities, equipment, and staff and financially.	96332 96333 96334
(E) The partnerships selected may use the grants awarded under this section for only the following:	96335 96336
(1) Transportation;	96337
(2) Classroom supplies, including, but not limited to, textbooks, furniture, and technology;	96338 96339
(3) Primary instructors for a course offered under the program, including, but not limited to, faculty from participating high schools and community colleges or state community colleges, including adjunct faculty.	96340 96341 96342 96343
<b>Section 733.40.</b> (A) Effective October 1, 2019, the Joint Education Oversight Committee is abolished.	96344 96345
(B) All employees of the Committee cease to hold their positions of employment on October 1, 2019, or as soon as possible thereafter.	96346 96347 96348
(C) Any administrative business commenced but not completed by October 1, 2019, by the Committee shall be completed by the Legislative Service Commission, in the same manner, and with the same effect, as if completed by the Committee.	96349 96350 96351 96352
(D) No action or proceeding pending on the effective date of this amendment is affected by the abolishment of the Committee and shall be prosecuted or defended in the name of the Legislative Service Commission. In all such actions and proceedings, the Commission shall be substituted as a party. (E) Effective October 1, 2019, all records, documents, files, equipment, assets, and other materials of the Committee are transferred to the	96353 96354 96355 96356 96357 96358 96359

Legislative Service Commission. 96360

**Section 733.51.** (A) The Superintendent of Public Instruction, 96361  
in collaboration with the Chancellor of Higher Education and the 96362  
Governor's Office of Workforce Transformation, shall establish a 96363  
committee to develop policy recommendations regarding methods to 96364  
assist high school students who completed the twelfth grade, but 96365  
did not meet the graduation requirements to achieve a high school 96366  
diploma. 96367

(B) The recommendations developed by the committee shall 96368  
include identifying additional assistance and supports to aid 96369  
students who completed the twelfth grade, but did not meet the 96370  
graduation requirements to achieve a high school diploma, as well 96371  
as the amount of state funding necessary to ensure the adequate 96372  
operation of the identified assistance and supports. The 96373  
recommendations also shall address methods to minimize the social 96374  
stigma associated with not graduating on time. Additionally, the 96375  
recommendations may include any changes to the Revised Code or the 96376  
Administrative Code necessary to implement the identified 96377  
assistance and supports. 96378

(C) The committee shall consist of a representative of each 96379  
of the following: 96380

(1) Career-technical educators; 96381

(2) Community colleges; 96382

(3) Guidance counselors; 96383

(4) Ohio technical centers; 96384

(5) Principals; 96385

(6) Superintendents; 96386

(7) Teachers. 96387

(D) Not later than October 1, 2020, the committee shall issue 96388

a report to the State Board of Education and, in accordance with 96389  
section 101.68 of the Revised Code, the General Assembly. The 96390  
report shall include the policy recommendations developed by the 96391  
committee. 96392

**Section 733.61.** (A) Notwithstanding section 3319.236 of the 96393  
Revised Code, for the 2019-2020 and 2020-2021 school years only, a 96394  
school district, community school established under Chapter 3314. 96395  
of the Revised Code, or science, technology, engineering, and 96396  
mathematics school established under Chapter 3326. of the Revised 96397  
Code may permit an individual who holds a valid educator license 96398  
in any of grades seven through twelve to teach a computer science 96399  
course if, prior to teaching the course, the individual completes 96400  
a professional development program approved by the district 96401  
superintendent or school principal that provides content knowledge 96402  
specific to the course the individual will teach. The 96403  
superintendent or principal shall approve any professional 96404  
development program endorsed by the organization that creates and 96405  
administers the national Advanced Placement examinations as 96406  
appropriate for the course the individual will teach. 96407

(B) Nothing in this section shall permit an individual 96408  
described in division (A) of this section to teach a computer 96409  
science course in a school district or school other than the 96410  
school district or school that employed the individual at the time 96411  
the individual completed the professional development program 96412  
required by that division. 96413

(C) Beginning July 1, 2021, a school district or public 96414  
school shall permit an individual to teach a computer science 96415  
course only in accordance with section 3319.236 of the Revised 96416  
Code. 96417

**Section 735.11.** Notwithstanding any provision of the Revised 96418

Code to the contrary, the major political parties shall certify to 96419  
the Secretary of State the names of the candidates for president 96420  
and vice-president nominated at their national conventions 96421  
pursuant to section 3505.10 of the Revised Code not later than the 96422  
sixtieth day before the 2020 general election. Certification by 96423  
the Secretary of State of the forms of official ballots required 96424  
by division (A) of section 3505.01 of the Revised Code shall occur 96425  
on or before the fiftieth day before the general election. 96426

For purposes of this section, "major political party" has the 96427  
same meaning as in section 3501.01 of the Revised Code. 96428

**Section 737.10.** On or after July 1, 2019, the Department of 96429  
Health may establish a Substance Use Disorder Professional Loan 96430  
Repayment Program. Under the Program, the Department may agree to 96431  
repay all or part of the principal or interest of government or 96432  
other educational loans taken by professionals providing treatment 96433  
and other related services to individuals with substance use 96434  
disorders. A professional participating in the Program must commit 96435  
to serving in an area of the state with limited access to 96436  
addiction treatment and related services. 96437

**Section 737.11.** On or after July 1, 2019, the Department of 96438  
Health may establish a program under which a physician providing 96439  
medication-assisted treatment to individuals with substance use 96440  
disorders in a health resource shortage area may be eligible for 96441  
financial assistance from the Department. Eligible physicians are 96442  
those participating in the Physician Loan Repayment Program as 96443  
described in section 3702.75 of the Revised Code. 96444

**Section 737.15.** (A) The Director of Health shall establish a 96445  
two-year Lead-Safe Home Fund Pilot Program for fiscal years 2020 96446  
and 2021 to improve housing conditions for children by providing 96447

grants to eligible property owners for lead-safe remediation 96448  
actions. 96449

(B) The Director shall enter into a cooperative agreement 96450  
with the Lead Safe Cleveland Coalition whereby the Coalition may 96451  
make decisions and determinations regarding the Program in 96452  
accordance with the Program requirements established under 96453  
division (C) of this section. 96454

(C) The Director shall establish all of the following for the 96455  
purposes of the Program: 96456

(1) A means to solicit applicants; 96457

(2) An application process; 96458

(3) A process for distributing and administering the grants; 96459

(4) A methodology for evaluating the eligibility of the 96460  
applicants; 96461

(5) Any other procedures and requirements necessary to 96462  
implement and administer the Program. 96463

(D) Not later than June 30, 2021, the Director, in 96464  
consultation with the Coalition, shall issue a report of the 96465  
Program's findings and outcomes to the Governor and the members of 96466  
the General Assembly. 96467

**Section 737.40.** The Legislative Committee on Public Health 96468  
Futures is re-established. The committee shall review relevant 96469  
reports previously produced by similar public health futures 96470  
committees in this state. The Legislative Committee shall review 96471  
the effectiveness of recommendations from those reports that are 96472  
being or that have been implemented. And, based on the knowledge 96473  
and insight gained from its reviews, the Legislative Committee 96474  
shall make legislative and fiscal policy recommendations that it 96475  
believes would improve local public health services in Ohio. 96476

The Legislative Committee, not later than December 31, 2020, shall prepare a report that describes its review of the reports and its review and of the recommendations that are being or that have been implemented, and that states and provides explanations of the Committee's new policy recommendations.

The Legislative Committee shall transmit a copy of its report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. Upon transmitting its report, the Legislative Committee ceases to exist.

Each of the following associations shall appoint one individual to the Legislative Committee: the County Commissioners Association of Ohio, the Ohio Township Association, the Department of Health, the Ohio Public Health Association, the Ohio Environmental Health Association, the Ohio Boards of Health Association, the Ohio Municipal League, and the Ohio Hospital Association. The Association of Ohio Health Commissioners shall appoint two individuals to the Legislative Committee. The President and Minority Leader of the Senate each shall appoint two members to the Legislative Committee. The Speaker and Minority Leader of the House of Representatives each shall appoint two members to the Legislative Committee. Of the two appointments made by each legislative leader, one shall be a member of the General Assembly from the appointing member's chamber. Appointments shall be made as soon as possible but not later than thirty days after the effective date of this section. Vacancies on the Legislative Committee shall be filled in the same manner as the original appointment.

As soon as all members have been appointed to the Legislative Committee, the President of the Senate shall fix a time and place for the committee to hold its first meeting. At that meeting, the committee shall elect from among its membership a chairperson, a

vice-chairperson, and a secretary. The Director of Health shall 96509  
provide the Legislative Committee with meeting and office space, 96510  
equipment, and professional, technical, and clerical staff as are 96511  
necessary to enable the Legislative Committee successfully to 96512  
complete its work. 96513

**Section 739.20.** Section 3959.20 of the Revised Code as 96514  
enacted by this act applies to contracts for pharmacy services and 96515  
to health benefit plans, as defined in section 3922.01 of the 96516  
Revised Code, entered into or amended on or after the effective 96517  
date of this act. 96518

**Section 739.31.** The requirements of sections 3902.50 to 96519  
3902.53 of the Revised Code apply beginning April 1, 2020, to 96520  
health benefit plans, as defined in section 3922.01 of the Revised 96521  
Code, delivered, issued for delivery, modified, or renewed on or 96522  
after the effective date of those sections. 96523

**Section 747.20.** A license or certificate of registration 96524  
issued under Chapter 4757. of the Revised Code that is in effect 96525  
on the effective date of this section shall continue in effect 96526  
until the first biennial renewal date established by the 96527  
Counselor, Social Worker, and Marriage and Family Therapist Board 96528  
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as 96529  
amended by this act. No license or certificate of registration in 96530  
effect on the effective date of this section is valid for more 96531  
than three years after the effective date of this section. 96532

**Section 747.40.** CONVERSION AND RENAMING OF CERTIFICATES 96533  
ISSUED BY THE STATE MEDICAL BOARD 96534

(A) The repeal by this act of section 4731.296 of the Revised 96535  
Code does not invalidate a telemedicine certificate that was 96536  
issued under that section if the certificate is valid on the 96537

effective date of this section. As soon as practicable, the State 96538  
Medical Board shall convert all such telemedicine certificates to 96539  
licenses, as if they were issued under section 4731.14 of the 96540  
Revised Code. Once a telemedicine certificate is converted, the 96541  
holder is subject to all requirements and privileges attendant to 96542  
a license issued under section 4731.14 of the Revised Code, 96543  
including continuing medical education requirements. 96544

(B) The Board may take any action it considers necessary to 96545  
rename the certificates issued under Chapters 4731., 4760., 4762., 96546  
and 4774. of the Revised Code as licenses, as provided by the 96547  
amendments made by this act to those chapters. 96548

**Section 751.10.** REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY 96549  
COUNCILS 96550

The amendment made by this act to section 5123.092 of the 96551  
Revised Code providing for a reduction in citizen's advisory 96552  
council membership does not affect the members holding office on 96553  
the effective date of this section. The reduction shall be 96554  
implemented by not filling vacancies that correspond with the 96555  
changes made by this act to council membership. 96556

**Section 753.10.** (A) The Governor is authorized to execute a 96557  
deed or deeds in the name of the state conveying to a grantee or 96558  
grantees acceptable to the Board of Trustees of Kent State 96559  
University, all of the state's right, title, and interest in all 96560  
or part of the following described parcels of real estate: 96561

DESCRIPTION OF 60.09 ACRES. 96562

FIRST TRACT: Being a tract of land located in Lot 18, 96563  
Franklin Twp., Portage County, Ohio, and further described as 96564  
follows: Beginning at an iron pipe set at the NW corner of Lot No. 96565  
18 in the centerline of Township Highway 98, known as Powder Mill 96566  
Road; thence S. 88° 57' E. along the N. line of Lot 18, 2408.23 96567

ft. to a point in the W. right of way line of the old P. and W. 96568  
Railroad; thence S. 16° 28' W. along said Railroad W. right of way 96569  
line 311.19 ft. to a steel fence post; thence N. 88° 57' W. and 96570  
passing over an iron rod set 20 ft. at side of road 2204.60 ft. to 96571  
an iron rod set in the centerline of Township Highway 98; thence 96572  
N. 20° 54' W. along the centerline of Township Highway 98, 323.46 96573  
ft. to the place of beginning and containing 15.83 acres of land 96574  
as surveyed April 4, 1962, by C. B. Dodge, R. S. 1682. 96575

SECOND TRACT: Being part of Lot No. 18 in Franklin Twp. and 96576  
bounded and described as follows: Beginning at the NE corner of 96577  
said lot; thence S. 0° 25' E. along the lot line 9.26 chains; 96578  
thence W. 5.26 chains to within 20 ft. of the easterly line of the 96579  
right of way formerly P.C. & T. Railroad; thence Southwesterly 96580  
parallel with said right of way 19.07 chains to the E. line of 96581  
land now or formerly owned by John B. Hergenroeder; thence N. 0° 96582  
30' E. 32.5 links; thence northeasterly along the easterly line of 96583  
said right of way 28.25 chains to the N. line of said lot; thence 96584  
S. 89° 45' E. 2.69 chains to the place of beginning, containing 96585  
4.40 acres of land. 96586

THIRD TRACT: Situated in the township, county and state 96587  
aforesaid and being known as part of Lot 18 in said township, 96588  
bounded and described as follows: On the N. and NW by the Second 96589  
Tract herein described, being a 4.40 acre tract; E. by the lot 96590  
line of said Lot 18, S. by the centerline of Breakneck Creek; W. 96591  
by lands of J. & J. Polichena, containing 34.00 acres of land, 96592  
more or less. 96593

FOURTH TRACT: Being part of township Lot 18 and 19 in said 96594  
township, bounded and described as follows: Being all of the land 96595  
known as the former right of way of the B & O Railroad (now 96596  
abandoned) as contained between the E. line of Township Lot 19 96597  
which is also the Township line between Franklin and Ravenna 96598  
Township and the centerline of the Powder Mill Road as shown by 96599

the Quit Claim Deed from the B & O Railroad to Everett L. Foote as 96600  
recorded in Volume 324, Page 211, Portage County Records of Deeds 96601  
and containing 5.86 acres. 96602

Deed Reference: Vol. 777 Pg. 82 96603

Auditor's Parcel Numbers: 12-018-00-00-001-000, 96604  
12-018-00-00-001-002, 12-018-00-00-001-001, 12-018-00-00-002-003 96605

DESCRIPTION OF 130.25 ACRES 96606

PARCEL A: Situated in Lot 20 of Franklin Township, county and 96607  
state aforesaid, and further described as follows: BEGINNING at 96608  
the southeast corner of Lot 20 in said township; thence N. 1° 00' 96609  
00" E. along the east line of said Lot 20 and the centerline of T. 96610  
H. 98, known as Powder Mill Road, a distance of 1546.02 feet to a 96611  
point on the north line of the B. & O. Railroad right of way and 96612  
the true place of beginning; thence on a curve to the right along 96613  
the north line of the B.& O. Railroad right of way, which has a 96614  
delta of 6° 40' 19"; a radius of 5680.00 feet; a chord bearing of 96615  
N. 64° 10' 40" W. and a chord length of 661.05 feet, a distance of 96616  
661.42 feet to a point; thence N. 60° 50' 30" W. along the north 96617  
line of the B. & O. Railroad right of way a distance of 459.76 96618  
feet to an iron pipe; thence N. 86° 23' 30" E. a distance of 1008. 96619  
57 feet to an iron pin in the center of T. H. 98; thence S. 1° 00' 96620  
00" W. along the centerline of T. H. 98 a distance of 575.51 feet 96621  
to the place of beginning, and containing 6.934 acres of land as 96622  
surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226. 96623

PARCEL B: Situated in Lots 19 and 36 of Franklin Township, 96624  
county and state aforesaid, and further described as follows: 96625  
BEGINNING at the southwest corner of Lot 19 in said township; 96626  
thence N. 1° 00' 00" E. along the west line of said Lot 19 and the 96627  
centerline of T. H. 98, known as Powder Mill Road, a distance of 96628  
1546.02 feet to a point on the north line of the B. & O. Railroad 96629  
right of way and the true place of beginning; thence continuing N. 96630

1° 00' 00" E. along the west line of Lot 19 and the centerline of 96631  
T. H. 98 a distance of 1076.56 feet to the intersection of the 96632  
centerline of State Route 5, known as Kent-Ravenna Road; thence N. 96633  
82° 16' 00" E. along the centerline of S. R. 5 a distance of 96634  
1336.37 feet to a point; thence S. 0° 31' 30" W. a distance of 96635  
1599.79 feet to an iron pipe on the north line of the B. & O. 96636  
Railroad right of way; thence on a curve to the right along the 96637  
north line of the B. & O. Railroad right of way which has a delta 96638  
of 2° 42' 56"; a radius of 5655.00 feet; a chord bearing of N. 80° 96639  
03' 30" W. and chord length of 268.00 feet a distance of 268.02 96640  
feet to a point; thence S. 11° 17' 58" W. a distance of 25.00 feet 96641  
to a point; thence on a curve to the right along the north line of 96642  
the B. & O. Railroad right of way, which has a delta of 11° 11' 96643  
13"; a radius of 5680.00 feet; a chord bearing of N. 73° 06' 25" 96644  
W. a chord length of 1107.25 feet. A distance of 1109.01 feet to 96645  
the place of beginning and containing 41.765 acres of land, of 96646  
which 39.465 acres are in Lot 19, and 2.300 acres are in Lot 36, 96647  
as surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226. 96648

PARCEL C: Situated in Lot 19 of Franklin Township, county and 96649  
state aforesaid, and further described as follows: BEGINNING at 96650  
the southwest corner of Lot 19 in said township; thence N. 1° 00' 96651  
00" E. along the west line of said Lot 19 and the centerline of T. 96652  
H. 98, known as Powder Mill Road, a distance of 1388.97 feet to a 96653  
point on the south line of the B. & O. Railroad right of way; 96654  
thence on a curve to the left along the south line of the B. & O. 96655  
railroad right of way, which has a delta of 15° 47' 26", a radius 96656  
of 2915.00 feet; a chord bearing of S. 68° 44' 13" E., and a chord 96657  
length of 800.83 feet a distance of 803.37 feet to a point; thence 96658  
S. 13° 22' 04" W. a distance of 25.00 feet to a point; thence on a 96659  
curve to the left along the south line of the B. & O. Railroad 96660  
right of way, which has a delta of 14° 19' 34", a radius of 96661  
2940.00 feet, a chord bearing of S. 83° 47' 43" E., and a chord 96662  
length of 733.20 feet a distance of 735.11 feet to a point; thence 96663

N. 89° 02' 30" E. along the south line of the B. & O. Railroad right of way a distance of 866.78 feet to a point; thence N. 0° 57' 30" W. a distance of 25.00 feet to a point/ thence N. 89° 02' 30" E. along the south line of the B. & O. Railroad right of way a distance of 280.79 feet to a point on the east line of Lot 19; thence S. 0° 41' 27" W. along the east line of Lot 19 a distance of 681.57 feet to an iron pipe on the north line of the Old P. & W. Railroad right of way; thence on a curve to the left along the north and west line of the old P. & W. Railroad right of way which has a delta of 39° 05' 19", a radius of 608.00 feet; a chord bearing of S. 36° 36' 39" W. and a chord length of 406.79 feet to a point; thence S. 17° 04' 00" W. along the westline of the old P. & W. railroad right of way a distance of 58.47 feet to a point on the south line of Lot 19; thence N. 88° 58' 46" W. along the south line of Lot 19 a distance of 2405.01 feet to the place of beginning and containing 64.868 acres of land, as surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226.

PARCEL D: Situated in Lot 19 of Franklin Township, county and state aforesaid, and further described as follows: BEGINNING at the southwest corner of Lot 19 in said township; thence S. 88° 58' 46" E. along the south line of said Lot 19 a distance of 2473.68 feet to a point on the east line of the old P. & W. railroad right of way and the true place of beginning; thence N. 17° 04' 00" E. along the east line of the old P. & W. railroad right of way a distance of 39.49 feet to a point; thence on a curve to the right along the east and south line of the old P. & W. Railroad right of way which has a delta of 34° 08' 00"; a radius of 542.00 feet; a chord bearing of N. 34° 07' 54" E. and a chord length of 318.14 feet to a point on the east line of Lot 19; thence S. 0° 41' 27" W. along the east line of Lot 19 a distance of 304.39 feet to the southeast corner of Lot 19; thence N. 88° 58' 46" W. along the south line of Lot 19 a distance of 186.46 feet to the place of beginning and containing 0.810 acres of land as surveyed by LeRoy

M. Satrom, Registered Surveyor No. 4226. 96697

PARCEL E: Situated in Lots 57 and 58, South Division of 96698  
Ravenna Township, county and state aforesaid, and further 96699  
described as follows: BEGINNING at the southwest corner of Lot 96700  
57, South Division in said township; thence N. 0° 41' 27" E. along 96701  
the west line of said Lot 57 a distance of 533.13 feet to a point 96702  
on the south line of the B. & O Railroad right of way; thence N. 96703  
89° 02' 30" E. along the south line of the B. & O. Railroad right 96704  
of way a distance of 1260.95 feet to an iron pipe; thence S. 2° 96705  
57' 40" W. a distance of 483.35 feet to an iron pipe on the north 96706  
line of the old P. & W. Railroad right of way; thence S. 82° 56' 96707  
00" W. along the north line of the old P. & W. Railroad right of 96708  
way a distance of 987.97 feet to a point; thence on a curve to the 96709  
left along the north line of the old P. & W. Railroad right of 96710  
way, which has a delta of 26° 46' 06"; a radius of 608.00 feet; a 96711  
chord bearing of S. 69° 32' 57" W. and a chord length of 281.48 96712  
feet a distance of 284.05 feet to an iron pipe on the west line of 96713  
Lot 58 South Division; thence N. 0° 41' 27" E. along the west line 96714  
of Lot 58 a distance of 148.44 feet to the place of beginning, and 96715  
containing 15.882 acres of land of which 15.155 acres are in Lot 96716  
57 and 0.727 acres are in Lot 58, as surveyed by LeRoy M. Satrom, 96717  
Registered Surveyor No. 4226. 96718

Deed Reference: Vol. 787 Pg. 462 96719

Auditor's Parcel Numbers: 12-020-00-00-033-000, 96720  
12-019-00-00-002-000, 12-019-00-00-002-001, 12-019-00-00-005-000, 96721  
12-019-00-00-006-000, 29-357-00-00-025-000, 29-358-00-00-005-000 96722

(B) The foregoing description may be adjusted by the 96723  
Department of Administrative Services to accommodate any 96724  
corrections necessary to facilitate recordation of the deed. 96725

(C) Consideration for the conveyance is to be acceptable to 96726  
the Board of Trustees of Kent State University. The net proceeds 96727

of any sale of real estate described above shall be paid to Kent 96728  
State University and deposited in university accounts for purposes 96729  
to be determined by the Board of Trustees. 96730

(D) The Auditor of State, with the assistance of the Attorney 96731  
General, shall prepare the deed to real estate upon notification 96732  
by the University. The deed shall state the consideration and 96733  
shall be executed by the Governor in the name of the state, 96734  
countersigned by the Secretary of State, sealed with the Great 96735  
Seal of the State, presented in the Office of the Auditor of State 96736  
for recording, and delivered to the grantee. The grantee shall 96737  
present the deed for recording in the Office of the Portage County 96738  
Recorder. 96739

(E) The grantee shall pay the costs of the conveyance 96740  
including county recording fees. 96741

(F) This section expires three years after its effective 96742  
date. 96743

**Section 753.20.** (A) The Governor is authorized to execute a 96744  
deed or deeds in the name of the state conveying to a grantee or 96745  
grantees acceptable to the Board of Trustees of Kent State 96746  
University, all of the state's right, title, and interest in all 96747  
or part of the following described parcels of real estate: 96748

DESCRIPTION OF 8.477 ACRES 96749

PARCEL 1: Situated in the Township of Franklin, County of 96750  
Portage and State of Ohio being part of Lot 2 and further 96751  
described as follows: 96752

Beginning at the centerline intersection of Cline Road (T.H. 96753  
96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" 96754  
iron bar found in a monument box used for line 0.048 feet north 96755  
and 0.008 feet east of said intersection); 96756

Thence S 9° 15' 31" W 375.00 along the centerline of Cline 96757

Road to the southeasterly corner of a parcel of land conveyed to R.E. or L.F. Slease (D.V. 1085, Pg. 685) and a northeasterly corner of the Grantor's and the true place of beginning for the parcel herein described (witness a capped iron bar set N 81° 16' 45" W 30.17 feet from said corner);

Thence S 9° 15' 31" W 363.98 feet along the centerline of Cline Road to a railroad spike found at a southeasterly corner of the Grantor's and a northeasterly corner of a parcel of land conveyed to University Land Development Co. (O.R. 365, Pg. 0250);

Thence N 89° 16' 02" W 354.65 feet along a northerly line of the University Land Development Co. Parcel and a southerly line of the Grantor to a capped iron bar set at a southwesterly corner (witness a capped iron pipe found used for line 3.859 feet south and 0.631 feet west of said corner);

Thence N 9° 16' 46" E 647.34 feet along an easterly line of said University Land Development parcel and a westerly line of the Grantor's to a point on the southerly line of a parcel conveyed to the State of Ohio (D.V. 839, Pg. 508) and the northeasterly corner of said University Land Development Co. and a northwesterly corner of the Grantor's (witness a 1/2" open top iron pipe found and used for line 0.052 feet north and 0.008' east of said corner);

Thence N 72° 14' 21" E. 153.91 feet along the southerly line of said State of Ohio parcel and a northerly line of the Grantor's to a 1/2" open top iron pipe found on the westerly line of said Slease parcel;

Thence S 1° 59' 34" W 304.75 feet along the westerly line of said Slease parcel and an easterly line of the Grantor's to a 1/2" open top iron pipe found at the southwesterly corner of said Slease parcel and northeasterly corner of the Grantor's;

Thence S 81° 16' 45" E. 174.84 feet along the southerly line of said Slease parcel and a northerly line of the Grantor's to the

true place of beginning and containing 4.1073 acres of land as 96789  
surveyed in May, 2000 by David L. Jensen, Registered Surveyor No. 96790  
7273. 96791

The basis for bearings is the Ohio State Plane Coordinate 96792  
System, North Zone. 96793

PARCEL 2: Situated in the Township of Franklin, County of 96794  
Portage and State of Ohio being part of Lot 2 and further 96795  
described as follows: 96796

Beginning at the centerline intersection of Cline Road (T.H. 96797  
96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" 96798  
iron bar found in a monument box used for line 0.048 feet north 96799  
and 0.008 feet east of said intersection); 96800

Thence N 86° 54' 42" W 289.05 along the centerline of Summit 96801  
Road to a 1" iron bar found in a monument box; 96802

Thence N 76° 56' 07" W 230.00 feet along the centerline of 96803  
Summit Road to a northwesterly corner of a parcel of land conveyed 96804  
to the State of Ohio (D.V. 839, Pg. 508 and a northeasterly corner 96805  
of the Grantor's and the true place of beginning for the parcel 96806  
herein described; 96807

Thence S 13° 03' 53" W 33.00 feet along a westerly line of 96808  
the State of Ohio parcel and an easterly line of the Grantor to a 96809  
point on the southerly right of way line of Summit Road (witness 96810  
an O.D.O.T. capped iron bar found 0.405 feet south and 0.197 feet 96811  
west of said point); 96812

Thence 74° 41' 57" W 303.87 feet along a northwesterly line 96813  
of said State of Ohio parcel and a southeasterly line of the 96814  
grantor's to a capped iron bar set at a northeasterly corner of 96815  
said State of Ohio parcel and a southwesterly corner of the 96816  
Grantor's (witness and O.D.O.T. capped iron bar found 3.104 feet 96817  
north and 0.362 feet east of said point); 96818

Thence N 17° 52' 58" W 168.33 feet along an easterly line of 96819  
said State of Ohio Parcel and a westerly line of the Grantor's to 96820  
a point on the southerly right of way line of Summit Road (witness 96821  
an O.D.O.T. capped iron bar found 0.025 feet south and 0.956 feet 96822  
west of said point; 96823

Thence N 13° 03' 53" E 33.00 feet along an easterly line of 96824  
said State of Ohio parcel and a westerly line of Grantor's to a 96825  
point on the centerline of Summit Road said point being a 96826  
northeasterly corner of the State of Ohio parcel and a 96827  
northwesterly corner of the Grantor's; 96828

Thence S 76° 56' 07" E 353.95 feet along the centerline of 96829  
Summit Road and a northerly line of the Grantor's to the true 96830  
place of beginning and containing 0.8547 acres of land as surveyed 96831  
in May, 2000 by David L. Jensen, Registered Surveyor No. 7273. 96832

The basis for bearings is the Ohio State Plane Coordinate 96833  
System, North Zone. 96834

PARCEL 3: Situated in the Township of Franklin, County of 96835  
Portage and State of Ohio being part of Lot 2 and further 96836  
described as follows: 96837

Beginning at the centerline intersection of Cline Road (T.H. 96838  
96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" 96839  
iron bar found in a monument box used for line 0.048 feet north 96840  
and 0.008 feet east of said intersection); 96841

Thence N 86° 54' 42" W 289.05 along the centerline of Summit 96842  
Road to a 1" iron bar found in a monument box; 96843

Thence N 76° 56' 07" W 747.83 feet along the centerline of 96844  
Summit Road to a boat spike found at the northwesterly corner of a 96845  
parcel of land conveyed to the State of Ohio (D.V. 839, Pg. 508 96846  
and a northeasterly corner of a parcel of land conveyed to C.W. 96847  
and D.D. Redman (O.R. 143, Pg. 460); 96848

Thence N 79° 11' 04" W 135.04 feet along the centerline of 96849  
Summit Road to the northwesterly corner of said Redman parcel and 96850  
a northeasterly corner of the Grantor's and the true place of 96851  
beginning for the parcel herein described (witness a 1/2" open top 96852  
iron pipe found bent, straightened and reset S 5° 22' 12" W 30.23 96853  
feet from said corner); 96854

Thence S 5° 22' 12" W 166.54 feet along an easterly line of 96855  
the Grantor's and the westerly line of the Redman parcel to a 1/2" 96856  
open top iron pipe found at the southwesterly corner thereof; 96857

Thence S 84° 55' 02" E 125.10 feet along a northerly line of 96858  
the Grantor's and the southerly of the Redman parcel to a 1/2" 96859  
open top iron pipe found bent (used the top) at the southeasterly 96860  
corner thereof and a northeasterly corner of the Grantor's and 96861  
being an angle point on the westerly line of said State of Ohio 96862  
parcel; 96863

Thence S 20° 40' 02" E 199.62 feet along a westerly line of 96864  
said State of Ohio parcel and an easterly line of the Grantor's to 96865  
a capped iron bar set at a southeasterly corner of the Grantor' 96866  
and a northwesterly corner of said State of Ohio parcel (witness 96867  
an O.D.O.T. capped iron bar found 1.335 feet north and 2.476 feet 96868  
east of said corner); 96869

Thence S 53° 28' 55" W 300.00 feet along a northwesterly line 96870  
of said State of Ohio parcel and a southeasterly line of the 96871  
Grantor's to a southwesterly corner thereof and a northwesterly 96872  
corner of the State of Ohio parcel and a northeasterly corner of a 96873  
parcel of land conveyed to the State of Ohio (D.V. 870, Pg. 15) 96874  
and the southeasterly of a parcel of land conveyed to Portage Area 96875  
Regional Transportation Authority (PARTA) (O.R. 327. Pg. 0097) 96876  
(witness an O.D.O.T. capped iron bar found 0.016 feet north and 96877  
0.048 feet east of said corner); 96878

Thence N 35° 03' 36" W 402.33 feet along the easterly line of 96879

said PARTA parcel and a westerly line of the Grantor's to a capped iron bar set; 96880  
96881

Thence N 10° 23' 28" E 216.15 feet along a westerly line of the Grantor's and the easterly line of said PARTA parcel to 1/2" open top iron pipe found at the northeasterly corner thereof and being on the southerly right of way line of Summit Road; 96882  
96883  
96884  
96885

Thence 84° 53' 23" E 149.54 feet along the southerly right of way line of Summit Road to a capped iron bar set; 96886  
96887

Thence 9° 08' 08" E 33.01 feet along a westerly line of the Grantor's to a point on the centerline of Summit Road; 96888  
96889

Thence S 79° 11' 04" E 101.36 feet along the centerline of Summit Road and a northerly line of the Grantor's to the true place of beginning and containing 3.5153 acres of land as surveyed in May, 2000 by David L. Jensen, Registered Surveyor No. 7273. 96890  
96891  
96892  
96893

The basis for bearings is the Ohio State Plane Coordinate System, North Zone. 96894  
96895

Deed Reference: Vol. 564 Pg. 696 96896

Auditor's Parcel Numbers: 12-002-00-00-004-001, 96897  
12-002-00-00-004-003, 12-002-00-00-004-004 96898

(B) The foregoing description may be adjusted by the Department of Administrative Services to accommodate any corrections necessary to facilitate recordation of the deed. 96899  
96900  
96901

(C) Consideration for the conveyance is to be acceptable to the Board of Trustees of Kent State University. The net proceeds of any sale of real estate described above shall be paid to Kent State University and deposited in university accounts for purposes to be determined by the Board of Trustees. 96902  
96903  
96904  
96905  
96906

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare the deed to real estate upon notification by the University. The deed shall state the consideration and 96907  
96908  
96909

shall be executed by the Governor in the name of the state, 96910  
countersigned by the Secretary of State, sealed with the Great 96911  
Seal of the State, presented in the Office of the Auditor of State 96912  
for recording, and delivered to the grantee. The grantee shall 96913  
present the deed for recording in the Office of the Portage County 96914  
Recorder. 96915

(E) The grantee shall pay the costs of the conveyance 96916  
including county recording fees. 96917

(F) This section expires three years after its effective 96918  
date. 96919

**Section 753.30.** (A) The Governor is authorized to execute a 96920  
deed or deeds in the name of the state conveying to a grantee or 96921  
grantees acceptable to the Board of Trustees of Kent State 96922  
University, all of the state's right, title, and interest in all 96923  
or part of the following described parcels of real estate: 96924

DESCRIPTION OF 31.103 ACRES 96925

Situated in the city of Kent, county of Portage, state of 96926  
Ohio and being known as: 96927

All of blocks A, B, C, D and E of the university town homes 96928  
subdivision, filed in the records of plats, book 89, page 30 of 96929  
the portage county records. 96930

Deed Reference: Vol. 564 Pg. 696 96931

Auditor's Parcel Numbers: 17-003-10-00-062-000, 96932  
17-003-10-00-063-000, 17-003-10-00-064-000, 17-003-10-00-065-000 96933  
and 17-003-10-00-066-000 96934

DESCRIPTION OF 2.44 ACRES 96935

Situated in the Township of Brimfield County of Portage and 96936  
State of Ohio: 96937

And being part of Lot 7 in said Township and bounded and 96938

described as follows; Beginning at the intersection of the 96939  
centerline of T.H. 95, Burnett Road and the northerly line of Lot 96940  
7 and northerly line of Brimfield Township; thence N. 89° 33' 00" 96941  
W. along the northerly line of Lot 7 and northerly line of 96942  
Brimfield Township a distance of 113.24 feet to a point in a 96943  
northerly line of land now owned by the State of Ohio which marks 96944  
the true place of beginning for the following described parcel of 96945  
land; thence S. 78° 55' 45" W. along said northerly line of the 96946  
State of Ohio a distance of 590.56 feet to a point; thence S 89° 96947  
47' 00" W. continuing along a northerly line of the State of Ohio, 96948  
a distance of 594.25 feet to a point in the easterly line of land 96949  
now or formerly owned by C.M. & Lois Stewart; thence N. 00° 06' 96950  
00" W. along the easterly line of said Stewart a distance of 96951  
124.87 feet to point in the northerly line of Lot 7 and northerly 96952  
line of Brimfield Township; thence S. 89° 33' 00" E. along the 96953  
northerly line of Lot 7 and northerly line of Brimfield Township a 96954  
distance of 1174.07 feet to the true place of beginning, 96955  
containing 2.441 acres of land, more or less, as prepared May 1 96956  
1972, from deeds and plats of record by Albert Szuch, Registered 96957  
Surveyor No. 5398. 96958

Deed Reference: 200908514 96959

Auditor's Parcel Number: 04-007-00-00-008-000 96960

(B) The foregoing description may be adjusted by the 96961  
Department of Administrative Services to accommodate any 96962  
corrections necessary to facilitate recordation of the deed. 96963

(C) Consideration for the conveyance is to be acceptable to 96964  
the Board of Trustees of Kent State University. The net proceeds 96965  
of any sale of real estate described above shall be paid to Kent 96966  
State University and deposited in university accounts for purposes 96967  
to be determined by the Board of Trustees. 96968

(D) The Auditor of State, with the assistance of the Attorney 96969

General, shall prepare the deed to real estate upon notification 96970  
by the University. The deed shall state the consideration and 96971  
shall be executed by the Governor in the name of the state, 96972  
countersigned by the Secretary of State, sealed with the Great 96973  
Seal of the State, presented in the Office of the Auditor of State 96974  
for recording, and delivered to the grantee. The grantee shall 96975  
present the deed for recording in the Office of the Portage County 96976  
Recorder. 96977

(E) The grantee shall pay the costs of the conveyance 96978  
including county recording fees. 96979

(F) This section expires three years after its effective 96980  
date. 96981

**Section 753.40.** (A) The Governor is authorized to execute a 96982  
deed or deeds in the name of the state conveying to a grantee or 96983  
grantees acceptable to the Board of Trustees of Kent State 96984  
University, all of the state's right, title, and interest in all 96985  
or part of the following described parcels of real estate: 96986

DESCRIPTION OF 36.76 ACRES 96987

PARCEL 1: Situated in Brimfield Township Lot 5 and further 96988  
described as follows: Beginning at the intersection of the 96989  
centerline of Township Highway 92 known as Meloy Road and the east 96990  
line of Lot 5; thence South 74 deg. 36' West along the centerline 96991  
of T. H. 92 a distance of 421.47 feet to a point which is the true 96992  
place of beginning; thence continuing South 74 deg. 36' West along 96993  
the centerline of T. H. 92 a distance of 336.87 feet to a point; 96994  
thence North 1 deg. 18' East a distance of 270.10 feet to a point; 96995  
thence South 74 deg. 36' West a distance of 322.55 feet to a 96996  
point; thence North 1 deg. 18; East a distance 141.74 feet to a 96997  
point; thence South 80 deg. 40' 08" West a distance of 294.45 feet 96998  
to an iron pipe found; thence North 6 deg. 32' 12" West a distance 96999  
of 1243.23 feet to an iron pipe found on the north line of Lot 5; 97000

thence South 88 deg. 48' 31" East along the north line of Lot 5 a 97001  
distance of 1090.43 feet to an iron pipe found; thence South 1 97002  
deg. 17' 46" West and passing over an iron pipe found 22.03 feet 97003  
from the center of the road a distance of 1401.68 feet to the 97004  
place of beginning and containing 30.175 acres of land as 97005  
determined from actual field measurements and reference to survey 97006  
by M. F. Stevens as recorded in Volume 717, page 558 of the 97007  
Portage County Records by L. M. Satrom, Registered Surveyor No. 97008  
4226, be the same more or less, but subject to all legal highways. 97009

Deed Reference: Vol. 750 Pg. 249 97010

Auditor's Parcel Number: 45-005-00-00-010-000 97011

DESCRIPTION OF 8.04 ACRES 97012

PARCEL 1: Situated in the Township of Brimfield, County of 97013  
Portage and State of Ohio and known as being part of Lot No. 5 in 97014  
Brimfield Township and further described as follows: Beginning at 97015  
a point in the centerline of Meloy Road and being N. 78° 46' E. 97016  
425.00 feet from a spike at the intersection of said centerline 97017  
with the centerline of State Route 43; thence N. 11° 14' W. 386.18 97018  
feet along the East line of a parcel owned by R. & C. DiMauro, to 97019  
an iron pipe and passing over an iron pipe 30.00 feet from the 97020  
road center; thence N. 70° 57' E. 599.54 feet along the grantor's 97021  
North line to an iron bar; thence N. 79° 21' 35" E. 299.38 feet 97022  
along the grantor's North line to an iron pipe; thence S. 8° 46' 97023  
40" W. 406.31 feet to an iron pipe; thence S. 30° 22' 20" W. 41.30 97024  
feet to an iron pipe; thence S. 15° 24' 40" E. 30.00 feet to the 97025  
centerline of Meloy Road; thence S. 74° 35' 20" W. 56.61 feet 97026  
along the centerline of Meloy Road; thence N. 15° 24' 40" W. 97027  
180.00 feet to an iron pipe and passing over an iron pipe 30 feet 97028  
from the road center; thence S. 74° 35' 20" W. 128.39 feet to an 97029  
iron pipe; thence S. 0° 35' 20" W 187.25 feet to the centerline of 97030  
Meloy Road and passing over an iron pipe 31.21 feet from the road 97031  
center; thence S. 74° 35' 20" W. 65.00 feet along the centerline 97032

of Meloy Road to a spike; thence S. 78° 46' W. 428.27 feet along 97033  
the centerline of Meloy Road to the beginning. Containing 7.397 97034  
acres of land, as surveyed in January, 1970, by David J. Collier, 97035  
Registered Surveyor No. 4819. 97036

PARCEL 2: Situated in the Township of Brimfield, County of 97037  
Portage and State of Ohio and known as being part of Lot No. 5 in 97038  
Brimfield Township and further described as follows: Starting at a 97039  
spike at the intersection of the centerline of State Route 43 with 97040  
the centerline of Meloy Road; thence N. 78° 46' E. 853.27 feet 97041  
along the centerline of Meloy Road to a spike; thence N. 74° 35' 97042  
20" E. 65.00 feet along the centerline of Meloy Road to the true 97043  
place of beginning; thence N. 0° 35' 20" E. 187.25 feet to an iron 97044  
pipe and passing over an iron pipe 31.21 feet from the road 97045  
center; thence N. 74° 35' 20" E. 128.39 feet to an iron pipe; 97046  
thence S. 15° 24' 40" E. 180.00 feet to the centerline of Meloy 97047  
Road and passing over an iron pipe 30 feet from the road center; 97048  
thence S. 74° 35' 20" W. 180.00 feet along the centerline of Meloy 97049  
Road to the true place of beginning, containing 0.637 of an acre 97050  
of land, as surveyed in January, 1970, by David J. Collier, 97051  
Registered Surveyor No. 4819. 97052

Deed Reference: 200125592 97053

Auditor's Parcel Numbers: 45-005-00-00-015-000; 97054  
45-005-00-00-016-000 97055

(B) The foregoing description may be adjusted by the 97056  
Department of Administrative Services to accommodate any 97057  
corrections necessary to facilitate recordation of the deed. 97058

(C) Consideration for the conveyance is to be acceptable to 97059  
the Board of Trustees of Kent State University. The net proceeds 97060  
of any sale of real estate described above shall be paid to Kent 97061  
State University and deposited in university accounts for purposes 97062  
to be determined by the Board of Trustees. 97063

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare the deed to real estate upon notification by the University. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Portage County Recorder.

(E) The grantee shall pay the costs of the conveyance including county recording fees.

(F) This section expires three years after its effective date.

**Section 753.50.** (A) The Governor is authorized to execute a deed or deeds in the name of the state conveying to a grantee or grantees acceptable to the Board of Trustees of Kent State University, all of the state's right, title, and interest in all or part of the following described parcels of real estate:

DESCRIPTION OF 42.95 ACRES.

Situated in the Township of Brimfield, County of Portage, State of Ohio, being part of Lot 14 in said Township and bounded and described as follows:

Beginning at a point at the intersection of the centerlines of T.H. 91 Sherman Road and relocated State Route 43;

Thence along the centerline of relocated State Route 43, deflecting to the left along the arc of a circular curve having a delta of 04deg 41' 30", a radius of 5370.08 feet, a chord of 439.61 feet and a chord bearing of N01 deg 44' 29" W, a distance of 439.73 feet to a 1' "ODOT" iron pin in a monument box found at a point of compound curve in said centerline;

Thence continuing along the centerline of relocated State 97094  
Route 43, deflecting to the left along the arc of a circular curve 97095  
having a delta of 03deg 07' 03", a radius of 1041.74 feet, a chord 97096  
of 56.67 feet and a chord bearing of N05 deg 38' 40" W, a distance 97097  
of 56.68 feet to a point; 97098

Thence N89deg 35' 17"E a distance of 45.31 feet to a 5/8" 97099  
iron rod set in the east R/W line of relocated State Route 43, at 97100  
the northwest corner of land now or formerly owned by C. & P. 97101  
Battaglia (Vol.1049 Pg.23), which marks the true place of 97102  
beginning for the following described parcel of land; 97103

Thence along the east R/W line of relocated State Route 43 97104  
deflecting to the left along the arc of a circular curve having a 97105  
delta of 06deg 41' 18", a radius of 1086.74 feet, a chord of 97106  
126.79 feet and a chord bearing of N10deg 16' 04"W, a distance of 97107  
126.86 feet to a 5/8" iron rod set; 97108

Thence continuing along the east R/W line of relocated State 97109  
Route 43 N04deg 04' 51"W a distance of 72.87 feet to a 5/8" iron 97110  
rod set; 97111

Thence continuing along the east R/W line of relocated State 97112  
Route 43 N30deg 37' 58"W a distance of 55.40 feet to a 5/8" iron 97113  
rod set in the north line of Lot 14; 97114

Thence N89deg 46' 54"E along the north line of Lot 14 a 97115  
distance of 730.33 feet to a 3" iron pipe found at the northwest 97116  
corner of land now or formerly owned by M.E. Davis (O.R.75 97117  
Pg.416); 97118

Thence S00deg 21' 59"E along the west line of said Davis a 97119  
distance of 243.04 feet to a point at the northeast corner of the 97120  
aforementioned Battaglia; 97121

Thence S89deg 35' 17"W along the north line of said Battaglia 97122  
(passing over a 5/8" iron rod set at 20.00 feet) a distance of 97123  
675.88 feet to the true place of beginning, containing 3.9011 97124

acres of land, more or less, as surveyed and described September 97125  
10, 2007 by Rob A. Szuch Registered Professional Surveyor No. 7288 97126

Deed Reference: 200721120 97127

Auditor's Parcel Numbers: 04-014-00-00-019-000 and 97128  
04-014-00-00-019-001 97129

DESCRIPTION OF 39.05 ACRES. 97130

PARCEL I: Situated in the Township of Brimfield, County of 97131  
Portage and State of Ohio: And being a parcel of land in Township 97132  
Lot No. 14, and bounded and described as follows: Beginning at a 97133  
tile in the Northeast corner of Township Lot No. 14, which is the 97134  
Northeast corner of the grantor's property; thence along the East 97135  
line of Lot No. 14, and the grantor's East property line, South 97136  
00° 15' 04" East, 768.03 feet to a marked stone at the grantor's 97137  
Southeast corner; thence along the grantor's South property line 97138  
North 89° 59' 29" West, 636.99 feet to an iron pipe; thence 97139  
through the grantor's property North 00° 31" East, 769.36 feet to 97140  
an iron pipe on the North line of Lot No. 14, and the grantor's 97141  
North line; thence South 89° 52' 15" East, 633.51' to the place of 97142  
beginning and containing 11.21 acres of land. Surveyed by Marvin 97143  
F. Stevens, Reg. Surveyor No. 260. And also that portion of 97144  
vacated T. H. 91-B, Resolution No. 4416 dated 8/26/55 in Volume 97145  
10, Page 50. 97146

PARCEL II: Situated in the Township of Brimfield, County of 97147  
Portage and State of Ohio, and being a parcel of land in Township 97148  
Lot No. 5, and bounded and described as follows: Beginning at a 97149  
tile at the Southeast corner of Lot No. 5; thence along the South 97150  
line of Lot No. 5, North 89° 52' 17" West, 1723.10' to the center 97151  
of S.R.#43; thence along the center of S.R.#43, North 30° 12' 97152  
West, 368.26 feet; thence South 89° 52' East, 485.97 feet to an 97153  
iron pipe; thence North 3° 33' West. 454.06 feet to an iron pipe; 97154  
thence South 89° 52' 17" East, 1447.31 feet to an iron pipe; 97155

thence South 0° 14' 39" East, along the East line of Lot No. 5, 97156  
771.03 feet to the place of beginning, containing 28.163 acres of 97157  
land. Surveyed by Marvin F. Stevens, Reg. Surveyor No. 260. 97158

Deed Reference: 2001123211 97159

Auditor's Parcel Numbers: 04-005-00-00-35-001 and 97160  
04-014-00-00-028-000 97161

(B) The foregoing description may be adjusted by the 97162  
Department of Administrative Services to accommodate any 97163  
corrections necessary to facilitate recordation of the deed. 97164

(C) Consideration for the conveyance is to be acceptable to 97165  
the Board of Trustees of Kent State University. The net proceeds 97166  
of any sale of real estate described above shall be paid to Kent 97167  
State University and deposited in university accounts for purposes 97168  
to be determined by the Board of Trustees. 97169

(D) The Auditor of State, with the assistance of the Attorney 97170  
General, shall prepare the deed to real estate upon notification 97171  
by the University. The deed shall state the consideration and 97172  
shall be executed by the Governor in the name of the state, 97173  
countersigned by the Secretary of State, sealed with the Great 97174  
Seal of the State, presented in the Office of the Auditor of State 97175  
for recording, and delivered to the grantee. The grantee shall 97176  
present the deed for recording in the Office of the Portage County 97177  
Recorder. 97178

(E) The grantee shall pay the costs of the conveyance 97179  
including county recording fees. 97180

(F) This section expires three years after its effective 97181  
date. 97182

**Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 97183

There is hereby established in the Highway Operating Fund 97184  
(Fund 7002), used by the Department of Transportation, a Diesel 97185

Emissions Reduction Grant Program. The Director of Environmental 97186  
Protection shall administer the program and shall solicit, 97187  
evaluate, score, and select projects submitted by public and 97188  
private entities that are eligible for the federal Congestion 97189  
Mitigation and Air Quality (CMAQ) Program. The Director of 97190  
Transportation shall process Federal Highway 97191  
Administration-approved projects as recommended by the Director of 97192  
Environmental Protection. 97193

In addition to the allowable expenditures set forth in 97194  
section 122.861 of the Revised Code, Diesel Emissions Reduction 97195  
Grant Program funds also may be used to fund projects involving 97196  
the purchase or use of hybrid and alternative fuel vehicles that 97197  
are allowed under guidance developed by the Federal Highway 97198  
Administration for the CMAQ Program. 97199

Public entities eligible to receive funds under section 97200  
122.861 of the Revised Code and CMAQ shall be reimbursed from 97201  
moneys in Fund 7002 designated for the Department of 97202  
Transportation's Diesel Emissions Reduction Grant Program. 97203

Private entities eligible to receive funds under section 97204  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 97205  
direction of the local public agency sponsor and upon approval of 97206  
the Department of Transportation, through direct payments. These 97207  
reimbursements shall be made from moneys in Fund 7002 designated 97208  
for the Department of Transportation's Diesel Emissions Reduction 97209  
Grant Program. Total expenditures from Fund 7002 for the Diesel 97210  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 97211  
both fiscal year 2020 and fiscal year 2021. 97212

Any allocations under this section represent CMAQ program 97213  
moneys within the Department of Transportation for use by the 97214  
Diesel Emissions Reduction Grant Program by the Environmental 97215  
Protection Agency. These allocations shall not reduce the amount 97216  
of such moneys designated for metropolitan planning organizations. 97217

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

**Section 757.10.** The amendment or enactment by this act of sections 3742.50, 5747.08, and 5747.26 of the Revised Code applies to taxable years beginning on or after January 1, 2020.

**Section 757.30. BUSINESS INCENTIVE TAX CREDITS**

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2020-2021 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2020-2021 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits
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(All figures in thousands of dollars)

Tax Credit	FY 2020	FY 2021	FY 2020	FY 2021	End of Biennium
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						97244
Job	\$105,000	\$105,000	\$109,000	\$105,000	\$700,000	97245
Creation						
Tax						
Credit*						97246
Job	\$ 0	\$ 0	\$44,818	\$42,985	\$153,161	97247
Retention						
Tax						
Credit						97248
Historic	\$60,000	\$60,000	\$65,000	\$70,000	\$175,000	97249
Preservation						
Tax						
Credit						97250
Motion	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	97251
Picture						
Tax						
Credit						97252
New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	97253
Markets						
Tax						
Credit						97254
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	97255
Tax						
Credit						97256
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	97257
Tax						
Credit						

						97258
Ohio	\$0	\$0	\$0	\$0	\$45,000	97259
Rural						
Business						97260
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	97261
Total						

\*The Job Creation Tax Credit (JCTC) estimate of credits outstanding is not just for tax credit certificates already issued, but also for the estimated potential value of certificates to be issued under the program through 2035 when looking at the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit.

**Section 757.40.** (A) As used in this section:

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code.

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

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2021, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, or 5747.76 of the Revised Code.

The credit shall equal the lesser of twenty-five per cent of 97286  
the dollar amount of the qualified rehabilitation expenditures 97287  
indicated on the certificate or five million dollars. The credit 97288  
shall be claimed for the calendar year specified in the 97289  
certificate and after the credits authorized in divisions (A)(1) 97290  
to (4) of section 5751.98 of the Revised Code, but before the 97291  
credits authorized in divisions (A)(5) to (7) of that section. 97292

If the credit allowed for any calendar year exceeds the tax 97293  
otherwise due under section 5751.02 of the Revised Code, after 97294  
allowing for any other credits preceding the credit in the order 97295  
prescribed by this section, the excess shall be refunded to the 97296  
taxpayer. However, if any amount of the credit is refunded, the 97297  
sum of the amount refunded and the amount applied to reduce the 97298  
tax otherwise due for that year shall not exceed three million 97299  
dollars. The taxpayer may carry forward any balance of the credit 97300  
in excess of the amount claimed for that year for not more than 97301  
five calendar years after the calendar year specified in the 97302  
certificate, and shall deduct any amount claimed in any such year 97303  
from the amount claimed in an ensuing year. 97304

A person that is an excluded person may file a return under 97305  
section 5751.051 of the Revised Code for the purpose of claiming 97306  
the credit authorized in this section. 97307

If the certificate owner is a pass-through entity, the credit 97308  
may not be allocated among the entity's owners in proportions or 97309  
amounts as the owners mutually agree unless either the owners are 97310  
part of the same combined or consolidated elected taxpayer as the 97311  
pass-through entity or the director of development services issued 97312  
the certificate in the name of the pass-through entity's owners in 97313  
the agreed-upon proportions or amounts. If the credit is allocated 97314  
among those owners, an owner may claim the credit authorized in 97315  
this section only if that owner is a corporation or an association 97316  
taxed as a corporation for federal income tax purposes and is not 97317

a corporation that has made an election under Subchapter S of 97318  
Chapter 1 of Subtitle A of the Internal Revenue Code. 97319

The credit authorized in this section may be claimed only on 97320  
the basis of a rehabilitation tax credit certificate with an 97321  
effective date after December 31, 2013, but before June 30, 2021. 97322

A person claiming a credit under this section shall retain 97323  
the rehabilitation tax credit certificate for four years following 97324  
the end of the latest calendar year in which the credit was 97325  
applied, and shall make the certificate available for inspection 97326  
by the tax commissioner upon request. 97327

**Section 757.70.** The amendment by this act of section 5747.10 97328  
of the Revised Code applies to federal adjustments with a final 97329  
determination date of October 1, 2019, or thereafter. 97330

**Section 757.80.** The amendment or enactment by this act of 97331  
portions of section 5743.62 of the Revised Code other than those 97332  
pertaining to the taxation of vapor products and of sections 97333  
5741.01, 5741.04, 5741.05, 5741.07, 5741.071, 5741.11, 5741.13, 97334  
and 5741.17 of the Revised Code applies on and after July 1, 2019. 97335

**Section 757.90.** The amendment by this act of sections 97336  
5709.084 and 5709.17 of the Revised Code applies to tax year 2019 97337  
and every tax year thereafter. 97338

**Section 757.140.** The amendment by this act of sections 97339  
122.175, 5739.01, 5739.011, 5739.02, 5739.03, and 5739.05 of the 97340  
Revised Code applies on and after October 1, 2019. 97341

**Section 757.150.** (A) The amendment by this act of section 97342  
323.151 of the Revised Code applies to section 323.152 of the 97343  
Revised Code for tax year 2020 and every tax year thereafter and 97344  
to section 4503.065 of the Revised Code for tax year 2021 and 97345

every tax year thereafter. 97346

(B) Except as provided in divisions (C) and (D) of this 97347  
section, the amendment or repeal by this act of sections 5747.01, 97348  
5747.02, 5747.022, 5747.025, 5747.031, 5747.05, 5747.054, 97349  
5747.055, 5747.06, 5747.29, 5747.65, and 5748.01 of the Revised 97350  
Code applies to taxable years beginning on or after January 1, 97351  
2019. 97352

(C) The enactment by this act of division (A)(34) of section 97353  
5747.01 of the Revised Code applies to taxable years beginning on 97354  
or after January 1, 2020. 97355

(D) The amendment by this act of existing division (HH) of 97356  
section 5747.01, existing division (A)(4) of section 5747.02, and 97357  
divisions (A) and (B) of section 5747.05 of the Revised Code, and 97358  
the amendments to division (F) of section 5747.02 of the Revised 97359  
Code striking the phrases "on income other than taxable business 97360  
income", ", less taxable business income and", and "taxable 97361  
business income and", apply to taxable years beginning on or after 97362  
January 1, 2020. 97363

**Section 757.160.** The Tax Commissioner shall not make 97364  
adjustments in 2019 or 2020 to the income amounts in divisions 97365  
(A)(2) and (3) of section 5747.02 of the Revised Code, as 97366  
otherwise required by division (A)(4) of that section, as amended 97367  
by this act, or the personal exemption amounts prescribed in 97368  
division (A) of section 5747.025 of the Revised Code. 97369

**Section 757.200.** The amendment by this act of section 5727.75 97370  
of the Revised Code applies to tax years beginning on or after 97371  
January 1, 2019. 97372

**Section 757.210.** The amendment by this act of section 323.131 97373  
of the Revised Code applies on and after January 1, 2021. 97374

**Section 757.220.** The amendment by this act of section 718.01 97375  
of the Revised Code applies to municipal taxable years beginning 97376  
on or after January 1, 2020. 97377

The amendment by this act of section 718.80 of the Revised 97378  
Code applies to municipal taxable years beginning on or after 97379  
January 1, 2019. 97380

The amendment by this act of section 718.81 and division (A) 97381  
of section 718.85 of the Revised Code applies to municipal taxable 97382  
years ending on or before the effective date of the amendment by 97383  
this act of those sections and to ensuing taxable years. 97384

**Section 757.230.** The amendment by this act of section 5747.50 97385  
of the Revised Code applies on and after July 1, 2019. 97386

**Section 757.240.** (A) The repeal by this act of section 97387  
5747.081 of the Revised Code applies to taxable years beginning on 97388  
or after January 1, 2020. The Tax Commissioner shall provide a 97389  
place where taxpayers may designate a payment to the Ohio 97390  
political party fund on individual income tax return forms, as 97391  
required by that section as it existed before its repeal by this 97392  
act, for taxable years beginning before that date. 97393

(B) Notwithstanding the repeal by this act of section 3517.16 97394  
of the Revised Code, the Ohio political party fund shall be held 97395  
open in the state treasury and continue to receive money from 97396  
individuals exercising the checkoff option on a state income tax 97397  
return until such time as the Commissioner determines that all or 97398  
substantially all of the checkoff contributions for taxable years 97399  
beginning before January 1, 2020, have been received by the fund, 97400  
or January 1, 2021, whichever is earlier. At such time, the 97401  
remaining balance of the fund shall be distributed in accordance 97402  
with division (B) of section 3517.16 of the Revised Code, as the 97403  
section existed before its repeal by this act. The auditor of 97404

state shall submit the report described in division (B)(1) of 97405  
section 3517.16 of the Revised Code, as the section existed before 97406  
its repeal by this act, annually until the Ohio political party 97407  
fund is dissolved. After the Ohio political party fund is 97408  
dissolved, all checkoff contributions the fund would have 97409  
otherwise received shall be credited to the General Revenue Fund. 97410

(C) The repeal by this act of section 3517.17 of the Revised 97411  
Code applies on and after the day that the Ohio political party 97412  
fund is dissolved under division (B) of this section and all 97413  
moneys have been distributed by the Commissioner, and by the 97414  
treasurers of the state executive committees of the major 97415  
political parties in the manner required by that section. 97416

(D) The use of any money received by a political party from 97417  
the Ohio political party fund before, or immediately following its 97418  
dissolution is subject to the limitations prescribed by section 97419  
3517.18 of the Revised Code as that section existed before its 97420  
repeal by this act. 97421

(E) The amendment by this act of section 5747.03 of the 97422  
Revised Code applies on and after the day the Ohio political party 97423  
fund is dissolved under division (B) of this section. 97424

**Section 757.250.** (A) The amendment of division (B) of section 97425  
122.85 of the Revised Code, requiring the Director of Development 97426  
Services to rescind certification of any tax credit-eligible 97427  
production that does not begin production within ninety days, 97428  
applies to motion picture and Broadway theatrical productions that 97429  
are certified on or after the effective date of this section. 97430

(B) The amendment by this act of division (C)(5) of section 97431  
122.85 of the Revised Code concerning the times during which tax 97432  
credits are awarded and requiring the Director to rank 97433  
applications based on the economic and workforce development 97434  
impact of the productions applies to fiscal years beginning on or 97435

after the effective date of this section. 97436

(C) The Director of Development Services in consultation with 97437  
the Tax Commissioner shall adopt rules for the administration of 97438  
section 122.85 of the Revised Code, as amended by this act, 97439  
pursuant to division (G)(1) of that section on or before the first 97440  
day of the first fiscal year that begins on or after the effective 97441  
date of this section, or as soon thereafter as otherwise permitted 97442  
by law. 97443

(D) Any person to whom the right to claim a credit has been 97444  
lawfully transferred pursuant to division (H) of section 122.85 of 97445  
the Revised Code before the effective date of that division's 97446  
amendment by this act is a certificate owner for the purpose of 97447  
that section on and after that effective date. 97448

(E) All other amendments by this act of sections 107.036, 97449  
122.85, 5726.98, 5733.98, 5747.98, and 5751.98 of the Revised Code 97450  
apply on and after the effective date of this section. 97451

(F) The Director of Development Services shall rescind 97452  
certification of a motion picture that was certified as a tax 97453  
credit-eligible production under section 122.85 of the Revised 97454  
Code before the effective date of this section if the production 97455  
of that motion picture has not begun on or before the effective 97456  
date of this section or within one year of the date the production 97457  
was certified, whichever is later. 97458

**Section 757.260.** (A) As used in this section, "vapor 97459  
distributor," "vapor products," and "tobacco products" have the 97460  
same meanings as in section 5743.01 of the Revised Code. 97461

(B) Notwithstanding division (B) of section 5743.61 of the 97462  
Revised Code, a vapor distributor that is not in the business of 97463  
distributing tobacco products shall apply for the license 97464  
described in division (A)(1) of that section on or before 97465

September 30, 2019, or on the day preceding the first day the vapor distributor engages in the business of distributing vapor products within this state, whichever is later. The initial vapor products license issued under this section shall be valid until January 31, 2021, or, if it is issued after that date, the last day of January of the ensuing calendar year.

(C) Licenses issued under this section are subject to the same rules, fees, and procedures as licenses issued under section 5743.61 of the Revised Code, and may be suspended by the Tax Commissioner under division (D) of that section.

(D) A vapor distributor holding an active license to distribute tobacco products on October 1, 2019, may distribute vapor products without obtaining a separate license under this section.

**Section 757.270.** The amendment by this act of portions of section 5743.62 of the Revised Code pertaining to the taxation of vapor products and of sections 5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 5743.61, 5743.63, and 5743.66 of the Revised Code applies to invoices dated on and after October 1, 2019.

The amendment by this act of section 5743.64 of the Revised Code applies on and after July 1, 2020.

Notwithstanding the first paragraph of this section, manufacturers and importers of vapor products shall register with the Tax Commissioner under section 5743.66 of the Revised Code, as amended by this act, beginning on July 1, 2020.

**Section 757.281.** Divisions (B)(1) and (C) of section 5703.263 of the Revised Code, as enacted by this act, concerning the inclusion of a tax return preparer's signature and federal tax

identification number on returns and notices and penalties 97496  
relating to a tax return preparer's failure to do so or engagement 97497  
in other prohibited conduct, apply on and after January 1, 2020. 97498

**Section 757.291.** The amendment or enactment by this act of 97499  
sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the 97500  
Revised Code concerning the extension of certain tax increment 97501  
financing property tax exemptions applies to resolutions or 97502  
ordinances adopted under any of those sections for an exemption 97503  
that is in effect for the tax year that includes or begins after 97504  
the effective date of those amendments and enactments. 97505

**Section 757.301.** The amendment by this act of division (C) of 97506  
section 5739.01 of the Revised Code applies retrospectively to all 97507  
cases pending on or transactions occurring before, on, or after 97508  
the effective date of that amendment. The amendment is remedial in 97509  
nature and clarifies the status of vendors under Chapter 5739. of 97510  
the Revised Code and does not change the existing application of 97511  
that chapter. 97512

**Section 757.311.** A resolution adopted by a board of county 97513  
commissioners under section 351.02 of the Revised Code that 97514  
creates a convention facilities authority is subject to referendum 97515  
as prescribed by sections 305.31 to 305.99 of the Revised Code if 97516  
the resolution creating the convention facilities authority is 97517  
adopted between July 1, 2019, and December 31, 2019, and the 97518  
petition initiating the referendum is filed with the county 97519  
auditor within ninety days after the resolution is adopted. If, 97520  
pursuant to those procedures, a referendum is to be held, the 97521  
board's resolution creating the convention facilities authority 97522  
does not take effect until approved by a majority of electors 97523  
voting on the question. If the convention facilities authority 97524  
adopts a resolution levying the tax authorized by division (C)(3) 97525

of section 351.021 of the Revised Code before the election, the 97526  
authority's resolution shall not take effect unless the board's 97527  
resolution is approved at the election. If the board's resolution 97528  
is approved at the election, the authority's resolution shall take 97529  
effect on the first day of the first month that begins at least 97530  
thirty days following the date of the election, unless a later 97531  
date is specified in the authority's resolution. 97532

**Section 757.321.** With respect to the world wide web portal 97533  
required to be established under section 718.841 of the Revised 97534  
Code, the Department of Taxation shall make the portal available 97535  
to municipal corporations for the exchange of information required 97536  
by division (C)(1) of section 718.80 of the Revised Code and 97537  
divisions (B), (C), and (D) of section 718.84 of the Revised Code 97538  
upon the effective date of the enactment by this act of section 97539  
718.841 of the Revised Code, and shall continue to add 97540  
functionality to the portal until such time that the portal is 97541  
capable of handling the exchange of all information necessary to 97542  
be exchanged for the purposes of administering sections 718.80 to 97543  
718.95 of the Revised Code. 97544

**Section 757.331.** The amendment by this act of sections 97545  
5739.021, 5739.023, and 5739.026 of the Revised Code applies on 97546  
and after October 1, 2019. 97547

**Section 806.10. SEVERABILITY** 97548

The items of law contained in this act, and their 97549  
applications, are severable. If any item of law contained in this 97550  
act, or if any application of any item of law contained in this 97551  
act, is held invalid, the invalidity does not affect other items 97552  
of law contained in this act and their applications that can be 97553  
given effect without the invalid item of law or application. 97554

**Section 809.10.** NO EFFECT AFTER END OF BIENNIUM 97555

An item of law, other than an amending, enacting, or 97556  
repealing clause, that composes the whole or part of an uncodified 97557  
section contained in this act has no effect after June 30, 2021, 97558  
unless its context clearly indicates otherwise. 97559

**Section 812.10.** SUBJECT TO REFERENDUM 97560

Except as otherwise provided in this act, the amendment, 97561  
enactment, or repeal by this act of a section is subject to the 97562  
referendum under Ohio Constitution, Article II, section 1c and 97563  
therefore takes effect on the ninety-first day after this act is 97564  
filed with the Secretary of State or, if a later effective date is 97565  
specified below, on that date. 97566

The enactment by this act of sections 3902.50 to 3902.53 of 97567  
the Revised Code takes effect April 1, 2020. 97568

The amendment by this act of section 3904.13 and the 97569  
enactment of section 3901.89 of the Revised Code takes effect July 97570  
1, 2020. 97571

The amendment by this act of sections 5165.21 and 5165.361 of 97572  
the Revised Code takes effect July 1, 2021. 97573

**Section 812.12.** (A) The amendment by this act to division (B) 97574  
of section 5165.15 of the Revised Code takes effect July 1, 2021. 97575

(B) The amendment by this act to section 5165.15 of the 97576  
Revised Code that adds a division (E) to that section takes effect 97577  
on the ninety-first day after this act is filed with the Secretary 97578  
of State. 97579

**Section 812.20.** The amendment, new enactment, or repeal by 97580  
this act of the sections listed below is exempt from the 97581  
referendum under section 1d of Article II, Ohio Constitution, and 97582

therefore takes effect immediately when this act becomes law or, 97583  
if a later effective date is specified below, on that date. 97584

The amendment by this act of sections 321.24, 718.83, 718.85, 97585  
718.90, 3311.78, 3311.79, 3314.351, 3317.141, 3319.283, 3326.13, 97586  
4301.43, 5741.01, 5741.04, 5741.05, 5741.07, 5741.071, 5741.11, 97587  
5741.13, 5741.17, 5745.05, 5747.50, and 5751.02 of the Revised 97588  
Code; the amendment of division (B)(1) of, and the amendment 97589  
adding division (D) to, section 131.44 of the Revised Code; the 97590  
amendment adding a sentence to the end of the second paragraph of 97591  
division (A) of section 5747.06 of the Revised Code; and the 97592  
repeal by this act of section 3319.074 of the Revised Code. 97593

The amendment of sections 5168.60, 5168.61, 5168.63, and 97594  
5168.64 of the Revised Code, the new enactment of section 5168.62 97595  
of the Revised Code, and the repeal of section 5168.62 of the 97596  
Revised Code by this act take effect July 1, 2019. 97597

**Section 812.23.** Sections of this act prefixed with numbers in 97598  
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 97599  
the referendum under Ohio Constitution, Article II, Section 1d, 97600  
and therefore take immediate effect when this act becomes law. 97601

**Section 812.30.** The sections that are listed in the left-hand 97602  
column of the following table combine amendments by this act that 97603  
are and that are not exempt from the referendum under Ohio 97604  
Constitution, Article II, sections 1c and 1d and section 1.471 of 97605  
the Revised Code. 97606

The middle column identifies the amendments to the listed 97607  
sections that are subject to the referendum under Ohio 97608  
Constitution, Article II, section 1c and therefore take effect on 97609  
the ninety-first day after this act is filed with the Secretary of 97610  
State or, if a later effective date is specified, on that date. 97611

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3314.017	All amendments except as described in the right-hand column	The amendments to divisions (C) and (H) take effect immediately when this bill becomes law	97618 97619

**Section 812.40.** The amendment of division (A)(8) of section 4729.80 of the Revised Code and the enactment of section 4729.801 of the Revised Code shall take effect March 1, 2020.

**Section 815.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd General Assembly.

Section 149.43 of the Revised Code as amended by Am. Sub. H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341,

Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229, all of the 132nd General Assembly.	97637 97638
Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.	97639 97640 97641
Section 718.01 of the Revised Code as amended by both Am. Sub. H.B. 49 and Sub. H.B. 133 of the 132nd General Assembly.	97642 97643
Section 1739.05 of the Revised Code as amended by Sub. H.B. 156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General Assembly.	97644 97645 97646
Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	97647 97648 97649
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	97650 97651
Section 3119.30 of the Revised Code as amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly.	97652 97653
Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	97654 97655
Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	97656 97657
Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	97658 97659
Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.	97660 97661
Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	97662 97663
Section 3501.01 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. H.B. 153 of the 131st General Assembly.	97664 97665

Section 3501.05 of the Revised Code as amended by both Am.	97666
Sub. S.B. 109 and Sub. S.B. 205 of the 130th General Assembly.	97667
Section 3501.22 of the Revised Code as amended by both Am.	97668
Sub. S.B. 109 and Sub. S.B. 216 of the 130th General Assembly.	97669
Section 3517.99 of the Revised Code as amended by both Am.	97670
Sub. H.B. 99 and Am. Sub. S.B. 9 of the 121st General Assembly.	97671
Section 4730.14 of the Revised Code as amended by both Sub.	97672
S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	97673
Section 4730.25 of the Revised Code as amended by Am. Sub.	97674
H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am.	97675
Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	97676
Section 4735.09 of the Revised Code as amended by both Sub.	97677
H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	97678
Section 5126.05 of the Revised Code as amended by both Sub.	97679
H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	97680
Section 5162.01 of the Revised Code as amended by both Sub.	97681
H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	97682
Section 5709.40 of the Revised Code as amended by both Am.	97683
Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of	97684
the 132nd General Assembly.	97685
Section 5709.41 of the Revised Code as amended by both Am.	97686
Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	97687
Section 6111.03 of the Revised Code as amended by both Am.	97688
S.B. 2 and Am. Sub. H.B. 49 of the 132nd General Assembly.	97689
Section 221.13 of H.B. 529 of the 132nd General Assembly as	97690
amended by both Sub. H.B. 292 and Am. Sub. S.B. 299 of the 132nd	97691
General Assembly.	97692
<b>Section 815.30.</b> (A)(1) Section 149.45 of the Revised Code is	97693
presented below without amendment to confirm harmonization of the	97694

section, under division (B) of section 1.52 of the Revised Code, 97695  
as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd 97696  
General Assembly: 97697

**Sec. 149.45.** (A) As used in this section: 97698

(1) "Personal information" means any of the following: 97699

(a) An individual's social security number; 97700

(b) An individual's state or federal tax identification 97701  
number; 97702

(c) An individual's driver's license number or state 97703  
identification number; 97704

(d) An individual's checking account number, savings account 97705  
number, credit card number, or debit card number; 97706

(e) An individual's demand deposit account number, money 97707  
market account number, mutual fund account number, or any other 97708  
financial or medical account number. 97709

(2) "Public record," "designated public service worker," and 97710  
"designated public service worker residential and familial 97711  
information" have the meanings defined in section 149.43 of the 97712  
Revised Code. 97713

(3) "Truncate" means to redact all but the last four digits 97714  
of an individual's social security number. 97715

(B)(1) No public office or person responsible for a public 97716  
office's public records shall make available to the general public 97717  
on the internet any document that contains an individual's social 97718  
security number without otherwise redacting, encrypting, or 97719  
truncating the social security number. 97720

(2) A public office or person responsible for a public 97721  
office's public records that, prior to October 17, 2011, made 97722  
available to the general public on the internet any document that 97723

contains an individual's social security number shall redact, 97724  
encrypt, or truncate the social security number from that 97725  
document. 97726

(3) Divisions (B)(1) and (2) of this section do not apply to 97727  
documents that are only accessible through the internet with a 97728  
password. 97729

(C)(1) An individual may request that a public office or a 97730  
person responsible for a public office's public records redact 97731  
personal information of that individual from any record made 97732  
available to the general public on the internet. An individual who 97733  
makes a request for redaction pursuant to this division shall make 97734  
the request in writing on a form developed by the attorney general 97735  
and shall specify the personal information to be redacted and 97736  
provide any information that identifies the location of that 97737  
personal information within a document that contains that personal 97738  
information. 97739

(2) Upon receiving a request for a redaction pursuant to 97740  
division (C)(1) of this section, a public office or a person 97741  
responsible for a public office's public records shall act within 97742  
five business days in accordance with the request to redact the 97743  
personal information of the individual from any record made 97744  
available to the general public on the internet, if practicable. 97745  
If a redaction is not practicable, the public office or person 97746  
responsible for the public office's public records shall verbally 97747  
or in writing within five business days after receiving the 97748  
written request explain to the individual why the redaction is 97749  
impracticable. 97750

(3) The attorney general shall develop a form to be used by 97751  
an individual to request a redaction pursuant to division (C)(1) 97752  
of this section. The form shall include a place to provide any 97753  
information that identifies the location of the personal 97754  
information to be redacted. 97755

(D)(1) A designated public service worker may request that a public office, other than a county auditor, or a person responsible for the public records of a public office, other than a county auditor, redact the designated public service worker's address from any record made available to the general public on the internet that includes designated public service worker residential and familial information of the designated public service worker making the request. A designated public service worker who makes a request for a redaction pursuant to this division shall make the request in writing and on a form developed by the attorney general.

(2) Upon receiving a written request for a redaction pursuant to division (D)(1) of this section, a public office, other than a county auditor, or a person responsible for the public records of a public office, other than a county auditor, shall act within five business days in accordance with the request to redact the address of the designated public service worker making the request from any record made available to the general public on the internet that includes designated public service worker residential and familial information of the designated public service worker making the request, if practicable. If a redaction is not practicable, the public office or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the designated public service worker why the redaction is impracticable.

(3) Except as provided in this section and section 319.28 of the Revised Code, a public office, other than an employer of a designated public service worker, or a person responsible for the public records of the employer, is not required to redact designated public service worker residential and familial information of the designated public service worker from other

records maintained by the public office. 97788

(4) The attorney general shall develop a form to be used by a 97789  
designated public service worker to request a redaction pursuant 97790  
to division (D)(1) of this section. The form shall include a place 97791  
to provide any information that identifies the location of the 97792  
address of the designated public service worker to be redacted. 97793

(E)(1) If a public office or a person responsible for a 97794  
public office's public records becomes aware that an electronic 97795  
record of that public office that is made available to the general 97796  
public on the internet contains an individual's social security 97797  
number that was mistakenly not redacted, encrypted, or truncated 97798  
as required by division (B)(1) or (2) of this section, the public 97799  
office or person responsible for the public office's public 97800  
records shall redact, encrypt, or truncate the individual's social 97801  
security number within a reasonable period of time. 97802

(2) A public office or a person responsible for a public 97803  
office's public records is not liable in damages in a civil action 97804  
for any harm an individual allegedly sustains as a result of the 97805  
inclusion of that individual's personal information on any record 97806  
made available to the general public on the internet or any harm a 97807  
designated public service worker sustains as a result of the 97808  
inclusion of the designated public service worker's address on any 97809  
record made available to the general public on the internet in 97810  
violation of this section, unless the public office or person 97811  
responsible for the public office's public records acted with 97812  
malicious purpose, in bad faith, or in a wanton or reckless manner 97813  
or unless division (A)(6)(a) or (c) of section 2744.03 of the 97814  
Revised Code applies. 97815

(2) The foregoing presentation supersedes section 149.45 of 97816  
the Revised Code as it results, respectively, from H.B. 341, S.B. 97817  
214, and S.B. 229 of the 132nd General Assembly. 97818

(B) Section 149.45 of the Revised Code was amended together	97819
with, and in relation to, section 149.43 of the Revised Code by	97820
H.B. 341 of the 132nd General Assembly. Section 149.43 of the	97821
Revised Code is presented elsewhere in this act.	97822