

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 213

Representative Arndt

Cosponsor: Representative Romanchuk

A BILL

To amend sections 109.572, 149.43, 1347.08, 1
2925.01, 4743.02, 4751.01, 4751.041, 4751.043, 2
4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 3
4751.10, 4751.11, 4751.12, 4751.14, 4751.99, 4
4776.01, 4776.20, and 5903.12; to amend, for the 5
purpose of adopting new section numbers as 6
indicated in parentheses, sections 4751.03 7
(4751.02), 4751.041 (4751.151), 4751.042 8
(4751.021), 4751.043 (4751.381), 4751.044 9
(4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 10
4751.07 (4751.24), 4751.08 (4751.201), 4751.10 11
(4751.32), 4751.11 (4751.33), 4751.12 (4751.35), 12
4751.13 (4751.36), and 4751.14 (4751.03); to 13
enact new sections 4751.04 and 4751.10 and 14
sections 4751.101, 4751.102, 4751.202, 4751.21, 15
4751.22, 4751.23, 4751.25, 4751.30, 4751.31, 16
4751.37, 4751.38, 4751.40, 4751.41, and 4751.45; 17
to repeal sections 4751.02, 4751.04, and 4751.09 18
of the Revised Code; and to amend the version of 19
section 109.572 of the Revised Code that is 20
scheduled to take effect on September 20, 2019, 21
to revise the law governing the Board of 22
Executives of Long-Term Services and Supports. 23

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

Section 1. That sections 109.572, 149.43, 1347.08, 24
2925.01, 4743.02, 4751.01, 4751.041, 4751.043, 4751.044, 25
4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 4751.11, 4751.12, 26
4751.14, 4751.99, 4776.01, 4776.20, and 5903.12 be amended; 27
sections 4751.03 (4751.02), 4751.041 (4751.151), 4751.042 28
(4751.021), 4751.043 (4751.381), 4751.044 (4751.26), 4751.05 29
(4751.15), 4751.06 (4751.20), 4751.07 (4751.24), 4751.08 30
(4751.201), 4751.10 (4751.32), 4751.11 (4751.33), 4751.12 31
(4751.35), 4751.13 (4751.36), and 4751.14 (4751.03) be amended 32
for the purpose of adopting new section numbers as indicated in 33
parentheses; and new sections 4751.04 and 4751.10 and sections 34
4751.101, 4751.102, 4751.202, 4751.21, 4751.22, 4751.23, 35
4751.25, 4751.30, 4751.31, 4751.37, 4751.38, 4751.40, 4751.41, 36
and 4745.45 of the Revised Code be enacted to read as follows: 37

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 38
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 39
Code, a completed form prescribed pursuant to division (C) (1) of 40
this section, and a set of fingerprint impressions obtained in 41
the manner described in division (C) (2) of this section, the 42
superintendent of the bureau of criminal identification and 43
investigation shall conduct a criminal records check in the 44
manner described in division (B) of this section to determine 45
whether any information exists that indicates that the person 46
who is the subject of the request previously has been convicted 47
of or pleaded guilty to any of the following: 48

(a) A violation of section 2903.01, 2903.02, 2903.03, 49
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 50
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 51

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 52
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 53
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 54
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 55
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 56
sexual penetration in violation of former section 2907.12 of the 57
Revised Code, a violation of section 2905.04 of the Revised Code 58
as it existed prior to July 1, 1996, a violation of section 59
2919.23 of the Revised Code that would have been a violation of 60
section 2905.04 of the Revised Code as it existed prior to July 61
1, 1996, had the violation been committed prior to that date, or 62
a violation of section 2925.11 of the Revised Code that is not a 63
minor drug possession offense; 64

(b) A violation of an existing or former law of this 65
state, any other state, or the United States that is 66
substantially equivalent to any of the offenses listed in 67
division (A)(1)(a) of this section; 68

(c) If the request is made pursuant to section 3319.39 of 69
the Revised Code for an applicant who is a teacher, any offense 70
specified in section 3319.31 of the Revised Code. 71

(2) On receipt of a request pursuant to section 3712.09 or 72
3721.121 of the Revised Code, a completed form prescribed 73
pursuant to division (C)(1) of this section, and a set of 74
fingerprint impressions obtained in the manner described in 75
division (C)(2) of this section, the superintendent of the 76
bureau of criminal identification and investigation shall 77
conduct a criminal records check with respect to any person who 78
has applied for employment in a position for which a criminal 79
records check is required by those sections. The superintendent 80
shall conduct the criminal records check in the manner described 81

in division (B) of this section to determine whether any 82
information exists that indicates that the person who is the 83
subject of the request previously has been convicted of or 84
pleaded guilty to any of the following: 85

(a) A violation of section 2903.01, 2903.02, 2903.03, 86
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 87
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 88
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 89
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 90
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 91
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 92
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 93
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 94

(b) An existing or former law of this state, any other 95
state, or the United States that is substantially equivalent to 96
any of the offenses listed in division (A)(2)(a) of this 97
section. 98

(3) On receipt of a request pursuant to section 173.27, 99
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 100
5123.081, or 5123.169 of the Revised Code, a completed form 101
prescribed pursuant to division (C)(1) of this section, and a 102
set of fingerprint impressions obtained in the manner described 103
in division (C)(2) of this section, the superintendent of the 104
bureau of criminal identification and investigation shall 105
conduct a criminal records check of the person for whom the 106
request is made. The superintendent shall conduct the criminal 107
records check in the manner described in division (B) of this 108
section to determine whether any information exists that 109
indicates that the person who is the subject of the request 110
previously has been convicted of, has pleaded guilty to, or 111

(except in the case of a request pursuant to section 5164.34, 112
5164.341, or 5164.342 of the Revised Code) has been found 113
eligible for intervention in lieu of conviction for any of the 114
following, regardless of the date of the conviction, the date of 115
entry of the guilty plea, or (except in the case of a request 116
pursuant to section 5164.34, 5164.341, or 5164.342 of the 117
Revised Code) the date the person was found eligible for 118
intervention in lieu of conviction: 119

(a) A violation of section 959.13, 959.131, 2903.01, 120
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 121
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 122
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 123
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 124
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 125
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 126
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 127
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 128
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 129
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 130
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 131
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 132
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 133
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 134
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 135
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 136
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 137
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 138

(b) Felonious sexual penetration in violation of former 139
section 2907.12 of the Revised Code; 140

(c) A violation of section 2905.04 of the Revised Code as 141

it existed prior to July 1, 1996; 142

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 143
the Revised Code when the underlying offense that is the object 144
of the conspiracy, attempt, or complicity is one of the offenses 145
listed in divisions (A) (3) (a) to (c) of this section; 146

(e) A violation of an existing or former municipal 147
ordinance or law of this state, any other state, or the United 148
States that is substantially equivalent to any of the offenses 149
listed in divisions (A) (3) (a) to (d) of this section. 150

(4) On receipt of a request pursuant to section 2151.86 of 151
the Revised Code, a completed form prescribed pursuant to 152
division (C) (1) of this section, and a set of fingerprint 153
impressions obtained in the manner described in division (C) (2) 154
of this section, the superintendent of the bureau of criminal 155
identification and investigation shall conduct a criminal 156
records check in the manner described in division (B) of this 157
section to determine whether any information exists that 158
indicates that the person who is the subject of the request 159
previously has been convicted of or pleaded guilty to any of the 160
following: 161

(a) A violation of section 959.13, 2903.01, 2903.02, 162
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 163
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 164
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 165
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 166
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 167
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 168
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 169
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 170
2927.12, or 3716.11 of the Revised Code, a violation of section 171

2905.04 of the Revised Code as it existed prior to July 1, 1996, 172
a violation of section 2919.23 of the Revised Code that would 173
have been a violation of section 2905.04 of the Revised Code as 174
it existed prior to July 1, 1996, had the violation been 175
committed prior to that date, a violation of section 2925.11 of 176
the Revised Code that is not a minor drug possession offense, 177
two or more OVI or OVUAC violations committed within the three 178
years immediately preceding the submission of the application or 179
petition that is the basis of the request, or felonious sexual 180
penetration in violation of former section 2907.12 of the 181
Revised Code; 182

(b) A violation of an existing or former law of this 183
state, any other state, or the United States that is 184
substantially equivalent to any of the offenses listed in 185
division (A) (4) (a) of this section. 186

(5) Upon receipt of a request pursuant to section 5104.013 187
of the Revised Code, a completed form prescribed pursuant to 188
division (C) (1) of this section, and a set of fingerprint 189
impressions obtained in the manner described in division (C) (2) 190
of this section, the superintendent of the bureau of criminal 191
identification and investigation shall conduct a criminal 192
records check in the manner described in division (B) of this 193
section to determine whether any information exists that 194
indicates that the person who is the subject of the request has 195
been convicted of or pleaded guilty to any of the following: 196

(a) A violation of section 2151.421, 2903.01, 2903.02, 197
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 198
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 199
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 200
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 201

2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 202
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 203
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 204
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 205
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 206
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 207
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 208
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 209
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 210
3716.11 of the Revised Code, felonious sexual penetration in 211
violation of former section 2907.12 of the Revised Code, a 212
violation of section 2905.04 of the Revised Code as it existed 213
prior to July 1, 1996, a violation of section 2919.23 of the 214
Revised Code that would have been a violation of section 2905.04 215
of the Revised Code as it existed prior to July 1, 1996, had the 216
violation been committed prior to that date, a violation of 217
section 2925.11 of the Revised Code that is not a minor drug 218
possession offense, a violation of section 2923.02 or 2923.03 of 219
the Revised Code that relates to a crime specified in this 220
division, or a second violation of section 4511.19 of the 221
Revised Code within five years of the date of application for 222
licensure or certification. 223

(b) A violation of an existing or former law of this 224
state, any other state, or the United States that is 225
substantially equivalent to any of the offenses or violations 226
described in division (A) (5) (a) of this section. 227

(6) Upon receipt of a request pursuant to section 5153.111 228
of the Revised Code, a completed form prescribed pursuant to 229
division (C) (1) of this section, and a set of fingerprint 230
impressions obtained in the manner described in division (C) (2) 231
of this section, the superintendent of the bureau of criminal 232

identification and investigation shall conduct a criminal 233
records check in the manner described in division (B) of this 234
section to determine whether any information exists that 235
indicates that the person who is the subject of the request 236
previously has been convicted of or pleaded guilty to any of the 237
following: 238

(a) A violation of section 2903.01, 2903.02, 2903.03, 239
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 240
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 241
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 242
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 243
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 244
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 245
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 246
Code, felonious sexual penetration in violation of former 247
section 2907.12 of the Revised Code, a violation of section 248
2905.04 of the Revised Code as it existed prior to July 1, 1996, 249
a violation of section 2919.23 of the Revised Code that would 250
have been a violation of section 2905.04 of the Revised Code as 251
it existed prior to July 1, 1996, had the violation been 252
committed prior to that date, or a violation of section 2925.11 253
of the Revised Code that is not a minor drug possession offense; 254

(b) A violation of an existing or former law of this 255
state, any other state, or the United States that is 256
substantially equivalent to any of the offenses listed in 257
division (A) (6) (a) of this section. 258

(7) On receipt of a request for a criminal records check 259
from an individual pursuant to section 4749.03 or 4749.06 of the 260
Revised Code, accompanied by a completed copy of the form 261
prescribed in division (C) (1) of this section and a set of 262

fingerprint impressions obtained in a manner described in 263
division (C) (2) of this section, the superintendent of the 264
bureau of criminal identification and investigation shall 265
conduct a criminal records check in the manner described in 266
division (B) of this section to determine whether any 267
information exists indicating that the person who is the subject 268
of the request has been convicted of or pleaded guilty to a 269
felony in this state or in any other state. If the individual 270
indicates that a firearm will be carried in the course of 271
business, the superintendent shall require information from the 272
federal bureau of investigation as described in division (B) (2) 273
of this section. Subject to division (F) of this section, the 274
superintendent shall report the findings of the criminal records 275
check and any information the federal bureau of investigation 276
provides to the director of public safety. 277

(8) On receipt of a request pursuant to section 1321.37, 278
1321.53, or 4763.05 of the Revised Code, a completed form 279
prescribed pursuant to division (C) (1) of this section, and a 280
set of fingerprint impressions obtained in the manner described 281
in division (C) (2) of this section, the superintendent of the 282
bureau of criminal identification and investigation shall 283
conduct a criminal records check with respect to any person who 284
has applied for a license, permit, or certification from the 285
department of commerce or a division in the department. The 286
superintendent shall conduct the criminal records check in the 287
manner described in division (B) of this section to determine 288
whether any information exists that indicates that the person 289
who is the subject of the request previously has been convicted 290
of or pleaded guilty to any of the following: a violation of 291
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 292
Revised Code; any other criminal offense involving theft, 293

receiving stolen property, embezzlement, forgery, fraud, passing 294
bad checks, money laundering, or drug trafficking, or any 295
criminal offense involving money or securities, as set forth in 296
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 297
the Revised Code; or any existing or former law of this state, 298
any other state, or the United States that is substantially 299
equivalent to those offenses. 300

(9) On receipt of a request for a criminal records check 301
from the treasurer of state under section 113.041 of the Revised 302
Code or from an individual under section 4701.08, 4715.101, 303
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 304
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 305
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 306
4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 307
4751.202, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 308
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 309
4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the 310
Revised Code, accompanied by a completed form prescribed under 311
division (C) (1) of this section and a set of fingerprint 312
impressions obtained in the manner described in division (C) (2) 313
of this section, the superintendent of the bureau of criminal 314
identification and investigation shall conduct a criminal 315
records check in the manner described in division (B) of this 316
section to determine whether any information exists that 317
indicates that the person who is the subject of the request has 318
been convicted of or pleaded guilty to any criminal offense in 319
this state or any other state. Subject to division (F) of this 320
section, the superintendent shall send the results of a check 321
requested under section 113.041 of the Revised Code to the 322
treasurer of state and shall send the results of a check 323
requested under any of the other listed sections to the 324

licensing board specified by the individual in the request. 325

(10) On receipt of a request pursuant to section 124.74, 326
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 327
completed form prescribed pursuant to division (C)(1) of this 328
section, and a set of fingerprint impressions obtained in the 329
manner described in division (C)(2) of this section, the 330
superintendent of the bureau of criminal identification and 331
investigation shall conduct a criminal records check in the 332
manner described in division (B) of this section to determine 333
whether any information exists that indicates that the person 334
who is the subject of the request previously has been convicted 335
of or pleaded guilty to any criminal offense under any existing 336
or former law of this state, any other state, or the United 337
States. 338

(11) On receipt of a request for a criminal records check 339
from an appointing or licensing authority under section 3772.07 340
of the Revised Code, a completed form prescribed under division 341
(C)(1) of this section, and a set of fingerprint impressions 342
obtained in the manner prescribed in division (C)(2) of this 343
section, the superintendent of the bureau of criminal 344
identification and investigation shall conduct a criminal 345
records check in the manner described in division (B) of this 346
section to determine whether any information exists that 347
indicates that the person who is the subject of the request 348
previously has been convicted of or pleaded guilty or no contest 349
to any offense under any existing or former law of this state, 350
any other state, or the United States that is a disqualifying 351
offense as defined in section 3772.07 of the Revised Code or 352
substantially equivalent to such an offense. 353

(12) On receipt of a request pursuant to section 2151.33 354

or 2151.412 of the Revised Code, a completed form prescribed 355
pursuant to division (C)(1) of this section, and a set of 356
fingerprint impressions obtained in the manner described in 357
division (C)(2) of this section, the superintendent of the 358
bureau of criminal identification and investigation shall 359
conduct a criminal records check with respect to any person for 360
whom a criminal records check is required under that section. 361
The superintendent shall conduct the criminal records check in 362
the manner described in division (B) of this section to 363
determine whether any information exists that indicates that the 364
person who is the subject of the request previously has been 365
convicted of or pleaded guilty to any of the following: 366

(a) A violation of section 2903.01, 2903.02, 2903.03, 367
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 368
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 369
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 370
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 371
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 372
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 373
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 374
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 375

(b) An existing or former law of this state, any other 376
state, or the United States that is substantially equivalent to 377
any of the offenses listed in division (A)(12)(a) of this 378
section. 379

(13) On receipt of a request pursuant to section 3796.12 380
of the Revised Code, a completed form prescribed pursuant to 381
division (C)(1) of this section, and a set of fingerprint 382
impressions obtained in a manner described in division (C)(2) of 383
this section, the superintendent of the bureau of criminal 384

identification and investigation shall conduct a criminal 385
records check in the manner described in division (B) of this 386
section to determine whether any information exists that 387
indicates that the person who is the subject of the request 388
previously has been convicted of or pleaded guilty to the 389
following: 390

(a) A disqualifying offense as specified in rules adopted 391
under division (B) (2) (b) of section 3796.03 of the Revised Code 392
if the person who is the subject of the request is an 393
administrator or other person responsible for the daily 394
operation of, or an owner or prospective owner, officer or 395
prospective officer, or board member or prospective board member 396
of, an entity seeking a license from the department of commerce 397
under Chapter 3796. of the Revised Code; 398

(b) A disqualifying offense as specified in rules adopted 399
under division (B) (2) (b) of section 3796.04 of the Revised Code 400
if the person who is the subject of the request is an 401
administrator or other person responsible for the daily 402
operation of, or an owner or prospective owner, officer or 403
prospective officer, or board member or prospective board member 404
of, an entity seeking a license from the state board of pharmacy 405
under Chapter 3796. of the Revised Code. 406

(14) On receipt of a request required by section 3796.13 407
of the Revised Code, a completed form prescribed pursuant to 408
division (C) (1) of this section, and a set of fingerprint 409
impressions obtained in a manner described in division (C) (2) of 410
this section, the superintendent of the bureau of criminal 411
identification and investigation shall conduct a criminal 412
records check in the manner described in division (B) of this 413
section to determine whether any information exists that 414

indicates that the person who is the subject of the request 415
previously has been convicted of or pleaded guilty to the 416
following: 417

(a) A disqualifying offense as specified in rules adopted 418
under division (B) (8) (a) of section 3796.03 of the Revised Code 419
if the person who is the subject of the request is seeking 420
employment with an entity licensed by the department of commerce 421
under Chapter 3796. of the Revised Code; 422

(b) A disqualifying offense as specified in rules adopted 423
under division (B) (14) (a) of section 3796.04 of the Revised Code 424
if the person who is the subject of the request is seeking 425
employment with an entity licensed by the state board of 426
pharmacy under Chapter 3796. of the Revised Code. 427

(15) On receipt of a request pursuant to section 4768.06 428
of the Revised Code, a completed form prescribed under division 429
(C) (1) of this section, and a set of fingerprint impressions 430
obtained in the manner described in division (C) (2) of this 431
section, the superintendent of the bureau of criminal 432
identification and investigation shall conduct a criminal 433
records check in the manner described in division (B) of this 434
section to determine whether any information exists indicating 435
that the person who is the subject of the request has been 436
convicted of or pleaded guilty to a felony in this state or in 437
any other state. 438

(16) On receipt of a request pursuant to division (B) of 439
section 4764.07 of the Revised Code, a completed form prescribed 440
under division (C) (1) of this section, and a set of fingerprint 441
impressions obtained in the manner described in division (C) (2) 442
of this section, the superintendent of the bureau of criminal 443
identification and investigation shall conduct a criminal 444

records check in the manner described in division (B) of this 445
section to determine whether any information exists indicating 446
that the person who is the subject of the request has been 447
convicted of or pleaded guilty to any crime of moral turpitude, 448
a felony, or an equivalent offense in any other state or the 449
United States. 450

(17) On receipt of a request for a criminal records check 451
under section 147.022 of the Revised Code, a completed form 452
prescribed under division (C)(1) of this section, and a set of 453
fingerprint impressions obtained in the manner prescribed in 454
division (C)(2) of this section, the superintendent of the 455
bureau of criminal identification and investigation shall 456
conduct a criminal records check in the manner described in 457
division (B) of this section to determine whether any 458
information exists that indicates that the person who is the 459
subject of the request previously has been convicted of or 460
pleaded guilty or no contest to any disqualifying offense, as 461
defined in section 147.011 of the Revised Code, or to any 462
offense under any existing or former law of this state, any 463
other state, or the United States that is substantially 464
equivalent to such a disqualifying offense. 465

(B) Subject to division (F) of this section, the 466
superintendent shall conduct any criminal records check to be 467
conducted under this section as follows: 468

(1) The superintendent shall review or cause to be 469
reviewed any relevant information gathered and compiled by the 470
bureau under division (A) of section 109.57 of the Revised Code 471
that relates to the person who is the subject of the criminal 472
records check, including, if the criminal records check was 473
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 474

173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 475
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 476
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 477
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 478
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 479
the Revised Code, any relevant information contained in records 480
that have been sealed under section 2953.32 of the Revised Code; 481

(2) If the request received by the superintendent asks for 482
information from the federal bureau of investigation, the 483
superintendent shall request from the federal bureau of 484
investigation any information it has with respect to the person 485
who is the subject of the criminal records check, including 486
fingerprint-based checks of national crime information databases 487
as described in 42 U.S.C. 671 if the request is made pursuant to 488
section 2151.86 or 5104.013 of the Revised Code or if any other 489
Revised Code section requires fingerprint-based checks of that 490
nature, and shall review or cause to be reviewed any information 491
the superintendent receives from that bureau. If a request under 492
section 3319.39 of the Revised Code asks only for information 493
from the federal bureau of investigation, the superintendent 494
shall not conduct the review prescribed by division (B) (1) of 495
this section. 496

(3) The superintendent or the superintendent's designee 497
may request criminal history records from other states or the 498
federal government pursuant to the national crime prevention and 499
privacy compact set forth in section 109.571 of the Revised 500
Code. 501

(4) The superintendent shall include in the results of the 502
criminal records check a list or description of the offenses 503
listed or described in division (A) (1), (2), (3), (4), (5), (6), 504

(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 505
of this section, whichever division requires the superintendent 506
to conduct the criminal records check. The superintendent shall 507
exclude from the results any information the dissemination of 508
which is prohibited by federal law. 509

(5) The superintendent shall send the results of the 510
criminal records check to the person to whom it is to be sent 511
not later than the following number of days after the date the 512
superintendent receives the request for the criminal records 513
check, the completed form prescribed under division (C) (1) of 514
this section, and the set of fingerprint impressions obtained in 515
the manner described in division (C) (2) of this section: 516

(a) If the superintendent is required by division (A) of 517
this section (other than division (A) (3) of this section) to 518
conduct the criminal records check, thirty; 519

(b) If the superintendent is required by division (A) (3) 520
of this section to conduct the criminal records check, sixty. 521

(C) (1) The superintendent shall prescribe a form to obtain 522
the information necessary to conduct a criminal records check 523
from any person for whom a criminal records check is to be 524
conducted under this section. The form that the superintendent 525
prescribes pursuant to this division may be in a tangible 526
format, in an electronic format, or in both tangible and 527
electronic formats. 528

(2) The superintendent shall prescribe standard impression 529
sheets to obtain the fingerprint impressions of any person for 530
whom a criminal records check is to be conducted under this 531
section. Any person for whom a records check is to be conducted 532
under this section shall obtain the fingerprint impressions at a 533

county sheriff's office, municipal police department, or any 534
other entity with the ability to make fingerprint impressions on 535
the standard impression sheets prescribed by the superintendent. 536
The office, department, or entity may charge the person a 537
reasonable fee for making the impressions. The standard 538
impression sheets the superintendent prescribes pursuant to this 539
division may be in a tangible format, in an electronic format, 540
or in both tangible and electronic formats. 541

(3) Subject to division (D) of this section, the 542
superintendent shall prescribe and charge a reasonable fee for 543
providing a criminal records check under this section. The 544
person requesting the criminal records check shall pay the fee 545
prescribed pursuant to this division. In the case of a request 546
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 547
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 548
fee shall be paid in the manner specified in that section. 549

(4) The superintendent of the bureau of criminal 550
identification and investigation may prescribe methods of 551
forwarding fingerprint impressions and information necessary to 552
conduct a criminal records check, which methods shall include, 553
but not be limited to, an electronic method. 554

(D) The results of a criminal records check conducted 555
under this section, other than a criminal records check 556
specified in division (A)(7) of this section, are valid for the 557
person who is the subject of the criminal records check for a 558
period of one year from the date upon which the superintendent 559
completes the criminal records check. If during that period the 560
superintendent receives another request for a criminal records 561
check to be conducted under this section for that person, the 562
superintendent shall provide the results from the previous 563

criminal records check of the person at a lower fee than the fee 564
prescribed for the initial criminal records check. 565

(E) When the superintendent receives a request for 566
information from a registered private provider, the 567
superintendent shall proceed as if the request was received from 568
a school district board of education under section 3319.39 of 569
the Revised Code. The superintendent shall apply division (A) (1) 570
(c) of this section to any such request for an applicant who is 571
a teacher. 572

(F) (1) Subject to division (F) (2) of this section, all 573
information regarding the results of a criminal records check 574
conducted under this section that the superintendent reports or 575
sends under division (A) (7) or (9) of this section to the 576
director of public safety, the treasurer of state, or the 577
person, board, or entity that made the request for the criminal 578
records check shall relate to the conviction of the subject 579
person, or the subject person's plea of guilty to, a criminal 580
offense. 581

(2) Division (F) (1) of this section does not limit, 582
restrict, or preclude the superintendent's release of 583
information that relates to the arrest of a person who is 584
eighteen years of age or older, to an adjudication of a child as 585
a delinquent child, or to a criminal conviction of a person 586
under eighteen years of age in circumstances in which a release 587
of that nature is authorized under division (E) (2), (3), or (4) 588
of section 109.57 of the Revised Code pursuant to a rule adopted 589
under division (E) (1) of that section. 590

(G) As used in this section: 591

(1) "Criminal records check" means any criminal records 592

check conducted by the superintendent of the bureau of criminal 593
identification and investigation in accordance with division (B) 594
of this section. 595

(2) "Minor drug possession offense" has the same meaning 596
as in section 2925.01 of the Revised Code. 597

(3) "OVI or OVUAC violation" means a violation of section 598
4511.19 of the Revised Code or a violation of an existing or 599
former law of this state, any other state, or the United States 600
that is substantially equivalent to section 4511.19 of the 601
Revised Code. 602

(4) "Registered private provider" means a nonpublic school 603
or entity registered with the superintendent of public 604
instruction under section 3310.41 of the Revised Code to 605
participate in the autism scholarship program or section 3310.58 606
of the Revised Code to participate in the Jon Peterson special 607
needs scholarship program. 608

Sec. 149.43. (A) As used in this section: 609

(1) "Public record" means records kept by any public 610
office, including, but not limited to, state, county, city, 611
village, township, and school district units, and records 612
pertaining to the delivery of educational services by an 613
alternative school in this state kept by the nonprofit or for- 614
profit entity operating the alternative school pursuant to 615
section 3313.533 of the Revised Code. "Public record" does not 616
mean any of the following: 617

(a) Medical records; 618

(b) Records pertaining to probation and parole 619
proceedings, to proceedings related to the imposition of 620
community control sanctions and post-release control sanctions, 621

or to proceedings related to determinations under section	622
2967.271 of the Revised Code regarding the release or maintained	623
incarceration of an offender to whom that section applies;	624
(c) Records pertaining to actions under section 2151.85	625
and division (C) of section 2919.121 of the Revised Code and to	626
appeals of actions arising under those sections;	627
(d) Records pertaining to adoption proceedings, including	628
the contents of an adoption file maintained by the department of	629
health under sections 3705.12 to 3705.124 of the Revised Code;	630
(e) Information in a record contained in the putative	631
father registry established by section 3107.062 of the Revised	632
Code, regardless of whether the information is held by the	633
department of job and family services or, pursuant to section	634
3111.69 of the Revised Code, the office of child support in the	635
department or a child support enforcement agency;	636
(f) Records specified in division (A) of section 3107.52	637
of the Revised Code;	638
(g) Trial preparation records;	639
(h) Confidential law enforcement investigatory records;	640
(i) Records containing information that is confidential	641
under section 2710.03 or 4112.05 of the Revised Code;	642
(j) DNA records stored in the DNA database pursuant to	643
section 109.573 of the Revised Code;	644
(k) Inmate records released by the department of	645
rehabilitation and correction to the department of youth	646
services or a court of record pursuant to division (E) of	647
section 5120.21 of the Revised Code;	648

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	649 650 651 652
(m) Intellectual property records;	653
(n) Donor profile records;	654
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	655 656
(p) Designated public service worker residential and familial information;	657 658
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	659 660 661 662 663
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	664 665
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	666 667 668 669 670 671 672 673 674 675 676 677

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section ~~4751.04~~4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section 187.04 707
of the Revised Code that are not designated to be made available 708
to the public as provided in that division; 709

(cc) Information and records that are made confidential, 710
privileged, and not subject to disclosure under divisions (B) 711
and (C) of section 2949.221 of the Revised Code; 712

(dd) Personal information, as defined in section 149.45 of 713
the Revised Code; 714

(ee) The confidential name, address, and other personally 715
identifiable information of a program participant in the address 716
confidentiality program established under sections 111.41 to 717
111.47 of the Revised Code, including the contents of any 718
application for absent voter's ballots, absent voter's ballot 719
identification envelope statement of voter, or provisional 720
ballot affirmation completed by a program participant who has a 721
confidential voter registration record, and records or portions 722
of records pertaining to that program that identify the number 723
of program participants that reside within a precinct, ward, 724
township, municipal corporation, county, or any other geographic 725
area smaller than the state. As used in this division, 726
"confidential address" and "program participant" have the 727
meaning defined in section 111.41 of the Revised Code. 728

(ff) Orders for active military service of an individual 729
serving or with previous service in the armed forces of the 730
United States, including a reserve component, or the Ohio 731
organized militia, except that, such order becomes a public 732
record on the day that is fifteen years after the published date 733
or effective date of the call to order; 734

(gg) The name, address, contact information, or other 735

personal information of an individual who is less than eighteen 736
years of age that is included in any record related to a traffic 737
accident involving a school vehicle in which the individual was 738
an occupant at the time of the accident; 739

(hh) Protected health information, as defined in 45 C.F.R. 740
160.103, that is in a claim for payment for a health care 741
product, service, or procedure, as well as any other health 742
claims data in another document that reveals the identity of an 743
individual who is the subject of the data or could be used to 744
reveal that individual's identity; 745

(ii) Any depiction by photograph, film, videotape, or 746
printed or digital image under either of the following 747
circumstances: 748

(i) The depiction is that of a victim of an offense the 749
release of which would be, to a reasonable person of ordinary 750
sensibilities, an offensive and objectionable intrusion into the 751
victim's expectation of bodily privacy and integrity. 752

(ii) The depiction captures or depicts the victim of a 753
sexually oriented offense, as defined in section 2950.01 of the 754
Revised Code, at the actual occurrence of that offense. 755

(jj) Restricted portions of a body-worn camera or 756
dashboard camera recording. 757

A record that is not a public record under division (A) (1) 758
of this section and that, under law, is permanently retained 759
becomes a public record on the day that is seventy-five years 760
after the day on which the record was created, except for any 761
record protected by the attorney-client privilege, a trial 762
preparation record as defined in this section, a statement 763
prohibiting the release of identifying information signed under 764

section 3107.083 of the Revised Code, a denial of release form 765
filed pursuant to section 3107.46 of the Revised Code, or any 766
record that is exempt from release or disclosure under section 767
149.433 of the Revised Code. If the record is a birth 768
certificate and a biological parent's name redaction request 769
form has been accepted under section 3107.391 of the Revised 770
Code, the name of that parent shall be redacted from the birth 771
certificate before it is released under this paragraph. If any 772
other section of the Revised Code establishes a time period for 773
disclosure of a record that conflicts with the time period 774
specified in this section, the time period in the other section 775
prevails. 776

(2) "Confidential law enforcement investigatory record" 777
means any record that pertains to a law enforcement matter of a 778
criminal, quasi-criminal, civil, or administrative nature, but 779
only to the extent that the release of the record would create a 780
high probability of disclosure of any of the following: 781

(a) The identity of a suspect who has not been charged 782
with the offense to which the record pertains, or of an 783
information source or witness to whom confidentiality has been 784
reasonably promised; 785

(b) Information provided by an information source or 786
witness to whom confidentiality has been reasonably promised, 787
which information would reasonably tend to disclose the source's 788
or witness's identity; 789

(c) Specific confidential investigatory techniques or 790
procedures or specific investigatory work product; 791

(d) Information that would endanger the life or physical 792
safety of law enforcement personnel, a crime victim, a witness, 793

or a confidential information source. 794

(3) "Medical record" means any document or combination of 795
documents, except births, deaths, and the fact of admission to 796
or discharge from a hospital, that pertains to the medical 797
history, diagnosis, prognosis, or medical condition of a patient 798
and that is generated and maintained in the process of medical 799
treatment. 800

(4) "Trial preparation record" means any record that 801
contains information that is specifically compiled in reasonable 802
anticipation of, or in defense of, a civil or criminal action or 803
proceeding, including the independent thought processes and 804
personal trial preparation of an attorney. 805

(5) "Intellectual property record" means a record, other 806
than a financial or administrative record, that is produced or 807
collected by or for faculty or staff of a state institution of 808
higher learning in the conduct of or as a result of study or 809
research on an educational, commercial, scientific, artistic, 810
technical, or scholarly issue, regardless of whether the study 811
or research was sponsored by the institution alone or in 812
conjunction with a governmental body or private concern, and 813
that has not been publicly released, published, or patented. 814

(6) "Donor profile record" means all records about donors 815
or potential donors to a public institution of higher education 816
except the names and reported addresses of the actual donors and 817
the date, amount, and conditions of the actual donation. 818

(7) "Designated public service worker" means a peace 819
officer, parole officer, probation officer, bailiff, prosecuting 820
attorney, assistant prosecuting attorney, correctional employee, 821
county or multicounty corrections officer, community-based 822

correctional facility employee, youth services employee, 823
firefighter, EMT, medical director or member of a cooperating 824
physician advisory board of an emergency medical service 825
organization, state board of pharmacy employee, investigator of 826
the bureau of criminal identification and investigation, judge, 827
magistrate, or federal law enforcement officer. 828

(8) "Designated public service worker residential and 829
familial information" means any information that discloses any 830
of the following about a designated public service worker: 831

(a) The address of the actual personal residence of a 832
designated public service worker, except for the following 833
information: 834

(i) The address of the actual personal residence of a 835
prosecuting attorney or judge; and 836

(ii) The state or political subdivision in which a 837
designated public service worker resides. 838

(b) Information compiled from referral to or participation 839
in an employee assistance program; 840

(c) The social security number, the residential telephone 841
number, any bank account, debit card, charge card, or credit 842
card number, or the emergency telephone number of, or any 843
medical information pertaining to, a designated public service 844
worker; 845

(d) The name of any beneficiary of employment benefits, 846
including, but not limited to, life insurance benefits, provided 847
to a designated public service worker by the designated public 848
service worker's employer; 849

(e) The identity and amount of any charitable or 850

employment benefit deduction made by the designated public 851
service worker's employer from the designated public service 852
worker's compensation, unless the amount of the deduction is 853
required by state or federal law; 854

(f) The name, the residential address, the name of the 855
employer, the address of the employer, the social security 856
number, the residential telephone number, any bank account, 857
debit card, charge card, or credit card number, or the emergency 858
telephone number of the spouse, a former spouse, or any child of 859
a designated public service worker; 860

(g) A photograph of a peace officer who holds a position 861
or has an assignment that may include undercover or plain 862
clothes positions or assignments as determined by the peace 863
officer's appointing authority. 864

(9) As used in divisions (A) (7) and (15) to (17) of this 865
section: 866

"Peace officer" has the meaning defined in section 109.71 867
of the Revised Code and also includes the superintendent and 868
troopers of the state highway patrol; it does not include the 869
sheriff of a county or a supervisory employee who, in the 870
absence of the sheriff, is authorized to stand in for, exercise 871
the authority of, and perform the duties of the sheriff. 872

"Correctional employee" means any employee of the 873
department of rehabilitation and correction who in the course of 874
performing the employee's job duties has or has had contact with 875
inmates and persons under supervision. 876

"County or multicounty corrections officer" means any 877
corrections officer employed by any county or multicounty 878
correctional facility. 879

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	909 910
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	911 912 913 914 915 916
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	917 918
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	919 920
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	921 922 923 924
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	925 926
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	927 928 929 930
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	931 932 933 934
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of	935 936

a body-worn camera or dashboard camera recording that shows, 937
communicates, or discloses any of the following: 938

(a) The image or identity of a child or information that 939
could lead to the identification of a child who is a primary 940
subject of the recording when the law enforcement agency knows 941
or has reason to know the person is a child based on the law 942
enforcement agency's records or the content of the recording; 943

(b) The death of a person or a deceased person's body, 944
unless the death was caused by a peace officer or, subject to 945
division (H)(1) of this section, the consent of the decedent's 946
executor or administrator has been obtained; 947

(c) The death of a peace officer, firefighter, paramedic, 948
or other first responder, occurring while the decedent was 949
engaged in the performance of official duties, unless, subject 950
to division (H)(1) of this section, the consent of the 951
decedent's executor or administrator has been obtained; 952

(d) Grievous bodily harm, unless the injury was effected 953
by a peace officer or, subject to division (H)(1) of this 954
section, the consent of the injured person or the injured 955
person's guardian has been obtained; 956

(e) An act of severe violence against a person that 957
results in serious physical harm to the person, unless the act 958
and injury was effected by a peace officer or, subject to 959
division (H)(1) of this section, the consent of the injured 960
person or the injured person's guardian has been obtained; 961

(f) Grievous bodily harm to a peace officer, firefighter, 962
paramedic, or other first responder, occurring while the injured 963
person was engaged in the performance of official duties, 964
unless, subject to division (H)(1) of this section, the consent 965

of the injured person or the injured person's guardian has been obtained;	966 967
(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	968 969 970 971 972 973
(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;	974 975
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;	976 977 978 979 980
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	981 982
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;	983 984 985 986 987 988 989
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	990 991
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	992 993 994

(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	995 996 997
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	998 999
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	1000 1001 1002
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	1003 1004 1005
As used in division (A) (17) of this section:	1006
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	1007 1008
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	1009 1010
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	1011 1012
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	1013 1014
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	1015 1016 1017 1018
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	1019 1020
"Firefighter," "paramedic," and "first responder" have the	1021

same meanings as in section 4765.01 of the Revised Code. 1022

(B) (1) Upon request and subject to division (B) (8) of this 1023
section, all public records responsive to the request shall be 1024
promptly prepared and made available for inspection to any 1025
person at all reasonable times during regular business hours. 1026
Subject to division (B) (8) of this section, upon request by any 1027
person, a public office or person responsible for public records 1028
shall make copies of the requested public record available to 1029
the requester at cost and within a reasonable period of time. If 1030
a public record contains information that is exempt from the 1031
duty to permit public inspection or to copy the public record, 1032
the public office or the person responsible for the public 1033
record shall make available all of the information within the 1034
public record that is not exempt. When making that public record 1035
available for public inspection or copying that public record, 1036
the public office or the person responsible for the public 1037
record shall notify the requester of any redaction or make the 1038
redaction plainly visible. A redaction shall be deemed a denial 1039
of a request to inspect or copy the redacted information, except 1040
if federal or state law authorizes or requires a public office 1041
to make the redaction. 1042

(2) To facilitate broader access to public records, a 1043
public office or the person responsible for public records shall 1044
organize and maintain public records in a manner that they can 1045
be made available for inspection or copying in accordance with 1046
division (B) of this section. A public office also shall have 1047
available a copy of its current records retention schedule at a 1048
location readily available to the public. If a requester makes 1049
an ambiguous or overly broad request or has difficulty in making 1050
a request for copies or inspection of public records under this 1051
section such that the public office or the person responsible 1052

for the requested public record cannot reasonably identify what 1053
public records are being requested, the public office or the 1054
person responsible for the requested public record may deny the 1055
request but shall provide the requester with an opportunity to 1056
revise the request by informing the requester of the manner in 1057
which records are maintained by the public office and accessed 1058
in the ordinary course of the public office's or person's 1059
duties. 1060

(3) If a request is ultimately denied, in part or in 1061
whole, the public office or the person responsible for the 1062
requested public record shall provide the requester with an 1063
explanation, including legal authority, setting forth why the 1064
request was denied. If the initial request was provided in 1065
writing, the explanation also shall be provided to the requester 1066
in writing. The explanation shall not preclude the public office 1067
or the person responsible for the requested public record from 1068
relying upon additional reasons or legal authority in defending 1069
an action commenced under division (C) of this section. 1070

(4) Unless specifically required or authorized by state or 1071
federal law or in accordance with division (B) of this section, 1072
no public office or person responsible for public records may 1073
limit or condition the availability of public records by 1074
requiring disclosure of the requester's identity or the intended 1075
use of the requested public record. Any requirement that the 1076
requester disclose the requester's identity or the intended use 1077
of the requested public record constitutes a denial of the 1078
request. 1079

(5) A public office or person responsible for public 1080
records may ask a requester to make the request in writing, may 1081
ask for the requester's identity, and may inquire about the 1082

intended use of the information requested, but may do so only 1083
after disclosing to the requester that a written request is not 1084
mandatory, that the requester may decline to reveal the 1085
requester's identity or the intended use, and when a written 1086
request or disclosure of the identity or intended use would 1087
benefit the requester by enhancing the ability of the public 1088
office or person responsible for public records to identify, 1089
locate, or deliver the public records sought by the requester. 1090

(6) If any person requests a copy of a public record in 1091
accordance with division (B) of this section, the public office 1092
or person responsible for the public record may require that 1093
person to pay in advance the cost involved in providing the copy 1094
of the public record in accordance with the choice made by the 1095
person requesting the copy under this division. The public 1096
office or the person responsible for the public record shall 1097
permit that person to choose to have the public record 1098
duplicated upon paper, upon the same medium upon which the 1099
public office or person responsible for the public record keeps 1100
it, or upon any other medium upon which the public office or 1101
person responsible for the public record determines that it 1102
reasonably can be duplicated as an integral part of the normal 1103
operations of the public office or person responsible for the 1104
public record. When the person requesting the copy makes a 1105
choice under this division, the public office or person 1106
responsible for the public record shall provide a copy of it in 1107
accordance with the choice made by that person. Nothing in this 1108
section requires a public office or person responsible for the 1109
public record to allow the person requesting a copy of the 1110
public record to make the copies of the public record. 1111

(7) (a) Upon a request made in accordance with division (B) 1112
of this section and subject to division (B) (6) of this section, 1113

a public office or person responsible for public records shall 1114
transmit a copy of a public record to any person by United 1115
States mail or by any other means of delivery or transmission 1116
within a reasonable period of time after receiving the request 1117
for the copy. The public office or person responsible for the 1118
public record may require the person making the request to pay 1119
in advance the cost of postage if the copy is transmitted by 1120
United States mail or the cost of delivery if the copy is 1121
transmitted other than by United States mail, and to pay in 1122
advance the costs incurred for other supplies used in the 1123
mailing, delivery, or transmission. 1124

(b) Any public office may adopt a policy and procedures 1125
that it will follow in transmitting, within a reasonable period 1126
of time after receiving a request, copies of public records by 1127
United States mail or by any other means of delivery or 1128
transmission pursuant to division (B) (7) of this section. A 1129
public office that adopts a policy and procedures under division 1130
(B) (7) of this section shall comply with them in performing its 1131
duties under that division. 1132

(c) In any policy and procedures adopted under division 1133
(B) (7) of this section: 1134

(i) A public office may limit the number of records 1135
requested by a person that the office will physically deliver by 1136
United States mail or by another delivery service to ten per 1137
month, unless the person certifies to the office in writing that 1138
the person does not intend to use or forward the requested 1139
records, or the information contained in them, for commercial 1140
purposes; 1141

(ii) A public office that chooses to provide some or all 1142
of its public records on a web site that is fully accessible to 1143

and searchable by members of the public at all times, other than 1144
during acts of God outside the public office's control or 1145
maintenance, and that charges no fee to search, access, 1146
download, or otherwise receive records provided on the web site, 1147
may limit to ten per month the number of records requested by a 1148
person that the office will deliver in a digital format, unless 1149
the requested records are not provided on the web site and 1150
unless the person certifies to the office in writing that the 1151
person does not intend to use or forward the requested records, 1152
or the information contained in them, for commercial purposes. 1153

(iii) For purposes of division (B)(7) of this section, 1154
"commercial" shall be narrowly construed and does not include 1155
reporting or gathering news, reporting or gathering information 1156
to assist citizen oversight or understanding of the operation or 1157
activities of government, or nonprofit educational research. 1158

(8) A public office or person responsible for public 1159
records is not required to permit a person who is incarcerated 1160
pursuant to a criminal conviction or a juvenile adjudication to 1161
inspect or to obtain a copy of any public record concerning a 1162
criminal investigation or prosecution or concerning what would 1163
be a criminal investigation or prosecution if the subject of the 1164
investigation or prosecution were an adult, unless the request 1165
to inspect or to obtain a copy of the record is for the purpose 1166
of acquiring information that is subject to release as a public 1167
record under this section and the judge who imposed the sentence 1168
or made the adjudication with respect to the person, or the 1169
judge's successor in office, finds that the information sought 1170
in the public record is necessary to support what appears to be 1171
a justiciable claim of the person. 1172

(9) (a) Upon written request made and signed by a 1173

journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, 1204
or victim's representative, as that term is used in section 1205
2930.02 of the Revised Code, a public office or person 1206
responsible for public records shall transmit a copy of a 1207
depiction of the victim as described in division (A) (1) (gg) of 1208
this section to the victim, victim's attorney, or victim's 1209
representative. 1210

(C) (1) If a person allegedly is aggrieved by the failure 1211
of a public office or the person responsible for public records 1212
to promptly prepare a public record and to make it available to 1213
the person for inspection in accordance with division (B) of 1214
this section or by any other failure of a public office or the 1215
person responsible for public records to comply with an 1216
obligation in accordance with division (B) of this section, the 1217
person allegedly aggrieved may do only one of the following, and 1218
not both: 1219

(a) File a complaint with the clerk of the court of claims 1220
or the clerk of the court of common pleas under section 2743.75 1221
of the Revised Code; 1222

(b) Commence a mandamus action to obtain a judgment that 1223
orders the public office or the person responsible for the 1224
public record to comply with division (B) of this section, that 1225
awards court costs and reasonable attorney's fees to the person 1226
that instituted the mandamus action, and, if applicable, that 1227
includes an order fixing statutory damages under division (C) (2) 1228
of this section. The mandamus action may be commenced in the 1229
court of common pleas of the county in which division (B) of 1230
this section allegedly was not complied with, in the supreme 1231
court pursuant to its original jurisdiction under Section 2 of 1232
Article IV, Ohio Constitution, or in the court of appeals for 1233

the appellate district in which division (B) of this section 1234
allegedly was not complied with pursuant to its original 1235
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1236

(2) If a requester transmits a written request by hand 1237
delivery, electronic submission, or certified mail to inspect or 1238
receive copies of any public record in a manner that fairly 1239
describes the public record or class of public records to the 1240
public office or person responsible for the requested public 1241
records, except as otherwise provided in this section, the 1242
requester shall be entitled to recover the amount of statutory 1243
damages set forth in this division if a court determines that 1244
the public office or the person responsible for public records 1245
failed to comply with an obligation in accordance with division 1246
(B) of this section. 1247

The amount of statutory damages shall be fixed at one 1248
hundred dollars for each business day during which the public 1249
office or person responsible for the requested public records 1250
failed to comply with an obligation in accordance with division 1251
(B) of this section, beginning with the day on which the 1252
requester files a mandamus action to recover statutory damages, 1253
up to a maximum of one thousand dollars. The award of statutory 1254
damages shall not be construed as a penalty, but as compensation 1255
for injury arising from lost use of the requested information. 1256
The existence of this injury shall be conclusively presumed. The 1257
award of statutory damages shall be in addition to all other 1258
remedies authorized by this section. 1259

The court may reduce an award of statutory damages or not 1260
award statutory damages if the court determines both of the 1261
following: 1262

(a) That, based on the ordinary application of statutory 1263

law and case law as it existed at the time of the conduct or 1264
threatened conduct of the public office or person responsible 1265
for the requested public records that allegedly constitutes a 1266
failure to comply with an obligation in accordance with division 1267
(B) of this section and that was the basis of the mandamus 1268
action, a well-informed public office or person responsible for 1269
the requested public records reasonably would believe that the 1270
conduct or threatened conduct of the public office or person 1271
responsible for the requested public records did not constitute 1272
a failure to comply with an obligation in accordance with 1273
division (B) of this section; 1274

(b) That a well-informed public office or person 1275
responsible for the requested public records reasonably would 1276
believe that the conduct or threatened conduct of the public 1277
office or person responsible for the requested public records 1278
would serve the public policy that underlies the authority that 1279
is asserted as permitting that conduct or threatened conduct. 1280

(3) In a mandamus action filed under division (C) (1) of 1281
this section, the following apply: 1282

(a) (i) If the court orders the public office or the person 1283
responsible for the public record to comply with division (B) of 1284
this section, the court shall determine and award to the relator 1285
all court costs, which shall be construed as remedial and not 1286
punitive. 1287

(ii) If the court makes a determination described in 1288
division (C) (3) (b) (iii) of this section, the court shall 1289
determine and award to the relator all court costs, which shall 1290
be construed as remedial and not punitive. 1291

(b) If the court renders a judgment that orders the public 1292

office or the person responsible for the public record to comply 1293
with division (B) of this section or if the court determines any 1294
of the following, the court may award reasonable attorney's fees 1295
to the relator, subject to division (C) (4) of this section: 1296

(i) The public office or the person responsible for the 1297
public records failed to respond affirmatively or negatively to 1298
the public records request in accordance with the time allowed 1299
under division (B) of this section. 1300

(ii) The public office or the person responsible for the 1301
public records promised to permit the relator to inspect or 1302
receive copies of the public records requested within a 1303
specified period of time but failed to fulfill that promise 1304
within that specified period of time. 1305

(iii) The public office or the person responsible for the 1306
public records acted in bad faith when the office or person 1307
voluntarily made the public records available to the relator for 1308
the first time after the relator commenced the mandamus action, 1309
but before the court issued any order concluding whether or not 1310
the public office or person was required to comply with division 1311
(B) of this section. No discovery may be conducted on the issue 1312
of the alleged bad faith of the public office or person 1313
responsible for the public records. This division shall not be 1314
construed as creating a presumption that the public office or 1315
the person responsible for the public records acted in bad faith 1316
when the office or person voluntarily made the public records 1317
available to the relator for the first time after the relator 1318
commenced the mandamus action, but before the court issued any 1319
order described in this division. 1320

(c) The court shall not award attorney's fees to the 1321
relator if the court determines both of the following: 1322

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (3) (b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 1352

(d) The court may reduce the amount of fees awarded if the 1353
court determines that, given the factual circumstances involved 1354
with the specific public records request, an alternative means 1355
should have been pursued to more effectively and efficiently 1356
resolve the dispute that was subject to the mandamus action 1357
filed under division (C) (1) of this section. 1358

(5) If the court does not issue a writ of mandamus under 1359
division (C) of this section and the court determines at that 1360
time that the bringing of the mandamus action was frivolous 1361
conduct as defined in division (A) of section 2323.51 of the 1362
Revised Code, the court may award to the public office all court 1363
costs, expenses, and reasonable attorney's fees, as determined 1364
by the court. 1365

(D) Chapter 1347. of the Revised Code does not limit the 1366
provisions of this section. 1367

(E) (1) To ensure that all employees of public offices are 1368
appropriately educated about a public office's obligations under 1369
division (B) of this section, all elected officials or their 1370
appropriate designees shall attend training approved by the 1371
attorney general as provided in section 109.43 of the Revised 1372
Code. A future official may satisfy the requirements of this 1373
division by attending the training before taking office, 1374
provided that the future official may not send a designee in the 1375
future official's place. 1376

(2) All public offices shall adopt a public records policy 1377
in compliance with this section for responding to public records 1378
requests. In adopting a public records policy under this 1379
division, a public office may obtain guidance from the model 1380

public records policy developed and provided to the public 1381
office by the attorney general under section 109.43 of the 1382
Revised Code. Except as otherwise provided in this section, the 1383
policy may not limit the number of public records that the 1384
public office will make available to a single person, may not 1385
limit the number of public records that it will make available 1386
during a fixed period of time, and may not establish a fixed 1387
period of time before it will respond to a request for 1388
inspection or copying of public records, unless that period is 1389
less than eight hours. 1390

The public office shall distribute the public records 1391
policy adopted by the public office under this division to the 1392
employee of the public office who is the records custodian or 1393
records manager or otherwise has custody of the records of that 1394
office. The public office shall require that employee to 1395
acknowledge receipt of the copy of the public records policy. 1396
The public office shall create a poster that describes its 1397
public records policy and shall post the poster in a conspicuous 1398
place in the public office and in all locations where the public 1399
office has branch offices. The public office may post its public 1400
records policy on the internet web site of the public office if 1401
the public office maintains an internet web site. A public 1402
office that has established a manual or handbook of its general 1403
policies and procedures for all employees of the public office 1404
shall include the public records policy of the public office in 1405
the manual or handbook. 1406

(F) (1) The bureau of motor vehicles may adopt rules 1407
pursuant to Chapter 119. of the Revised Code to reasonably limit 1408
the number of bulk commercial special extraction requests made 1409
by a person for the same records or for updated records during a 1410
calendar year. The rules may include provisions for charges to 1411

be made for bulk commercial special extraction requests for the 1412
actual cost of the bureau, plus special extraction costs, plus 1413
ten per cent. The bureau may charge for expenses for redacting 1414
information, the release of which is prohibited by law. 1415

(2) As used in division (F) (1) of this section: 1416

(a) "Actual cost" means the cost of depleted supplies, 1417
records storage media costs, actual mailing and alternative 1418
delivery costs, or other transmitting costs, and any direct 1419
equipment operating and maintenance costs, including actual 1420
costs paid to private contractors for copying services. 1421

(b) "Bulk commercial special extraction request" means a 1422
request for copies of a record for information in a format other 1423
than the format already available, or information that cannot be 1424
extracted without examination of all items in a records series, 1425
class of records, or database by a person who intends to use or 1426
forward the copies for surveys, marketing, solicitation, or 1427
resale for commercial purposes. "Bulk commercial special 1428
extraction request" does not include a request by a person who 1429
gives assurance to the bureau that the person making the request 1430
does not intend to use or forward the requested copies for 1431
surveys, marketing, solicitation, or resale for commercial 1432
purposes. 1433

(c) "Commercial" means profit-seeking production, buying, 1434
or selling of any good, service, or other product. 1435

(d) "Special extraction costs" means the cost of the time 1436
spent by the lowest paid employee competent to perform the task, 1437
the actual amount paid to outside private contractors employed 1438
by the bureau, or the actual cost incurred to create computer 1439
programs to make the special extraction. "Special extraction 1440

costs" include any charges paid to a public agency for computer 1441
or records services. 1442

(3) For purposes of divisions (F)(1) and (2) of this 1443
section, "surveys, marketing, solicitation, or resale for 1444
commercial purposes" shall be narrowly construed and does not 1445
include reporting or gathering news, reporting or gathering 1446
information to assist citizen oversight or understanding of the 1447
operation or activities of government, or nonprofit educational 1448
research. 1449

(G) A request by a defendant, counsel of a defendant, or 1450
any agent of a defendant in a criminal action that public 1451
records related to that action be made available under this 1452
section shall be considered a demand for discovery pursuant to 1453
the Criminal Rules, except to the extent that the Criminal Rules 1454
plainly indicate a contrary intent. The defendant, counsel of 1455
the defendant, or agent of the defendant making a request under 1456
this division shall serve a copy of the request on the 1457
prosecuting attorney, director of law, or other chief legal 1458
officer responsible for prosecuting the action. 1459

(H) (1) Any portion of a body-worn camera or dashboard 1460
camera recording described in divisions (A)(17)(b) to (h) of 1461
this section may be released by consent of the subject of the 1462
recording or a representative of that person, as specified in 1463
those divisions, only if either of the following applies: 1464

(a) The recording will not be used in connection with any 1465
probable or pending criminal proceedings; 1466

(b) The recording has been used in connection with a 1467
criminal proceeding that was dismissed or for which a judgment 1468
has been entered pursuant to Rule 32 of the Rules of Criminal 1469

Procedure, and will not be used again in connection with any 1470
probable or pending criminal proceedings. 1471

(2) If a public office denies a request to release a 1472
restricted portion of a body-worn camera or dashboard camera 1473
recording, as defined in division (A)(17) of this section, any 1474
person may file a mandamus action pursuant to this section or a 1475
complaint with the clerk of the court of claims pursuant to 1476
section 2743.75 of the Revised Code, requesting the court to 1477
order the release of all or portions of the recording. If the 1478
court considering the request determines that the filing 1479
articulates by clear and convincing evidence that the public 1480
interest in the recording substantially outweighs privacy 1481
interests and other interests asserted to deny release, the 1482
court shall order the public office to release the recording. 1483

Sec. 1347.08. (A) Every state or local agency that 1484
maintains a personal information system, upon the request and 1485
the proper identification of any person who is the subject of 1486
personal information in the system, shall: 1487

(1) Inform the person of the existence of any personal 1488
information in the system of which the person is the subject; 1489

(2) Except as provided in divisions (C) and (E)(2) of this 1490
section, permit the person, the person's legal guardian, or an 1491
attorney who presents a signed written authorization made by the 1492
person, to inspect all personal information in the system of 1493
which the person is the subject; 1494

(3) Inform the person about the types of uses made of the 1495
personal information, including the identity of any users 1496
usually granted access to the system. 1497

(B) Any person who wishes to exercise a right provided by 1498

this section may be accompanied by another individual of the 1499
person's choice. 1500

(C) (1) A state or local agency, upon request, shall 1501
disclose medical, psychiatric, or psychological information to a 1502
person who is the subject of the information or to the person's 1503
legal guardian, unless a physician, psychiatrist, or 1504
psychologist determines for the agency that the disclosure of 1505
the information is likely to have an adverse effect on the 1506
person, in which case the information shall be released to a 1507
physician, psychiatrist, or psychologist who is designated by 1508
the person or by the person's legal guardian. 1509

(2) Upon the signed written request of either a licensed 1510
attorney at law or a licensed physician designated by the 1511
inmate, together with the signed written request of an inmate of 1512
a correctional institution under the administration of the 1513
department of rehabilitation and correction, the department 1514
shall disclose medical information to the designated attorney or 1515
physician as provided in division (C) of section 5120.21 of the 1516
Revised Code. 1517

(D) If an individual who is authorized to inspect personal 1518
information that is maintained in a personal information system 1519
requests the state or local agency that maintains the system to 1520
provide a copy of any personal information that the individual 1521
is authorized to inspect, the agency shall provide a copy of the 1522
personal information to the individual. Each state and local 1523
agency may establish reasonable fees for the service of copying, 1524
upon request, personal information that is maintained by the 1525
agency. 1526

(E) (1) This section regulates access to personal 1527
information that is maintained in a personal information system 1528

by persons who are the subject of the information, but does not 1529
limit the authority of any person, including a person who is the 1530
subject of personal information maintained in a personal 1531
information system, to inspect or have copied, pursuant to 1532
section 149.43 of the Revised Code, a public record as defined 1533
in that section. 1534

(2) This section does not provide a person who is the 1535
subject of personal information maintained in a personal 1536
information system, the person's legal guardian, or an attorney 1537
authorized by the person, with a right to inspect or have 1538
copied, or require an agency that maintains a personal 1539
information system to permit the inspection of or to copy, a 1540
confidential law enforcement investigatory record or trial 1541
preparation record, as defined in divisions (A) (2) and (4) of 1542
section 149.43 of the Revised Code. 1543

(F) This section does not apply to any of the following: 1544

(1) The contents of an adoption file maintained by the 1545
department of health under sections 3705.12 to 3705.124 of the 1546
Revised Code; 1547

(2) Information contained in the putative father registry 1548
established by section 3107.062 of the Revised Code, regardless 1549
of whether the information is held by the department of job and 1550
family services or, pursuant to section 3111.69 of the Revised 1551
Code, the office of child support in the department or a child 1552
support enforcement agency; 1553

(3) Papers, records, and books that pertain to an adoption 1554
and that are subject to inspection in accordance with section 1555
3107.17 of the Revised Code; 1556

(4) Records specified in division (A) of section 3107.52 1557

of the Revised Code;	1558
(5) Records that identify an individual described in	1559
division (A) (1) of section 3721.031 of the Revised Code, or that	1560
would tend to identify such an individual;	1561
(6) Files and records that have been expunged under	1562
division (D) (1) or (2) of section 3721.23 of the Revised Code;	1563
(7) Records that identify an individual described in	1564
division (A) (1) of section 3721.25 of the Revised Code, or that	1565
would tend to identify such an individual;	1566
(8) Records that identify an individual described in	1567
division (A) (1) of section 5165.88 of the Revised Code, or that	1568
would tend to identify such an individual;	1569
(9) Test materials, examinations, or evaluation tools used	1570
in an examination for licensure as a nursing home administrator	1571
that the board of executives of long-term services and supports	1572
administers under section 4751.04 <u>4751.15</u> of the Revised Code or	1573
contracts under that section with a private or government entity	1574
to administer;	1575
(10) Information contained in a database established and	1576
maintained pursuant to section 5101.13 of the Revised Code;	1577
(11) Information contained in a database established and	1578
maintained pursuant to section 5101.631 of the Revised Code.	1579
Sec. 2925.01. As used in this chapter:	1580
(A) "Administer," "controlled substance," "controlled	1581
substance analog," "dispense," "distribute," "hypodermic,"	1582
"manufacturer," "official written order," "person,"	1583
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"	1584
"schedule III," "schedule IV," "schedule V," and "wholesaler"	1585

have the same meanings as in section 3719.01 of the Revised Code. 1586
1587

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code. 1588
1589

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 1590
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(D) "Bulk amount" of a controlled substance means any of the following: 1594
1595

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable: 1596
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1601

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 1602
1603
1604
1605

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 1606
1607
1608

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 1609
1610
1611
1612
1613

(d) An amount equal to or exceeding twenty grams or five 1614
times the maximum daily dose in the usual dose range specified 1615
in a standard pharmaceutical reference manual of a compound, 1616
mixture, preparation, or substance that is or contains any 1617
amount of a schedule II opiate or opium derivative; 1618

(e) An amount equal to or exceeding five grams or ten unit 1619
doses of a compound, mixture, preparation, or substance that is 1620
or contains any amount of phencyclidine; 1621

(f) An amount equal to or exceeding one hundred twenty 1622
grams or thirty times the maximum daily dose in the usual dose 1623
range specified in a standard pharmaceutical reference manual of 1624
a compound, mixture, preparation, or substance that is or 1625
contains any amount of a schedule II stimulant that is in a 1626
final dosage form manufactured by a person authorized by the 1627
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1628
U.S.C.A. 301, as amended, and the federal drug abuse control 1629
laws, as defined in section 3719.01 of the Revised Code, that is 1630
or contains any amount of a schedule II depressant substance or 1631
a schedule II hallucinogenic substance; 1632

(g) An amount equal to or exceeding three grams of a 1633
compound, mixture, preparation, or substance that is or contains 1634
any amount of a schedule II stimulant, or any of its salts or 1635
isomers, that is not in a final dosage form manufactured by a 1636
person authorized by the Federal Food, Drug, and Cosmetic Act 1637
and the federal drug abuse control laws. 1638

(2) An amount equal to or exceeding one hundred twenty 1639
grams or thirty times the maximum daily dose in the usual dose 1640
range specified in a standard pharmaceutical reference manual of 1641
a compound, mixture, preparation, or substance that is or 1642
contains any amount of a schedule III or IV substance other than 1643

an anabolic steroid or a schedule III opiate or opium 1644
derivative; 1645

(3) An amount equal to or exceeding twenty grams or five 1646
times the maximum daily dose in the usual dose range specified 1647
in a standard pharmaceutical reference manual of a compound, 1648
mixture, preparation, or substance that is or contains any 1649
amount of a schedule III opiate or opium derivative; 1650

(4) An amount equal to or exceeding two hundred fifty 1651
milliliters or two hundred fifty grams of a compound, mixture, 1652
preparation, or substance that is or contains any amount of a 1653
schedule V substance; 1654

(5) An amount equal to or exceeding two hundred solid 1655
dosage units, sixteen grams, or sixteen milliliters of a 1656
compound, mixture, preparation, or substance that is or contains 1657
any amount of a schedule III anabolic steroid; 1658

(6) For any compound, mixture, preparation, or substance 1659
that is a combination of a fentanyl-related compound and any 1660
other compound, mixture, preparation, or substance included in 1661
schedule III, schedule IV, or schedule V, if the defendant is 1662
charged with a violation of section 2925.11 of the Revised Code 1663
and the sentencing provisions set forth in divisions (C)(10)(b) 1664
and (C)(11) of that section will not apply regarding the 1665
defendant and the violation, the bulk amount of the controlled 1666
substance for purposes of the violation is the amount specified 1667
in division (D)(1), (2), (3), (4), or (5) of this section for 1668
the other schedule III, IV, or V controlled substance that is 1669
combined with the fentanyl-related compound. 1670

(E) "Unit dose" means an amount or unit of a compound, 1671
mixture, or preparation containing a controlled substance that 1672

is separately identifiable and in a form that indicates that it 1673
is the amount or unit by which the controlled substance is 1674
separately administered to or taken by an individual. 1675

(F) "Cultivate" includes planting, watering, fertilizing, 1676
or tilling. 1677

(G) "Drug abuse offense" means any of the following: 1678

(1) A violation of division (A) of section 2913.02 that 1679
constitutes theft of drugs, or a violation of section 2925.02, 1680
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1681
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1682
or 2925.37 of the Revised Code; 1683

(2) A violation of an existing or former law of this or 1684
any other state or of the United States that is substantially 1685
equivalent to any section listed in division (G)(1) of this 1686
section; 1687

(3) An offense under an existing or former law of this or 1688
any other state, or of the United States, of which planting, 1689
cultivating, harvesting, processing, making, manufacturing, 1690
producing, shipping, transporting, delivering, acquiring, 1691
possessing, storing, distributing, dispensing, selling, inducing 1692
another to use, administering to another, using, or otherwise 1693
dealing with a controlled substance is an element; 1694

(4) A conspiracy to commit, attempt to commit, or 1695
complicity in committing or attempting to commit any offense 1696
under division (G)(1), (2), or (3) of this section. 1697

(H) "Felony drug abuse offense" means any drug abuse 1698
offense that would constitute a felony under the laws of this 1699
state, any other state, or the United States. 1700

(I) "Harmful intoxicant" does not include beer or	1701
intoxicating liquor but means any of the following:	1702
(1) Any compound, mixture, preparation, or substance the	1703
gas, fumes, or vapor of which when inhaled can induce	1704
intoxication, excitement, giddiness, irrational behavior,	1705
depression, stupefaction, paralysis, unconsciousness,	1706
asphyxiation, or other harmful physiological effects, and	1707
includes, but is not limited to, any of the following:	1708
(a) Any volatile organic solvent, plastic cement, model	1709
cement, fingernail polish remover, lacquer thinner, cleaning	1710
fluid, gasoline, or other preparation containing a volatile	1711
organic solvent;	1712
(b) Any aerosol propellant;	1713
(c) Any fluorocarbon refrigerant;	1714
(d) Any anesthetic gas.	1715
(2) Gamma Butyrolactone;	1716
(3) 1,4 Butanediol.	1717
(J) "Manufacture" means to plant, cultivate, harvest,	1718
process, make, prepare, or otherwise engage in any part of the	1719
production of a drug, by propagation, extraction, chemical	1720
synthesis, or compounding, or any combination of the same, and	1721
includes packaging, repackaging, labeling, and other activities	1722
incident to production.	1723
(K) "Possess" or "possession" means having control over a	1724
thing or substance, but may not be inferred solely from mere	1725
access to the thing or substance through ownership or occupation	1726
of the premises upon which the thing or substance is found.	1727

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" 1756
if the offender commits the offense on school premises, in a 1757
school building, or within one thousand feet of the boundaries 1758
of any school premises, regardless of whether the offender knows 1759
the offense is being committed on school premises, in a school 1760
building, or within one thousand feet of the boundaries of any 1761
school premises. 1762

(Q) "School" means any school operated by a board of 1763
education, any community school established under Chapter 3314. 1764
of the Revised Code, or any nonpublic school for which the state 1765
board of education prescribes minimum standards under section 1766
3301.07 of the Revised Code, whether or not any instruction, 1767
extracurricular activities, or training provided by the school 1768
is being conducted at the time a criminal offense is committed. 1769

(R) "School premises" means either of the following: 1770

(1) The parcel of real property on which any school is 1771
situated, whether or not any instruction, extracurricular 1772
activities, or training provided by the school is being 1773
conducted on the premises at the time a criminal offense is 1774
committed; 1775

(2) Any other parcel of real property that is owned or 1776
leased by a board of education of a school, the governing 1777
authority of a community school established under Chapter 3314. 1778
of the Revised Code, or the governing body of a nonpublic school 1779
for which the state board of education prescribes minimum 1780
standards under section 3301.07 of the Revised Code and on which 1781
some of the instruction, extracurricular activities, or training 1782
of the school is conducted, whether or not any instruction, 1783
extracurricular activities, or training provided by the school 1784
is being conducted on the parcel of real property at the time a 1785

criminal offense is committed. 1786

(S) "School building" means any building in which any of 1787
the instruction, extracurricular activities, or training 1788
provided by a school is conducted, whether or not any 1789
instruction, extracurricular activities, or training provided by 1790
the school is being conducted in the school building at the time 1791
a criminal offense is committed. 1792

(T) "Disciplinary counsel" means the disciplinary counsel 1793
appointed by the board of commissioners on grievances and 1794
discipline of the supreme court under the Rules for the 1795
Government of the Bar of Ohio. 1796

(U) "Certified grievance committee" means a duly 1797
constituted and organized committee of the Ohio state bar 1798
association or of one or more local bar associations of the 1799
state of Ohio that complies with the criteria set forth in Rule 1800
V, section 6 of the Rules for the Government of the Bar of Ohio. 1801

(V) "Professional license" means any license, permit, 1802
certificate, registration, qualification, admission, temporary 1803
license, temporary permit, temporary certificate, or temporary 1804
registration that is described in divisions (W)(1) to (37) of 1805
this section and that qualifies a person as a professionally 1806
licensed person. 1807

(W) "Professionally licensed person" means any of the 1808
following: 1809

(1) A person who has received a certificate or temporary 1810
certificate as a certified public accountant or who has 1811
registered as a public accountant under Chapter 4701. of the 1812
Revised Code and who holds an Ohio permit issued under that 1813
chapter; 1814

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	1815 1816 1817
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	1818 1819 1820
(4) A person licensed under Chapter 4707. of the Revised Code;	1821 1822
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	1823 1824 1825
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	1826 1827 1828
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	1829 1830 1831 1832 1833 1834 1835 1836 1837 1838 1839
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's	1840 1841 1842 1843

teacher's certificate under Chapter 4715. of the Revised Code;	1844
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	1845 1846 1847 1848 1849
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	1850 1851 1852 1853
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	1854 1855 1856
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1857 1858
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1859 1860
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	1861 1862 1863 1864
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	1865 1866 1867 1868 1869
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1870 1871

- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; 1872
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- (18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code; 1877
1878
- (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; 1879
1880
1881
- (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; 1882
1883
- (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 1884
1885
- (22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code; 1886
1887
- (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; 1888
1889
- (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; 1890
1891
- (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; 1892
1893
- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code; 1894
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- (27) A person who has been issued a hearing aid dealer's 1898

or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1899 1900
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1901 1902 1903
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1904 1905 1906
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1907 1908 1909
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1910 1911 1912
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1913 1914 1915 1916 1917 1918
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1919 1920
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1921 1922 1923
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1924 1925
(36) A person who has been issued a home inspector license	1926

under Chapter 4764. of the Revised Code;	1927
(37) A person who has been admitted to the bar by order of	1928
the supreme court in compliance with its prescribed and	1929
published rules.	1930
(X) "Cocaine" means any of the following:	1931
(1) A cocaine salt, isomer, or derivative, a salt of a	1932
cocaine isomer or derivative, or the base form of cocaine;	1933
(2) Coca leaves or a salt, compound, derivative, or	1934
preparation of coca leaves, including ecgonine, a salt, isomer,	1935
or derivative of ecgonine, or a salt of an isomer or derivative	1936
of ecgonine;	1937
(3) A salt, compound, derivative, or preparation of a	1938
substance identified in division (X) (1) or (2) of this section	1939
that is chemically equivalent to or identical with any of those	1940
substances, except that the substances shall not include	1941
decocainized coca leaves or extraction of coca leaves if the	1942
extractions do not contain cocaine or ecgonine.	1943
(Y) "L.S.D." means lysergic acid diethylamide.	1944
(Z) "Hashish" means the resin or a preparation of the	1945
resin contained in marihuana, whether in solid form or in a	1946
liquid concentrate, liquid extract, or liquid distillate form.	1947
(AA) "Marihuana" has the same meaning as in section	1948
3719.01 of the Revised Code, except that it does not include	1949
hashish.	1950
(BB) An offense is "committed in the vicinity of a	1951
juvenile" if the offender commits the offense within one hundred	1952
feet of a juvenile or within the view of a juvenile, regardless	1953
of whether the offender knows the age of the juvenile, whether	1954

the offender knows the offense is being committed within one 1955
hundred feet of or within view of the juvenile, or whether the 1956
juvenile actually views the commission of the offense. 1957

(CC) "Presumption for a prison term" or "presumption that 1958
a prison term shall be imposed" means a presumption, as 1959
described in division (D) of section 2929.13 of the Revised 1960
Code, that a prison term is a necessary sanction for a felony in 1961
order to comply with the purposes and principles of sentencing 1962
under section 2929.11 of the Revised Code. 1963

(DD) "Major drug offender" has the same meaning as in 1964
section 2929.01 of the Revised Code. 1965

(EE) "Minor drug possession offense" means either of the 1966
following: 1967

(1) A violation of section 2925.11 of the Revised Code as 1968
it existed prior to July 1, 1996; 1969

(2) A violation of section 2925.11 of the Revised Code as 1970
it exists on and after July 1, 1996, that is a misdemeanor or a 1971
felony of the fifth degree. 1972

(FF) "Mandatory prison term" has the same meaning as in 1973
section 2929.01 of the Revised Code. 1974

(GG) "Adulterate" means to cause a drug to be adulterated 1975
as described in section 3715.63 of the Revised Code. 1976

(HH) "Public premises" means any hotel, restaurant, 1977
tavern, store, arena, hall, or other place of public 1978
accommodation, business, amusement, or resort. 1979

(II) "Methamphetamine" means methamphetamine, any salt, 1980
isomer, or salt of an isomer of methamphetamine, or any 1981
compound, mixture, preparation, or substance containing 1982

methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	1983 1984
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	1985 1986
(KK) "Fentanyl-related compound" means any of the following:	1987 1988
(1) Fentanyl;	1989
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1990 1991 1992
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	1993 1994
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	1995 1996
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1997 1998 1999
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	2000 2001
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	2002 2003
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	2004 2005
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);	2006 2007
(10) Alfentanil;	2008

(11) Carfentanil;	2009
(12) Remifentanil;	2010
(13) Sufentanil;	2011
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	2012 2013
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	2014 2015 2016 2017 2018 2019 2020
(a) A chemical scaffold consisting of both of the following:	2021 2022
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	2023 2024
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	2025 2026 2027
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	2028 2029 2030
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	2031 2032
(d) The compound has not been approved for medical use by the United States food and drug administration.	2033 2034
(LL) "First degree felony mandatory prison term" means one	2035

of the definite prison terms prescribed in division (A) (1) (b) of 2036
section 2929.14 of the Revised Code for a felony of the first 2037
degree, except that if the violation for which sentence is being 2038
imposed is committed on or after the effective date of this 2039
amendment, it means one of the minimum prison terms prescribed 2040
in division (A) (1) (a) of that section for a felony of the first 2041
degree. 2042

(MM) "Second degree felony mandatory prison term" means 2043
one of the definite prison terms prescribed in division (A) (2) 2044
(b) of section 2929.14 of the Revised Code for a felony of the 2045
second degree, except that if the violation for which sentence 2046
is being imposed is committed on or after the effective date of 2047
this amendment, it means one of the minimum prison terms 2048
prescribed in division (A) (2) (a) of that section for a felony of 2049
the second degree. 2050

(NN) "Maximum first degree felony mandatory prison term" 2051
means the maximum definite prison term prescribed in division 2052
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 2053
the first degree, except that if the violation for which 2054
sentence is being imposed is committed on or after the effective 2055
date of this amendment, it means the longest minimum prison term 2056
prescribed in division (A) (1) (a) of that section for a felony of 2057
the first degree. 2058

(OO) "Maximum second degree felony mandatory prison term" 2059
means the maximum definite prison term prescribed in division 2060
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 2061
the second degree, except that if the violation for which 2062
sentence is being imposed is committed on or after the effective 2063
date of this amendment, it means the longest minimum prison term 2064
prescribed in division (A) (2) (a) of that section for a felony of 2065

the second degree. 2066

Sec. 4743.02. The examination papers of each applicant 2067
examined by boards, commissions, or agencies created under or by 2068
virtue of Chapters 4701. to 4741., 4751., and 4757. of the 2069
Revised Code shall be open for inspection by the applicant or 2070
his attorney for at least ninety days subsequent to the 2071
announcement of the applicant's grade; provided, papers not 2072
graded by members of examining boards or their employees and 2073
which by terms of a contract with any testing company the papers 2074
are not available for inspection, need not be made available for 2075
inspection; but it shall be the applicant's right to have any 2076
such paper regraded manually, upon written request of either 2077
himself or his attorney made to the board within ninety days 2078
after announcement of the grade. 2079

Sec. 4751.01. As used in ~~sections 4751.01 to 4751.13 of~~ 2080
~~the Revised Code~~ this chapter: 2081

(A) "Health-care licensing agency" means any department, 2082
division, board, section of a board, or other government unit 2083
that is authorized by a statute of this or another state to 2084
issue a license, certificate, permit, card, or other authority 2085
to do either of the following in the context of health care: 2086

(1) Engage in a specific profession, occupation, or 2087
occupational activity; 2088

(2) Have charge of and operate certain specified 2089
equipment, machinery, or premises. 2090

(B) "Licensed health services executive" means an 2091
individual who holds a valid health services executive license. 2092

(C) "Licensed nursing home administrator" means an 2093
individual who holds a valid nursing home administrator license. 2094

(D) "Licensed temporary nursing home administrator" means 2095
an individual who holds a valid temporary nursing home 2096
administrator license. 2097

(E) "Long-term services and supports—settings setting" 2098
means any institutional or community-based setting in which 2099
medical, health, ~~psycho-social~~ psychosocial, habilitative, 2100
rehabilitative, or personal care services are provided to 2101
individuals on a post-acute care basis. 2102

~~(B) "Nursing home administrator" means any individual~~ 2103
~~responsible for planning, organizing, directing, and managing~~ 2104
~~the operation of a nursing home, or who in fact performs such~~ 2105
~~function, whether or not such functions and duties are shared by~~ 2106
~~one or more other persons.~~ 2107

~~(C)~~ (F) "Nursing home" means a nursing home as defined by 2108
or under the authority of section 3721.01 of the Revised Code, 2109
or a nursing home operated by a governmental agency. 2110

~~(D) "Temporary license" means a license for a period not~~ 2111
~~to exceed one hundred eighty days issued pursuant to division~~ 2112
~~(B) of section 4751.06 of the Revised Code.~~ 2113

~~(E)~~ (G) "Nursing home administration" means planning, 2114
organizing, directing, and managing the operation of a nursing 2115
home. 2116

(H) "Nursing home administrator" means any individual who 2117
engages in the practice of nursing home administration, whether 2118
or not the individual shares the functions and duties of nursing 2119
home administration with one or more other individuals. 2120

(I) "Valid health services executive license" means a 2121
health services executive license to which all of the following 2122
apply: 2123

(1) It was issued by the board of executives of long-term services and supports under section 4751.21, 4751.23, 4751.25, or 4751.33 of the Revised Code; 2124
2125
2126

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 2127
2128
2129

(3) It is current and in good standing. 2130

(J) "Valid nursing home administrator license" means a nursing home administrator license to which all of the following apply: 2131
2132
2133

(1) It was issued by the board under section 4751.20, 4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 2134
2135

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 2136
2137
2138

(3) It is current and in good standing. 2139

(K) "Valid temporary nursing home administrator license" means a temporary nursing home administrator license to which all of the following apply: 2140
2141
2142

(1) It was issued by the board under section 4751.202, 4751.23, or 4751.33 of the Revised Code; 2143
2144

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section 4751.10 of the Revised Code; 2145
2146
2147

(3) It is current and in good standing. 2148

Sec. ~~4751.03~~ 4751.02. (A) There is hereby established in the department of aging a board of executives of long-term 2149
2150

services and supports, which board shall be composed of the 2151
following eleven members: 2152

(1) Four members who are nursing home administrators, 2153
owners of nursing homes, or officers of corporations owning 2154
nursing homes, and who shall have an understanding of person- 2155
centered care, and experience with a range of long-term services 2156
and supports settings; 2157

(2) (a) Three members who work in long-term services and 2158
supports settings that are not nursing homes, and who shall have 2159
an understanding of person-centered care, and experience with a 2160
range of long-term services and supports settings; 2161

(b) At least one of the members described in division (A) 2162
(2) (a) of this section shall be a home health administrator, an 2163
owner of a home health agency, or an officer of a home health 2164
agency. 2165

(3) One member who is a member of the academic community; 2166

(4) One member who is a consumer of services offered in a 2167
long-term services and supports setting; 2168

(5) One nonvoting member who is a representative of the 2169
department of health, designated by the director of health, who 2170
is involved in the nursing home survey and certification 2171
process, who shall serve in an advisory capacity only; 2172

(6) One nonvoting member who is a representative of the 2173
office of the state long-term care ombudsman, designated by the 2174
state long-term care ombudsman, who shall serve in an advisory 2175
capacity only. 2176

All members of the board shall be citizens of the United 2177
States and residents of this state. No member of the board who 2178

is appointed under divisions (A) (3) to (6) of this section may 2179
have or acquire any direct financial interest in a nursing home 2180
or long-term services and supports settings. 2181

(B) The term of office for each appointed member of the 2182
board shall be for three years, commencing on the twenty-eighth 2183
day of May and ending on the twenty-seventh day of May. Each 2184
member shall serve from the date of appointment until the end of 2185
the term for which appointed. No member shall serve more than 2186
two consecutive full terms. 2187

(C) Appointments to the board shall be made by the 2188
governor. Any member appointed to fill a vacancy occurring prior 2189
to the expiration of the term for which the member's predecessor 2190
was appointed shall hold office for the remainder of such term. 2191
Any appointed member shall continue in office subsequent to the 2192
expiration date of the member's term until the member's 2193
successor takes office, or until a period of sixty days has 2194
elapsed, whichever occurs first. 2195

(D) The governor may remove any member of the board for 2196
misconduct, incapacity, incompetence, or neglect of duty after 2197
the member so charged has been served with a written statement 2198
of charges and has been given an opportunity to be heard. 2199

(E) Each member of the board, except the member designated 2200
by the director of health and the member designated by the 2201
ombudsman, shall be paid in accordance with section 124.15 of 2202
the Revised Code and each member shall be reimbursed for the 2203
member's actual and necessary expenses incurred in the discharge 2204
of such duties. 2205

(F) The board shall elect annually from its membership a 2206
chairperson and a vice-chairperson. 2207

(G) The board shall hold and conduct meetings quarterly 2208
and at such other times as its business requires. A majority of 2209
the voting members of the board shall constitute a quorum. The 2210
affirmative vote of a majority of the voting members of the 2211
board is necessary for the board to act. 2212

(H) The board shall appoint a secretary who has no 2213
financial interest in a long-term services and supports setting, 2214
and may employ and prescribe the powers and duties of such 2215
employees and consultants as are necessary to carry out this 2216
chapter and the rules adopted under it. 2217

Sec. ~~4751.042~~ 4751.021. (A) The board of executives of 2218
long-term services and supports shall enter into a written 2219
agreement with the department of aging for the department to 2220
serve as the board's fiscal agent. The fiscal agent shall be 2221
responsible for all the board's fiscal matters and financial 2222
transactions, as specified in the agreement. The written 2223
agreement shall specify the fees that the board shall pay to the 2224
fiscal agent for services performed under the agreement, and 2225
such fees shall be in proportion to the services performed for 2226
the board. 2227

(1) The agreement shall require the fiscal agent to 2228
provide the following services: 2229

(a) Preparation and processing of payroll and other 2230
personnel documents that the board approves; 2231

(b) Maintenance of ledgers of accounts and reports of 2232
account balances, and monitoring of budgets and allotment plans 2233
in consultation with the board; 2234

(c) Performance of other routine support services, 2235
specified in the agreement, that the fiscal agent considers 2236

appropriate to achieve efficiency. 2237

(2) The agreement may require the fiscal agent to provide 2238
the following services: 2239

(a) Any shared services between the board and the fiscal 2240
agent; 2241

(b) Any other services agreed to by the board and the 2242
department, including administrative or technical services. 2243

(B) The board, in conjunction and consultation with the 2244
fiscal agent, has the following authority and responsibility 2245
relative to fiscal matters: 2246

(1) Sole authority to expend funds from the board's 2247
accounts for programs and any other necessary expenses the board 2248
may incur; 2249

(2) Responsibility to cooperate with and inform the fiscal 2250
agent fully of all financial transactions. 2251

(C) The board shall follow all state procurement, fiscal, 2252
human resources, information technology, statutory, and 2253
administrative rule requirements. 2254

(D) In its role as fiscal agent for the board, the 2255
department shall serve as a contractor of the board, and does 2256
not assume responsibility for the debts or fiscal obligations of 2257
the board. 2258

Sec. ~~4751.14~~ 4751.03. There is hereby created in the state 2259
treasury the board of executives of long-term services and 2260
supports fund. The fund shall consist of the amounts the board 2261
of executives of long-term services and supports collects under 2262
this chapter as ~~license and registration fees, other fees,~~ civil 2263
penalties, and fines. ~~Money~~ The board shall use the money in the 2264

~~fund shall be used by the board of executives of long term-~~ 2265
~~services and supports~~ to administer and enforce this chapter and 2266
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 2267
Investment earnings of the fund shall be credited to the fund. 2268

Sec. 4751.04. The board of executives of long-term 2269
services and supports shall adopt rules in accordance with 2270
Chapter 119. of the Revised Code as necessary to implement and 2271
enforce this chapter. 2272

Sec. 4751.10. No person shall knowingly do any of the 2273
following: 2274

(A) Operate a nursing home unless it is under the 2275
supervision of an administrator whose principal occupation is 2276
nursing home administration or hospital administration and who 2277
is a licensed nursing home administrator or licensed temporary 2278
nursing home administrator; 2279

(B) Practice or offer to practice nursing home 2280
administration unless the person is a licensed nursing home 2281
administrator or licensed temporary nursing home administrator; 2282

(C) Use any of the following unless the person is a 2283
licensed nursing home administrator: 2284

(1) The title "licensed nursing home administrator," 2285
"nursing home administrator," "licensed assistant nursing home 2286
administrator," or "assistant nursing home administrator"; 2287

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," 2288
"LANHA," "L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's 2289
name; 2290

(3) Any other words, letters, signs, cards, or devices 2291
that tend to indicate or imply that the person is a licensed 2292

<u>nursing home administrator.</u>	2293
<u>(D) Use any of the following unless the person is a</u>	2294
<u>licensed temporary nursing home administrator:</u>	2295
<u>(1) The title "licensed temporary nursing home</u>	2296
<u>administrator," "temporary nursing home administrator,"</u>	2297
<u>"licensed temporary assistant nursing home administrator," or</u>	2298
<u>"temporary assistant nursing home administrator";</u>	2299
<u>(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.,"</u>	2300
<u>"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the</u>	2301
<u>person's name;</u>	2302
<u>(3) Any other words, letters, signs, cards, or devices</u>	2303
<u>that tend to indicate or imply that the person is a licensed</u>	2304
<u>temporary nursing home administrator.</u>	2305
<u>(E) Use any of the following unless the person is a</u>	2306
<u>licensed health services executive:</u>	2307
<u>(1) The title "licensed health services executive" or</u>	2308
<u>"health services executive";</u>	2309
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E."</u>	2310
<u>after the person's name;</u>	2311
<u>(3) Any other words, letters, signs, cards, or devices</u>	2312
<u>that tend to indicate or imply that the person is a licensed</u>	2313
<u>health services executive.</u>	2314
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or</u>	2315
<u>aid or abet another person in selling, fraudulently furnishing,</u>	2316
<u>or fraudulently obtaining any of the following:</u>	2317
<u>(1) A nursing home administrator license;</u>	2318
<u>(2) A temporary nursing home administrator license;</u>	2319

<u>(3) A health services executive license.</u>	2320
<u>(G) Otherwise violate any of the provisions of this chapter or the rules adopted under section 4751.04 of the Revised Code.</u>	2321 2322 2323
<u>Sec. 4751.101. Nothing in this chapter or the rules adopted under it shall be construed as requiring either of the following:</u>	2324 2325 2326
<u>(A) An individual to be a licensed health services executive in order to do either of the following:</u>	2327 2328
<u>(1) Practice nursing home administration;</u>	2329
<u>(2) Serve in a leadership position at a long-term services and supports setting or direct the practices of others in such a setting.</u>	2330 2331 2332
<u>(B) An applicant for a nursing home administrator license or temporary nursing home administrator license who is employed by an institution for the care and treatment of the sick to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided by the institution if all of the following apply to the institution:</u>	2333 2334 2335 2336 2337 2338 2339
<u>(1) It is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs.</u>	2340 2341 2342
<u>(2) It is accredited by a national accrediting organization.</u>	2343 2344
<u>(3) It is exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501.</u>	2345 2346 2347

(4) It provides twenty-four hour nursing care pursuant to 2348
the exemption in division (E) of section 4723.32 of the Revised 2349
Code from the licensing requirements of Chapter 4723. of the 2350
Revised Code. 2351

Sec. 4751.102. Every operator of a nursing home shall 2352
report to the board of executives of long-term services and 2353
supports the name and license number of each licensed nursing 2354
home administrator and licensed temporary nursing home 2355
administrator who practices nursing home administration at the 2356
nursing home not later than ten days after the following dates: 2357

(A) The date the licensed nursing home administrator or 2358
licensed temporary nursing home administrator begins to practice 2359
nursing home administration at the nursing home; 2360

(B) The date the licensed nursing home administrator or 2361
licensed temporary nursing home administrator ceases to practice 2362
nursing home administration at the nursing home. 2363

Sec. ~~4751.05~~ 4751.15. ~~(A)~~ The board of executives of long- 2364
term services and supports, ~~or shall administer, or contract~~ 2365
with a government or private entity ~~under contract with the~~ 2366
~~board to administer,~~ examinations for licensure ~~as that an~~ 2367
~~individual must pass to obtain a nursing home administrator,~~ 2368
~~shall admit to an examination any candidate who:~~ 2369

~~(1) Pays the application fee of fifty dollars;~~ 2370

~~(2) Submits evidence of good moral character and~~ 2371
~~suitability;~~ 2372

~~(3) Is at least eighteen years of age;~~ 2373

~~(4) Has completed educational requirements and work~~ 2374
~~experience satisfactory to the board;~~ 2375

(5) Submits an application on forms prescribed by the	2376
board.	2377
(6) Pays <u>license under section 4751.20 or 4751.201 of the</u>	2378
<u>Revised Code. If the board contracts with a government or</u>	2379
<u>private entity to administer the examinations, the contract may</u>	2380
<u>authorize the entity to collect and keep, as all or part of the</u>	2381
<u>entity's compensation under the contract, any fee an individual</u>	2382
<u>pays to take the examination. The entity is not required to</u>	2383
<u>deposit the fee into the state treasury.</u>	2384
<u>To be admitted to an examination administered under this</u>	2385
<u>section, an individual must pay the examination fee charged by</u>	2386
the board or government or private entity.	2387
(B) Nothing in Chapter 4751. of the Revised Code or the	2388
rules adopted thereunder shall be construed to require an	2389
applicant for licensure or a temporary license, who is employed	2390
by an institution for the care and treatment of the sick to	2391
demonstrate proficiency in any medical techniques or to meet any	2392
medical educational qualifications or medical standards not in	2393
accord with the remedial care and treatment provided by the	2394
institution if the institution is all of the following:	2395
(1) Operated exclusively for patients who use spiritual	2396
means for healing and for whom the acceptance of medical care is	2397
inconsistent with their religious beliefs.	2398
(2) Accredited by a national accrediting organization.	2399
(3) Exempt from federal income taxation under section 501-	2400
of the Internal Revenue Code of 1986, 100 Stat. 2085, 26-	2401
U.S.C.A. 1, as amended.	2402
(4) Providing twenty four hour nursing care pursuant to	2403
the exemption in division (E) of section 4723.32 of the Revised	2404

~~Code from the licensing requirements of Chapter 4723. of the~~ 2405
~~Revised Code.~~ 2406

~~(C) entity. If a person an individual fails three times to~~ 2407
~~attain a passing grade on pass the examination, said person the~~ 2408
~~individual, before the person may again be being admitted to the~~ 2409
~~examination a subsequent time, shall meet such additional also~~ 2410
~~must satisfy any education or requirements, experience~~ 2411
~~requirements, or both, as that may be prescribed by the board in~~ 2412
~~rules adopted under section 4751.04 of the Revised Code in~~ 2413
~~addition to any education requirements or experience~~ 2414
~~requirements that must be satisfied to obtain a nursing home~~ 2415
~~administrator license under section 4751.20 or 4751.201 of the~~ 2416
~~Revised Code.~~ 2417

~~Sec. 4751.041 4751.151.~~ Except when the board of 2418
executives of long-term services and supports considers it 2419
necessary, the board shall not disclose test materials, 2420
examinations, or evaluation tools used in an examination ~~for~~ 2421
~~licensure as a nursing home administrator that the board~~ 2422
~~administers administered under section 4751.04 4751.15 of the~~ 2423
Revised Code ~~or contracts under that section with a private or~~ 2424
~~government entity to administer.~~ 2425

~~Sec. 4751.06 4751.20.~~ (A) ~~An applicant for licensure as~~ 2426
~~Subject to section 4751.32 of the Revised Code, the board of~~ 2427
~~executives of long-term services and supports shall issue a~~ 2428
nursing home administrator ~~who has successfully completed the~~ 2429
~~requirements of section 4751.05 of the Revised Code, license to~~ 2430
~~an individual under this section if all of the following~~ 2431
~~requirements are satisfied:~~ 2432

(1) The individual has submitted to the board a completed 2433
application for the license in accordance with rules adopted 2434

- under section 4751.04 of the Revised Code. 2435
- (2) If the individual is required by rules adopted under section 4751.04 of the Revised Code to serve as a nursing home administrator in training, the individual has paid to the board the administrator in training fee of fifty dollars. 2436
2437
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2439
- (3) The individual is at least twenty-one years of age. 2440
- (4) The individual has successfully completed educational requirements and work experience specified in rules adopted under section 4751.04 of the Revised Code, including, if so required by the rules, experience obtained as a nursing home administrator in training. 2441
2442
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2445
- (5) The individual is of good moral character. 2446
- (6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 2447
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- (7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 2449
2450
2451
- (8) The individual has passed the licensing examination administered by the board of executives of long term services and supports or a government or private entity under contract with the board, and paid section 4751.15 of the Revised Code. 2452
2453
2454
2455
- (9) The individual has paid to the board an original a license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such 2456
2457
2458
- (10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 2459
2460
2461

(B) A nursing home administrator license shall certify 2462
that the applicant individual to whom it was issued has met the 2463
licensure applicable requirements of Chapter 4751. this chapter 2464
and any applicable rules adopted under section 4751.04 of the 2465
Revised Code and is entitled authorized to practice as a 2466
licensed nursing home administrator administration while the 2467
license is valid. 2468

~~(B) A temporary license for a period not to exceed one-~~ 2469
~~hundred eighty days may be issued to an individual temporarily-~~ 2470
~~filling the position of a nursing home administrator vacated by-~~ 2471
~~reason of death, illness, or other unexpected cause, pursuant to~~ 2472
~~regulations adopted by the board.~~ 2473

~~(C) The fee for a temporary license is one hundred-~~ 2474
~~dollars. Said fee must accompany the application for the~~ 2475
~~temporary license.~~ 2476

~~(D) Any license or temporary license issued by the board-~~ 2477
~~pursuant to this section shall be under the hand of the~~ 2478
~~chairperson and the secretary of the board.~~ 2479

~~(E) A duplicate of the original certificate of-~~ 2480
~~registration or license may be secured to replace one that has-~~ 2481
~~been lost or destroyed by submitting to the board a notarized-~~ 2482
~~statement explaining the conditions of the loss, mutilation, or~~ 2483
~~destruction of the certificate or license and by paying a fee of-~~ 2484
~~twenty five dollars.~~ 2485

~~(F) A duplicate certificate of registration and license-~~ 2486
~~may be issued in the event of a legal change of name by-~~ 2487
~~submitting to the board a certified copy of the court order or~~ 2488
~~marriage license establishing the change of name, by returning-~~ 2489
~~at the same time the original license and certificate of-~~ 2490

~~registration, and by paying a fee of twenty five dollars.~~ 2491

Sec. ~~4751.08~~ 4751.201. ~~The~~ (A) Subject to section 4751.32 2492
of the Revised Code, the board of executives of long-term 2493
services and supports, in its discretion, and otherwise subject 2494
to Chapter 4751. of the Revised Code and the rules adopted by 2495
the board thereunder prescribing the qualifications for a 2496
nursing home administrator license, may ~~license~~ issue a nursing 2497
home administrator without examination if the nursing home 2498
administrator has a valid license issued by the proper 2499
authorities of any other state, upon payment of to an individual 2500
under this section if all of the following requirements are 2501
satisfied: 2502

(1) The individual is legally authorized to practice 2503
nursing home administration in another state. 2504

(2) The individual has submitted to the board a completed 2505
application for the license in accordance with rules adopted 2506
under section 4751.04 of the Revised Code. 2507

(3) The individual is at least twenty-one years of age. 2508

(4) The individual holds at least a bachelor's degree from 2509
an accredited educational institution. 2510

(5) The individual is of good moral character. 2511

(6) The individual has complied with section 4776.02 of 2512
the Revised Code regarding a criminal records check. 2513

(7) The board, in its discretion, has determined that the 2514
results of the criminal records check do not make the individual 2515
ineligible for the license. 2516

(8) The individual has passed the licensing examination 2517
administered under section 4751.15 of the Revised Code. 2518

(9) The individual has paid to the board a license fee of 2519
one two hundred fifty dollars, and upon submission of evidence 2520
satisfactory to the board both: 2521

~~(A) That such other state maintained a system and standard~~ 2522
~~of qualifications and examinations for a nursing home~~ 2523
~~administrator license which were substantially equivalent to~~ 2524
~~those required in this state at the time such other license was~~ 2525
~~issued by such other state;~~ 2526

~~(B) That such other state gives similar recognition to~~ 2527
~~nursing home administrators licensed in this state.~~ 2528

(10) The individual has satisfied any additional 2529
requirements as may be prescribed in rules adopted under section 2530
4751.04 of the Revised Code. 2531

(B) A nursing home administrator license shall certify 2532
that the individual to whom it was issued has met the applicable 2533
requirements of this chapter and any applicable rules adopted 2534
under section 4751.04 of the Revised Code and is authorized to 2535
practice nursing home administration while the license is valid. 2536

Sec. 4751.202. (A) Subject to section 4751.32 of the 2537
Revised Code, the board of executives of long-term services and 2538
supports may issue a temporary nursing home administrator 2539
license to an individual if all of the following requirements 2540
are satisfied: 2541

(1) The operator of a nursing home has requested that the 2542
board issue a temporary nursing home administrator license to 2543
the individual to authorize the individual to temporarily 2544
practice nursing home administration at the nursing home because 2545
of a vacancy in the position of nursing home administrator at 2546
the nursing home resulting from a death, illness, or other 2547

<u>unexpected cause.</u>	2548
<u>(2) The individual is at least twenty-one years of age.</u>	2549
<u>(3) The individual is of good moral character.</u>	2550
<u>(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	2551 2552
<u>(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	2553 2554 2555
<u>(6) The individual has paid to the board a fee for the temporary license of one hundred dollars.</u>	2556 2557
<u>(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.</u>	2558 2559 2560
<u>(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid.</u>	2561 2562 2563 2564 2565 2566
<u>(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days. If that period is less than one hundred eighty days, the individual holding the temporary license may apply to the board for renewal of the temporary license in accordance with rules the board shall adopt under section 4751.04 of the Revised Code. Except as provided in section 4751.32 of the Revised Code, a</u>	2567 2568 2569 2570 2571 2572 2573 2574 2575

renewed temporary nursing home administrator license is valid 2576
for a period of time the board shall specify on the renewed 2577
temporary license. That period shall not exceed the difference 2578
between one hundred eighty days and the number of days for which 2579
the original temporary license was valid. A renewed temporary 2580
nursing home administrator license shall not be renewed. A 2581
licensed temporary nursing home administrator who intends to 2582
continue to practice nursing home administration after the 2583
temporary license, including, if applicable, the renewed 2584
temporary license, expires must obtain a nursing home 2585
administrator license under section 4751.20 of the Revised Code. 2586

Sec. 4751.21. (A) Subject to section 4751.32 of the 2587
Revised Code, the board of executives of long-term services and 2588
supports shall issue a health services executive license to an 2589
individual if all of the following requirements are satisfied: 2590

(1) The individual has submitted to the board a completed 2591
application for the license in accordance with rules adopted 2592
under section 4751.04 of the Revised Code. 2593

(2) The individual is a licensed nursing home 2594
administrator. 2595

(3) The individual has obtained the health services 2596
executive qualification through the national association of 2597
long-term care administrator boards. 2598

(4) The individual has complied with section 4776.02 of 2599
the Revised Code regarding a criminal records check. 2600

(5) The board, in its discretion, has determined that the 2601
results of the criminal records check do not make the individual 2602
ineligible for the license. 2603

(6) The individual has paid to the board a license fee of 2604

one hundred dollars. 2605

(B) A health services executive license shall certify that 2606
the individual to whom it was issued has met the applicable 2607
requirements of this chapter and any applicable rules adopted 2608
under section 4751.04 of the Revised Code and is a licensed 2609
health services executive while the license is valid. 2610

Sec. 4751.22. All licenses and temporary licenses that the 2611
board of executives of long-term services and supports issues 2612
under this chapter shall include the signatures of the board's 2613
chairperson and secretary. 2614

Sec. 4751.23. (A) Subject to section 4751.32 of the 2615
Revised Code, the board of executives of long-term services and 2616
supports may issue to a licensed nursing home administrator, 2617
licensed temporary nursing home administrator, or licensed 2618
health services executive a duplicate of the individual's 2619
nursing home administrator license, temporary nursing home 2620
administrator license, or health services executive license if 2621
the license or temporary license has been lost, mutilated, or 2622
destroyed and the individual does both of the following: 2623

(1) Submits to the board a notarized statement explaining 2624
the conditions of the loss, mutilation, or destruction; 2625

(2) Pays to the board a fee of twenty-five dollars. 2626

(B) Subject to section 4751.32 of the Revised Code, the 2627
board may issue to a licensed nursing home administrator, 2628
licensed temporary nursing home administrator, or licensed 2629
health services executive whose name has been legally changed a 2630
duplicate of the individual's nursing home administrator 2631
license, temporary nursing home administrator license, or health 2632
services executive license that has the individual's new name if 2633

the individual does all of the following: 2634

(1) Submits to the board a certified copy of the court 2635
order or marriage license establishing the change of name; 2636

(2) Returns to the board the license or temporary license 2637
that has the individual's previous name; 2638

(3) Pays to the board a fee of twenty-five dollars. 2639

Sec. ~~4751.07~~ 4751.24. (A) ~~Every individual who holds a~~ 2640
~~valid license as a nursing home administrator issued under~~ 2641
~~division (A) of section 4751.06 of the Revised Code, shall~~ 2642
~~immediately upon issuance thereof be registered with the board~~ 2643
~~of executives of long-term services and supports and be issued a~~ 2644
~~certificate of registration. Such individual shall annually~~ 2645
~~apply to the board for a new certificate of registration on~~ 2646
~~forms provided for such purpose prior to the expiration of the~~ 2647
~~certificate of registration and shall at the same time submit~~ 2648
Subject to section 4751.32 of the Revised Code, a nursing home 2649
administrator license is valid for one year and may be renewed 2650
and reinstated in accordance with this section. 2651

(B) If a licensed nursing home administrator intends to 2652
continue to practice nursing home administration without 2653
interruption after the administrator's license expires, the 2654
administrator shall apply to the board of executives of long- 2655
term services and supports for a renewed nursing home 2656
administrator license. Subject to section 4751.32 of the Revised 2657
Code, the board shall renew the license if the administrator 2658
does all of the following before the license expires: 2659

(1) Submits to the board a completed application for 2660
license renewal in accordance with rules adopted under section 2661
4751.04 of the Revised Code; 2662

- (2) Pays to the board the license renewal fee of three 2663
hundred dollars; 2664
- (3) Submits to the board satisfactory evidence to the 2665
~~board~~ of having attended such continuing education programs or 2666
courses of study as may be prescribed in rules adopted ~~by the~~ 2667
~~board~~ under section 4751.04 of the Revised Code; 2668
- (4) Satisfies any other requirements as may be prescribed 2669
in rules adopted under section 4751.04 of the Revised Code. 2670
- ~~(B) Upon making an application for a new certificate of~~ 2671
~~registration such individual shall pay the annual registration~~ 2672
~~fee of three hundred dollars.~~ 2673
- ~~(C) Upon receipt of such application for registration and~~ 2674
~~the registration fee required by divisions (A) and (B) of this~~ 2675
~~section, the board shall issue a certificate of registration to~~ 2676
~~such nursing home administrator. If a nursing home administrator~~ 2677
~~license issued under section 4751.20 or 4751.201 of the Revised~~ 2678
~~Code is not renewed before it expires, the individual who held~~ 2679
~~the license may apply to the board for the license's~~ 2680
~~reinstatement. Subject to section 4751.32 of the Revised Code,~~ 2681
~~the board shall reinstate the license if the individual does all~~ 2682
~~of the following not later than one year after the date the~~ 2683
~~license expired:~~ 2684
- (1) Submits to the board the completed application for 2685
license reinstatement in accordance with rules adopted under 2686
section 4751.04 of the Revised Code; 2687
- (2) Pays to the board the license reinstatement fee equal 2688
to the sum of the following: 2689
- (a) Three hundred dollars; 2690

(b) Fifty dollars for each calendar quarter that occurs 2691
during the period beginning on the date the license expires and 2692
ending on the last day of the calendar quarter during which the 2693
individual applies for license reinstatement, up to a maximum of 2694
two hundred dollars. 2695

(3) Submits to the board satisfactory evidence of having 2696
attended such continuing education programs or courses of study 2697
as may be prescribed in rules adopted by the board under section 2698
4751.04 of the Revised Code; 2699

(4) Satisfies any other requirements as may be prescribed 2700
in rules adopted under section 4751.04 of the Revised Code. 2701

~~(D) The license of a nursing home administrator who fails~~ 2702
~~to comply with this section shall automatically lapse.~~ 2703

~~(E) A licensed nursing home administrator who has been~~ 2704
~~licensed and registered in this state who determines to~~ 2705
~~temporarily abandon the practice of nursing home administration~~ 2706
~~shall notify the board in writing immediately; provided, that~~ 2707
~~such individual. The former administrator may thereafter~~ 2708
~~register to resume the practice of nursing home administration~~ 2709
~~within the state upon complying with the requirements of this~~ 2710
~~section regarding annual registration license renewal or license~~ 2711
~~reinstatement, whichever is applicable.~~ 2712

~~(F) Only an individual who has qualified as a licensed and~~ 2713
~~registered nursing home administrator under Chapter 4751. of the~~ 2714
~~Revised Code and the rules adopted thereunder, and who holds a~~ 2715
~~valid current registration certificate pursuant to this section,~~ 2716
~~may use the title "nursing home administrator," or the~~ 2717
~~abbreviation "N.H.A." after the individual's name. No other~~ 2718
~~person shall use such title or such abbreviation or any other~~ 2719

~~words, letters, sign, card, or device tending to indicate or to~~ 2720
~~imply that the person is a licensed and registered nursing home~~ 2721
~~administrator.~~ 2722

~~(G) Every person holding a valid license entitling the~~ 2723
~~person to practice nursing home administration in this state~~ 2724
~~shall display said license in the nursing home which is the~~ 2725
~~person's principal place of employment, and while engaged in the~~ 2726
~~practice of nursing home administration shall have at hand the~~ 2727
~~current registration certificate.~~ 2728

~~(H) Every person holding a valid temporary license shall~~ 2729
~~have such license at hand while engaged in the practice of~~ 2730
~~nursing home administration.~~ 2731

Sec. 4751.25. (A) Subject to section 4751.32 of the 2732
Revised Code, a health services executive license is valid for 2733
one year and may be renewed and reinstated in accordance with 2734
this section. 2735

(B) A licensed health services executive may apply to the 2736
board of executives of long-term services and supports for a 2737
renewed license. Subject to section 4751.32 of the Revised Code, 2738
the board shall renew the license if the licensed health 2739
services executive does all of the following before the license 2740
expires: 2741

(1) Submits to the board the completed application for 2742
license renewal in accordance with rules adopted under section 2743
4751.04 of the Revised Code; 2744

(2) Pays to the board the license renewal fee of fifty 2745
dollars; 2746

(3) Submits to the board satisfactory evidence of having 2747
attended such continuing education programs or courses of study 2748

as may be prescribed in rules adopted under section 4751.04 of 2749
the Revised Code. 2750

(C) (1) If a health services executive license is not 2751
renewed before it expires, the individual who held the license 2752
may apply to the board for the license's reinstatement. Subject 2753
to section 4751.32 of the Revised Code, the board shall 2754
reinstate the license if the individual does all of the 2755
following not later than one year after the date the license 2756
expired: 2757

(a) Submits to the board the completed application for 2758
license reinstatement in accordance with rules adopted under 2759
section 4751.04 of the Revised Code; 2760

(b) Pays to the board the license reinstatement fee 2761
specified in division (C) (2) of this section; 2762

(c) Submits to the board satisfactory evidence of having 2763
attended such continuing education programs or courses of study 2764
as may be prescribed in rules adopted under section 4751.04 of 2765
the Revised Code. 2766

(2) The fee to reinstate a health services executive 2767
license under division (C) (1) of this section is the following: 2768

(a) If the individual applying for reinstatement has, at 2769
the same time, applied for reinstatement of a nursing home 2770
administrator license under division (C) of section 4751.24 of 2771
the Revised Code and paid the reinstatement fee required by 2772
division (C) (2) of that section, one hundred dollars; 2773

(b) If division (C) (2) (a) of this section does not apply 2774
to the individual, the sum of the following: 2775

(i) One hundred dollars; 2776

(ii) Twenty-five dollars for each calendar quarter that 2777
occurs during the period beginning on the date the license 2778
expired and ending on the last day of the calendar quarter 2779
during which the individual applies for license reinstatement, 2780
up to a maximum of one hundred dollars. 2781

Sec. ~~4751.044~~ 4751.26. The board of executives of long- 2782
term services and supports shall approve continuing education 2783
courses for licensed nursing home administrators and licensed 2784
health services executives. The board may establish a fee for 2785
approval of such courses that is adequate to cover any expense 2786
the board incurs in the approval process. 2787

Sec. 4751.30. (A) Any person may submit to the board of 2788
executives of long-term services and supports a complaint that 2789
the person reasonably believes that another person has violated, 2790
or failed to comply with a requirement of, this chapter or a 2791
rule adopted under section 4751.04 of the Revised Code. All of 2792
the following apply to complaints submitted to the board under 2793
this section: 2794

(1) They are not subject to discovery in any civil action. 2795

(2) They are not public records for purposes of section 2796
149.43 of the Revised Code. 2797

(3) They are not subject to inspection or copying under 2798
section 1347.08 of the Revised Code. 2799

(B) Except as provided in division (D) of section 4751.31 2800
of the Revised Code, the board shall protect the confidentiality 2801
of each person who submits a complaint to the board under this 2802
section. 2803

Sec. 4751.31. (A) The board of executives of long-term 2804
services and supports shall receive, investigate, and take 2805

appropriate action with respect to any complaint submitted to 2806
the board under section 4751.30 of the Revised Code and any 2807
other credible information the board possesses that indicates a 2808
person may have violated, or failed to comply with a requirement 2809
of, this chapter or a rule adopted under section 4751.04 of the 2810
Revised Code. 2811

(B) In conducting an investigation under this section, the 2812
board may do any of the following: 2813

(1) Question witnesses; 2814

(2) Conduct interviews; 2815

(3) Inspect and copy any books, accounts, papers, records, 2816
or other documents; 2817

(4) Issue subpoenas; 2818

(5) Compel the attendance of witnesses and the production 2819
of documents and testimony. 2820

(C) No member of the board who supervises an investigation 2821
conducted under this section shall participate in any 2822
adjudication arising from the investigation. 2823

(D) The board may disclose any information it receives as 2824
part of an investigation conducted under this section, including 2825
the identity of a person who submits a complaint under section 2826
4751.30 of the Revised Code, to a law enforcement agency, 2827
licensing board, or other government agency that investigates, 2828
prosecutes, or adjudicates alleged violations of statutes or 2829
rules. An agency or board that receives such information shall 2830
protect the confidentiality of a person who submits a complaint 2831
under section 4751.30 of the Revised Code in the same manner as 2832
the board of executives of long-term services and supports, 2833

notwithstanding any other information that the agency or other 2834
board possesses. 2835

~~Sec. 4751.10~~ 4751.32. (A) ~~The license or registration, or~~ 2836
~~both, or the temporary license of any person practicing or~~ 2837
~~offering to practice nursing home administration, shall be~~ 2838
~~revoked or suspended by the board of executives of long-term~~ 2839
~~services and supports~~ may take any of the actions authorized by 2840
division (B) of this section against an individual who has 2841
applied for or holds a nursing home administrator license, 2842
temporary nursing home administrator license, or health services 2843
executive license ~~if such licensee or temporary licensee~~ any of 2844
the following apply to the individual: 2845

~~(A) Is~~ (1) The individual has failed to satisfy any 2846
requirement established by this chapter or the rules adopted 2847
under section 4751.04 of the Revised Code that must be satisfied 2848
to obtain the license or temporary license. 2849

(2) The individual has violated, or failed to comply with 2850
a requirement of, this chapter or a rule adopted under section 2851
4751.04 of the Revised Code regarding the practice of nursing 2852
home administration, including the requirements of sections 2853
4751.40 and 4751.41 of the Revised Code. 2854

(3) The individual is unfit or incompetent to practice 2855
nursing home administration, serve in a leadership position at a 2856
long-term services and supports setting, or direct the practices 2857
of others in such a setting ~~by reason of negligence, habits, or~~ 2858
~~other causes;~~ 2859

~~(B) Has willfully or repeatedly violated any of the~~ 2860
~~provisions of Chapter 4751. of the Revised Code or the~~ 2861
~~regulations adopted thereunder; or willfully or repeatedly,~~ 2862

including the individual's habitual or excessive use or abuse of 2863
drugs, alcohol, or other substances. 2864

(4) The individual has acted in a manner inconsistent with 2865
the health and safety of either of the patients following: 2866

(a) The residents of the nursing home in at which the 2867
licensee or temporary licensee is the administrator individual 2868
practices nursing home administration; 2869

~~(C) Is guilty of fraud or deceit in the practice of~~ 2870
~~nursing home administration or in the licensee's or temporary~~ 2871
~~licensee's admission to such practice;~~ 2872

~~(D) Has~~ (b) The consumers of services and supports 2873
provided by a long-term services and supports setting at which 2874
the individual serves in a leadership position or directs the 2875
practices of others. 2876

(5) The individual has been convicted of, or pleaded 2877
guilty to, either of the following in a court of competent 2878
jurisdiction, either within or without this state, of a: 2879

(a) A felony; 2880

(b) An offense of moral turpitude that constitutes a 2881
misdemeanor in this state. 2882

(6) The individual made a false, fraudulent, deceptive, or 2883
misleading statement in seeking to obtain, or obtaining, a 2884
nursing home administrator license, temporary nursing home 2885
administrator license, or health services executive license. 2886

(7) The individual made a fraudulent misrepresentation in 2887
attempting to obtain, or obtaining, money or anything of value 2888
in the practice of nursing home administration or while serving 2889
in a leadership position at a long-term services and supports 2890

<u>setting or directing the practices of others in such a setting.</u>	2891
<u>(8) The individual has substantially deviated from the</u>	2892
<u>board's code of ethics.</u>	2893
<u>(9) Another health care licensing agency has taken any of</u>	2894
<u>the following actions against the individual for any reason</u>	2895
<u>other than nonpayment of a fee:</u>	2896
<u>(a) Denied, refused to renew or reinstate, limited,</u>	2897
<u>revoked, or suspended, or accepted the surrender of, a license</u>	2898
<u>or other authorization to practice;</u>	2899
<u>(b) Imposed probation;</u>	2900
<u>(c) Issued a censure or other reprimand.</u>	2901
<u>(10) The individual has failed to do any of the following:</u>	2902
<u>(a) Cooperate with an investigation conducted by the board</u>	2903
<u>under section 4751.31 of the Revised Code;</u>	2904
<u>(b) Respond to or comply with a subpoena issued by the</u>	2905
<u>board in an investigation of the individual;</u>	2906
<u>(c) Comply with any disciplinary action the board has</u>	2907
<u>taken against the individual pursuant to this section.</u>	2908
<u>(B) The following are the actions that the board may take</u>	2909
<u>for the purpose of division (A) of this section:</u>	2910
<u>(1) Deny the individual any of the following:</u>	2911
<u>(a) A nursing home administrator license under section</u>	2912
<u>4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;</u>	2913
<u>(b) A temporary nursing home administrator license under</u>	2914
<u>section 4751.202 or 4751.23 of the Revised Code;</u>	2915
<u>(c) A health services executive license under section</u>	2916

<u>4751.21, 4751.23, or 4751.25 of the Revised Code.</u>	2917
<u>(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;</u>	2918
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<u>(3) Revoke the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license, either permanently or for a period of time the board specifies;</u>	2921
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<u>(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;</u>	2925
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<u>(5) Place the individual on probation;</u>	2928
<u>(6) Issue a written reprimand of the individual;</u>	2929
<u>(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.</u>	2930
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<u>(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised Code, except that the board may enter into a consent agreement with an individual to resolve an alleged violation of this chapter or a rule adopted under section 4751.04 of the Revised Code in lieu of making an adjudication regarding the alleged violation. A consent agreement constitutes the board's findings and order with respect to the matter addressed in the consent agreement if the board ratifies the consent agreement. Any admissions or findings included in a proposed consent agreement have no force or effect if the board refuses to ratify the consent agreement.</u>	2933
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~~Sec. 4751.11~~ **4751.33.** (A) The board of executives of long-term services and supports may, in its discretion, reissue a nursing home administrator license or registration, or both, temporary nursing home administrator license, or health services executive license to any ~~person~~ individual whose license or registration, or both, temporary license has been ~~revoked.~~

~~(B) revoked.~~ Application for the reissuance ~~of a license or registration, or both,~~ shall not be made prior to one year after revocation and shall be made in such manner as the board may direct.

~~(C)~~ (B) If a ~~person~~ an individual who has been convicted of, or pleaded guilty to, a felony is subsequently pardoned by the governor of the state where such conviction or plea was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of ~~such person~~ the individual and on the submission of evidence satisfactory to the board, ~~restore to such person~~ the individual's nursing home administrator's administrator license or registration, temporary nursing home administrator license, or both health services executive license.

~~Sec. 4751.12~~ **4751.35.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the board of executives of long-term services and supports shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or temporary license issued pursuant to this chapter.

~~Sec. 4751.13~~ **4751.36.** The board of executives of long-term

services and supports shall comply with section 4776.20 of the Revised Code.

Sec. 4751.37. The board of executives of long-term services and supports shall take such actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the "Social Security Act," 42 U.S.C. 1396g.

Sec. 4751.38. The board of executives of long-term services and supports shall create opportunities for the education, training, and credentialing of nursing home administrators, persons in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings, and persons interested in serving in those roles. In carrying out this duty, the board shall do both the following:

(A) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators, credentialed individuals, and others working within the long-term services and supports settings system, with an emphasis on all of the following:

(1) Leadership;

(2) Person-centered care;

(3) Principles of management within both the business and regulatory environments;

(4) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.

(B) Assist in the development of a strong, competitive market in this state for making training, continuing education, and degree programs available to individuals seeking to practice

nursing home administration, serve in a leadership position at a 3003
long-term services and support setting, or direct the practice 3004
of others in such a setting. 3005

Sec. ~~4751.043~~ 4751.381. (A) Training and education 3006
programs developed by the board of executives of long-term 3007
services and supports pursuant to ~~division (A) (10) of section~~ 3008
~~4751.04-4751.38~~ of the Revised Code may be conducted in person 3009
or through electronic media. The board may establish and charge 3010
a fee for the education and training programs. 3011

(B) The board may enter into a contract with a government 3012
or private entity to perform the board's duties under ~~division-~~ 3013
~~(A) (10) of section 4751.04-4751.38~~ of the Revised Code to 3014
develop and conduct education and training programs. If the 3015
board enters into such a contract, the contract may authorize 3016
the entity to pay any or all costs associated with the education 3017
or training programs and to collect and keep, as all or part of 3018
the entity's compensation under the contract, any fee an 3019
applicant for education or training pays to enroll in the 3020
education or training program. 3021

Sec. 4751.40. Each licensed nursing home administrator, 3022
licensed temporary nursing home administrator, and licensed 3023
health services executive shall report to the board of 3024
executives of long-term services and supports any change in any 3025
of the following not later than ten days after the change: 3026

(A) The individual's residence mailing address; 3027

(B) The name and address of each place at which the 3028
individual practices nursing home administration; 3029

(C) The name and address of each long-term services and 3030
supports setting at which the individual serves in a leadership 3031

position or directs the practices of others. 3032

Sec. 4751.41. Every licensed nursing home administrator, licensed temporary nursing home administrator, and licensed health services executive shall display the individual's license or temporary license in the place at which the individual practices nursing home administration and the long-term services and supports setting at which the individual serves in a leadership position or directs the practices of others. 3033
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Sec. 4751.45. An individual who is a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive may request that the board of executives of long-term services and supports provide to a licensing board or agency of another state verification of the individual's licensure status under this chapter and other related information in the board's possession. The board shall provide the licensing board or agency of the other state the verification and other related information so requested if the individual pays to the board the fee for this service. The board shall adopt a rule under section 4751.04 of the Revised Code establishing the fee. 3040
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Sec. 4751.99. Whoever violates section ~~4751.02 or 4751.09~~ 4751.10 of the Revised Code may be fined not more than five hundred dollars for the first offense; for each subsequent offense such person may be fined not more than five hundred dollars or imprisoned for not more than ninety days, or both. 3052
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The imposition of fines pursuant to this section does not preclude the imposition of any civil penalties or fines authorized ~~under by~~ section ~~4751.04~~ 4751.32 or any other section of the Revised Code. 3057
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Sec. 4776.01. As used in this chapter:	3061
(A) "License" means an authorization evidenced by a	3062
license, certificate, registration, permit, card, or other	3063
authority that is issued or conferred by a licensing agency to a	3064
licensee or to an applicant for an initial license by which the	3065
licensee or initial license applicant has or claims the	3066
privilege to engage in a profession, occupation, or occupational	3067
activity, or, except in the case of the state dental board, to	3068
have control of and operate certain specific equipment,	3069
machinery, or premises, over which the licensing agency has	3070
jurisdiction.	3071
(B) Except as provided in section 4776.20 of the Revised	3072
Code, "licensee" means the person to whom the license is issued	3073
by a licensing agency. "Licensee" includes a person who, for	3074
purposes of section 3796.13 of the Revised Code, has complied	3075
with sections 4776.01 to 4776.04 of the Revised Code and has	3076
been determined by the department of commerce or state board of	3077
pharmacy, as the applicable licensing agency, to meet the	3078
requirements for employment.	3079
(C) Except as provided in section 4776.20 of the Revised	3080
Code, "licensing agency" means any of the following:	3081
(1) The board authorized by Chapters 4701., 4717., 4725.,	3082
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., <u>4751.</u> ,	3083
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778.,	3084
4779., and 4783. of the Revised Code to issue a license to	3085
engage in a specific profession, occupation, or occupational	3086
activity, or to have charge of and operate certain specific	3087
equipment, machinery, or premises.	3088
(2) The state dental board, relative to its authority to	3089

issue a license pursuant to section 4715.12, 4715.16, 4715.21, 3090
or 4715.27 of the Revised Code; 3091

(3) The department of commerce or state board of pharmacy, 3092
relative to its authority under Chapter 3796. of the Revised 3093
Code and any rules adopted under that chapter with respect to a 3094
person who is subject to section 3796.13 of the Revised Code. 3095

(D) "Applicant for an initial license" includes persons 3096
seeking a license for the first time and persons seeking a 3097
license by reciprocity, endorsement, or similar manner of a 3098
license issued in another state. "Applicant for an initial 3099
license" also includes a person who, for purposes of section 3100
3796.13 of the Revised Code, is required to comply with sections 3101
4776.01 to 4776.04 of the Revised Code. 3102

(E) "Applicant for a restored license" includes persons 3103
seeking restoration of a license under section 4730.14, 3104
4731.281, 4760.06, or 4762.06 of the Revised Code. "Applicant 3105
for a restored license" does not include a person seeking 3106
restoration of a license under section 4751.33 of the Revised 3107
Code. 3108

(F) "Criminal records check" has the same meaning as in 3109
section 109.572 of the Revised Code. 3110

Sec. 4776.20. (A) As used in this section: 3111

(1) "Licensing agency" means, in addition to each board 3112
identified in division (C) of section 4776.01 of the Revised 3113
Code, the board or other government entity authorized to issue a 3114
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 3115
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 3116
4742., 4747., 4749., ~~4751.~~ 4752., 4753., 4758., 4759., 4763., 3117
4764., 4765., 4766., 4771., 4773., and 4781. of the Revised 3118

Code. "Licensing agency" includes an administrative officer that 3119
has authority to issue a license. 3120

(2) "Licensee" means, in addition to a licensee as 3121
described in division (B) of section 4776.01 of the Revised 3122
Code, the person to whom a license is issued by the board or 3123
other government entity authorized to issue a license under 3124
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 3125
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 3126
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 3127
4766., 4771., 4773., and 4781. of the Revised Code. 3128

(3) "Prosecutor" has the same meaning as in section 3129
2935.01 of the Revised Code. 3130

(B) On a licensee's conviction of, plea of guilty to, 3131
judicial finding of guilt of, or judicial finding of guilt 3132
resulting from a plea of no contest to the offense of 3133
trafficking in persons in violation of section 2905.32 of the 3134
Revised Code, the prosecutor in the case shall promptly notify 3135
the licensing agency of the conviction, plea, or finding and 3136
provide the licensee's name and residential address. On receipt 3137
of this notification, the licensing agency shall immediately 3138
suspend the licensee's license. 3139

(C) If there is a conviction of, plea of guilty to, 3140
judicial finding of guilt of, or judicial finding of guilt 3141
resulting from a plea of no contest to the offense of 3142
trafficking in persons in violation of section 2905.32 of the 3143
Revised Code and all or part of the violation occurred on the 3144
premises of a facility that is licensed by a licensing agency, 3145
the prosecutor in the case shall promptly notify the licensing 3146
agency of the conviction, plea, or finding and provide the 3147
facility's name and address and the offender's name and 3148

residential address. On receipt of this notification, the 3149
licensing agency shall immediately suspend the facility's 3150
license. 3151

(D) Notwithstanding any provision of the Revised Code to 3152
the contrary, the suspension of a license under division (B) or 3153
(C) of this section shall be implemented by a licensing agency 3154
without a prior hearing. After the suspension, the licensing 3155
agency shall give written notice to the subject of the 3156
suspension of the right to request a hearing under Chapter 119. 3157
of the Revised Code. After a hearing is held, the licensing 3158
agency shall either revoke or permanently revoke the license of 3159
the subject of the suspension, unless it determines that the 3160
license holder has not been convicted of, pleaded guilty to, 3161
been found guilty of, or been found guilty based on a plea of no 3162
contest to the offense of trafficking in persons in violation of 3163
section 2905.32 of the Revised Code. 3164

Sec. 5903.12. (A) As used in this section: 3165

"Continuing education" means continuing education required 3166
of a licensee by law and includes, but is not limited to, the 3167
continuing education required of licensees under sections 3168
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 3169
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 3170
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07, 4751.24, 4751.25,~~ 3171
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 3172
Code. 3173

"Reporting period" means the period of time during which a 3174
licensee must complete the number of hours of continuing 3175
education required of the licensee by law. 3176

(B) A licensee may submit an application to a licensing 3177

agency, stating that the licensee requires an extension of the 3178
current reporting period because the licensee has served on 3179
active duty during the current or a prior reporting period. The 3180
licensee shall submit proper documentation certifying the active 3181
duty service and the length of that active duty service. Upon 3182
receiving the application and proper documentation, the 3183
licensing agency shall extend the current reporting period by an 3184
amount of time equal to the total number of months that the 3185
licensee spent on active duty during the current reporting 3186
period. For purposes of this division, any portion of a month 3187
served on active duty shall be considered one full month. 3188

Section 2. That existing sections 109.572, 149.43, 3189
1347.08, 2925.01, 4743.02, 4751.01, 4751.03, 4751.041, 4751.042, 3190
4751.043, 4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 3191
4751.11, 4751.12, 4751.13, 4751.14, 4751.99, 4776.01, 4776.20, 3192
and 5903.12 and sections 4751.02, 4751.04, and 4751.09 of the 3193
Revised Code are hereby repealed. 3194

Section 3. As used in this section, "authorizing statute" 3195
means a Revised Code section or provision of a Revised Code 3196
section that is cited in the Ohio Administrative Code as the 3197
statute that authorizes the adoption of a rule. 3198

The Board of Executives of Long-Term Services and Supports 3199
is not required to amend any rule for the sole purpose of 3200
updating the citation in the Ohio Administrative Code to the 3201
rule's authorizing statute to reflect that this act renumbers 3202
the authorizing statute or relocates it to another Revised Code 3203
section. Such citations shall be updated as the Board amends the 3204
rules for other purposes. 3205

Section 4. That the version of section 109.572 of the 3206
Revised Code that is scheduled to take effect on September 20, 3207

2019, be amended to read as follows: 3208

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 3209
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 3210
Code, a completed form prescribed pursuant to division (C) (1) of 3211
this section, and a set of fingerprint impressions obtained in 3212
the manner described in division (C) (2) of this section, the 3213
superintendent of the bureau of criminal identification and 3214
investigation shall conduct a criminal records check in the 3215
manner described in division (B) of this section to determine 3216
whether any information exists that indicates that the person 3217
who is the subject of the request previously has been convicted 3218
of or pleaded guilty to any of the following: 3219

(a) A violation of section 2903.01, 2903.02, 2903.03, 3220
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3221
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3222
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3223
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3224
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 3225
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 3226
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 3227
sexual penetration in violation of former section 2907.12 of the 3228
Revised Code, a violation of section 2905.04 of the Revised Code 3229
as it existed prior to July 1, 1996, a violation of section 3230
2919.23 of the Revised Code that would have been a violation of 3231
section 2905.04 of the Revised Code as it existed prior to July 3232
1, 1996, had the violation been committed prior to that date, or 3233
a violation of section 2925.11 of the Revised Code that is not a 3234
minor drug possession offense; 3235

(b) A violation of an existing or former law of this 3236
state, any other state, or the United States that is 3237

substantially equivalent to any of the offenses listed in 3238
division (A) (1) (a) of this section; 3239

(c) If the request is made pursuant to section 3319.39 of 3240
the Revised Code for an applicant who is a teacher, any offense 3241
specified in section 3319.31 of the Revised Code. 3242

(2) On receipt of a request pursuant to section 3712.09 or 3243
3721.121 of the Revised Code, a completed form prescribed 3244
pursuant to division (C) (1) of this section, and a set of 3245
fingerprint impressions obtained in the manner described in 3246
division (C) (2) of this section, the superintendent of the 3247
bureau of criminal identification and investigation shall 3248
conduct a criminal records check with respect to any person who 3249
has applied for employment in a position for which a criminal 3250
records check is required by those sections. The superintendent 3251
shall conduct the criminal records check in the manner described 3252
in division (B) of this section to determine whether any 3253
information exists that indicates that the person who is the 3254
subject of the request previously has been convicted of or 3255
pleaded guilty to any of the following: 3256

(a) A violation of section 2903.01, 2903.02, 2903.03, 3257
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3258
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3259
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3260
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3261
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3262
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 3263
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 3264
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 3265

(b) An existing or former law of this state, any other 3266
state, or the United States that is substantially equivalent to 3267

any of the offenses listed in division (A) (2) (a) of this section. 3268
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(3) On receipt of a request pursuant to section 173.27, 3270
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 3271
5123.081, or 5123.169 of the Revised Code, a completed form 3272
prescribed pursuant to division (C) (1) of this section, and a 3273
set of fingerprint impressions obtained in the manner described 3274
in division (C) (2) of this section, the superintendent of the 3275
bureau of criminal identification and investigation shall 3276
conduct a criminal records check of the person for whom the 3277
request is made. The superintendent shall conduct the criminal 3278
records check in the manner described in division (B) of this 3279
section to determine whether any information exists that 3280
indicates that the person who is the subject of the request 3281
previously has been convicted of, has pleaded guilty to, or 3282
(except in the case of a request pursuant to section 5164.34, 3283
5164.341, or 5164.342 of the Revised Code) has been found 3284
eligible for intervention in lieu of conviction for any of the 3285
following, regardless of the date of the conviction, the date of 3286
entry of the guilty plea, or (except in the case of a request 3287
pursuant to section 5164.34, 5164.341, or 5164.342 of the 3288
Revised Code) the date the person was found eligible for 3289
intervention in lieu of conviction: 3290

(a) A violation of section 959.13, 959.131, 2903.01, 3291
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 3292
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 3293
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 3294
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 3295
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 3296
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 3297
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 3298

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	3299
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	3300
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	3301
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	3302
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	3303
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	3304
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	3305
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	3306
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	3307
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	3308
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	3309
(b) Felonious sexual penetration in violation of former	3310
section 2907.12 of the Revised Code;	3311
(c) A violation of section 2905.04 of the Revised Code as	3312
it existed prior to July 1, 1996;	3313
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	3314
the Revised Code when the underlying offense that is the object	3315
of the conspiracy, attempt, or complicity is one of the offenses	3316
listed in divisions (A) (3) (a) to (c) of this section;	3317
(e) A violation of an existing or former municipal	3318
ordinance or law of this state, any other state, or the United	3319
States that is substantially equivalent to any of the offenses	3320
listed in divisions (A) (3) (a) to (d) of this section.	3321
(4) On receipt of a request pursuant to section 2151.86 of	3322
the Revised Code, a completed form prescribed pursuant to	3323
division (C) (1) of this section, and a set of fingerprint	3324
impressions obtained in the manner described in division (C) (2)	3325
of this section, the superintendent of the bureau of criminal	3326
identification and investigation shall conduct a criminal	3327

records check in the manner described in division (B) of this 3328
section to determine whether any information exists that 3329
indicates that the person who is the subject of the request 3330
previously has been convicted of or pleaded guilty to any of the 3331
following: 3332

(a) A violation of section 959.13, 2903.01, 2903.02, 3333
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 3334
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 3335
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 3336
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 3337
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 3338
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 3339
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 3340
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3341
2927.12, or 3716.11 of the Revised Code, a violation of section 3342
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3343
a violation of section 2919.23 of the Revised Code that would 3344
have been a violation of section 2905.04 of the Revised Code as 3345
it existed prior to July 1, 1996, had the violation been 3346
committed prior to that date, a violation of section 2925.11 of 3347
the Revised Code that is not a minor drug possession offense, 3348
two or more OVI or OVUAC violations committed within the three 3349
years immediately preceding the submission of the application or 3350
petition that is the basis of the request, or felonious sexual 3351
penetration in violation of former section 2907.12 of the 3352
Revised Code; 3353

(b) A violation of an existing or former law of this 3354
state, any other state, or the United States that is 3355
substantially equivalent to any of the offenses listed in 3356
division (A) (4) (a) of this section. 3357

(5) Upon receipt of a request pursuant to section 5104.013 3358
of the Revised Code, a completed form prescribed pursuant to 3359
division (C)(1) of this section, and a set of fingerprint 3360
impressions obtained in the manner described in division (C)(2) 3361
of this section, the superintendent of the bureau of criminal 3362
identification and investigation shall conduct a criminal 3363
records check in the manner described in division (B) of this 3364
section to determine whether any information exists that 3365
indicates that the person who is the subject of the request has 3366
been convicted of or pleaded guilty to any of the following: 3367

(a) A violation of section 2151.421, 2903.01, 2903.02, 3368
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 3369
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 3370
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 3371
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 3372
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3373
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 3374
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 3375
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 3376
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 3377
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 3378
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 3379
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 3380
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3381
3716.11 of the Revised Code, felonious sexual penetration in 3382
violation of former section 2907.12 of the Revised Code, a 3383
violation of section 2905.04 of the Revised Code as it existed 3384
prior to July 1, 1996, a violation of section 2919.23 of the 3385
Revised Code that would have been a violation of section 2905.04 3386
of the Revised Code as it existed prior to July 1, 1996, had the 3387
violation been committed prior to that date, a violation of 3388

section 2925.11 of the Revised Code that is not a minor drug 3389
possession offense, a violation of section 2923.02 or 2923.03 of 3390
the Revised Code that relates to a crime specified in this 3391
division, or a second violation of section 4511.19 of the 3392
Revised Code within five years of the date of application for 3393
licensure or certification. 3394

(b) A violation of an existing or former law of this 3395
state, any other state, or the United States that is 3396
substantially equivalent to any of the offenses or violations 3397
described in division (A) (5) (a) of this section. 3398

(6) Upon receipt of a request pursuant to section 5153.111 3399
of the Revised Code, a completed form prescribed pursuant to 3400
division (C) (1) of this section, and a set of fingerprint 3401
impressions obtained in the manner described in division (C) (2) 3402
of this section, the superintendent of the bureau of criminal 3403
identification and investigation shall conduct a criminal 3404
records check in the manner described in division (B) of this 3405
section to determine whether any information exists that 3406
indicates that the person who is the subject of the request 3407
previously has been convicted of or pleaded guilty to any of the 3408
following: 3409

(a) A violation of section 2903.01, 2903.02, 2903.03, 3410
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3411
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3412
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3413
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3414
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 3415
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 3416
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 3417
Code, felonious sexual penetration in violation of former 3418

section 2907.12 of the Revised Code, a violation of section 3419
2905.04 of the Revised Code as it existed prior to July 1, 1996, 3420
a violation of section 2919.23 of the Revised Code that would 3421
have been a violation of section 2905.04 of the Revised Code as 3422
it existed prior to July 1, 1996, had the violation been 3423
committed prior to that date, or a violation of section 2925.11 3424
of the Revised Code that is not a minor drug possession offense; 3425

(b) A violation of an existing or former law of this 3426
state, any other state, or the United States that is 3427
substantially equivalent to any of the offenses listed in 3428
division (A) (6) (a) of this section. 3429

(7) On receipt of a request for a criminal records check 3430
from an individual pursuant to section 4749.03 or 4749.06 of the 3431
Revised Code, accompanied by a completed copy of the form 3432
prescribed in division (C) (1) of this section and a set of 3433
fingerprint impressions obtained in a manner described in 3434
division (C) (2) of this section, the superintendent of the 3435
bureau of criminal identification and investigation shall 3436
conduct a criminal records check in the manner described in 3437
division (B) of this section to determine whether any 3438
information exists indicating that the person who is the subject 3439
of the request has been convicted of or pleaded guilty to a 3440
felony in this state or in any other state. If the individual 3441
indicates that a firearm will be carried in the course of 3442
business, the superintendent shall require information from the 3443
federal bureau of investigation as described in division (B) (2) 3444
of this section. Subject to division (F) of this section, the 3445
superintendent shall report the findings of the criminal records 3446
check and any information the federal bureau of investigation 3447
provides to the director of public safety. 3448

(8) On receipt of a request pursuant to section 1321.37, 3449
1321.53, or 4763.05 of the Revised Code, a completed form 3450
prescribed pursuant to division (C)(1) of this section, and a 3451
set of fingerprint impressions obtained in the manner described 3452
in division (C)(2) of this section, the superintendent of the 3453
bureau of criminal identification and investigation shall 3454
conduct a criminal records check with respect to any person who 3455
has applied for a license, permit, or certification from the 3456
department of commerce or a division in the department. The 3457
superintendent shall conduct the criminal records check in the 3458
manner described in division (B) of this section to determine 3459
whether any information exists that indicates that the person 3460
who is the subject of the request previously has been convicted 3461
of or pleaded guilty to any of the following: a violation of 3462
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 3463
Revised Code; any other criminal offense involving theft, 3464
receiving stolen property, embezzlement, forgery, fraud, passing 3465
bad checks, money laundering, or drug trafficking, or any 3466
criminal offense involving money or securities, as set forth in 3467
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3468
the Revised Code; or any existing or former law of this state, 3469
any other state, or the United States that is substantially 3470
equivalent to those offenses. 3471

(9) On receipt of a request for a criminal records check 3472
from the treasurer of state under section 113.041 of the Revised 3473
Code or from an individual under section 4701.08, 4715.101, 3474
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 3475
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 3476
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 3477
4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 3478
4751.202, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 3479

4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 3480
4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the 3481
Revised Code, accompanied by a completed form prescribed under 3482
division (C) (1) of this section and a set of fingerprint 3483
impressions obtained in the manner described in division (C) (2) 3484
of this section, the superintendent of the bureau of criminal 3485
identification and investigation shall conduct a criminal 3486
records check in the manner described in division (B) of this 3487
section to determine whether any information exists that 3488
indicates that the person who is the subject of the request has 3489
been convicted of or pleaded guilty to any criminal offense in 3490
this state or any other state. Subject to division (F) of this 3491
section, the superintendent shall send the results of a check 3492
requested under section 113.041 of the Revised Code to the 3493
treasurer of state and shall send the results of a check 3494
requested under any of the other listed sections to the 3495
licensing board specified by the individual in the request. 3496

(10) On receipt of a request pursuant to section 124.74, 3497
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 3498
completed form prescribed pursuant to division (C) (1) of this 3499
section, and a set of fingerprint impressions obtained in the 3500
manner described in division (C) (2) of this section, the 3501
superintendent of the bureau of criminal identification and 3502
investigation shall conduct a criminal records check in the 3503
manner described in division (B) of this section to determine 3504
whether any information exists that indicates that the person 3505
who is the subject of the request previously has been convicted 3506
of or pleaded guilty to any criminal offense under any existing 3507
or former law of this state, any other state, or the United 3508
States. 3509

(11) On receipt of a request for a criminal records check 3510

from an appointing or licensing authority under section 3772.07 3511
of the Revised Code, a completed form prescribed under division 3512
(C) (1) of this section, and a set of fingerprint impressions 3513
obtained in the manner prescribed in division (C) (2) of this 3514
section, the superintendent of the bureau of criminal 3515
identification and investigation shall conduct a criminal 3516
records check in the manner described in division (B) of this 3517
section to determine whether any information exists that 3518
indicates that the person who is the subject of the request 3519
previously has been convicted of or pleaded guilty or no contest 3520
to any offense under any existing or former law of this state, 3521
any other state, or the United States that is a disqualifying 3522
offense as defined in section 3772.07 of the Revised Code or 3523
substantially equivalent to such an offense. 3524

(12) On receipt of a request pursuant to section 2151.33 3525
or 2151.412 of the Revised Code, a completed form prescribed 3526
pursuant to division (C) (1) of this section, and a set of 3527
fingerprint impressions obtained in the manner described in 3528
division (C) (2) of this section, the superintendent of the 3529
bureau of criminal identification and investigation shall 3530
conduct a criminal records check with respect to any person for 3531
whom a criminal records check is required under that section. 3532
The superintendent shall conduct the criminal records check in 3533
the manner described in division (B) of this section to 3534
determine whether any information exists that indicates that the 3535
person who is the subject of the request previously has been 3536
convicted of or pleaded guilty to any of the following: 3537

(a) A violation of section 2903.01, 2903.02, 2903.03, 3538
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3539
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3540
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3541

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3542
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3543
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 3544
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 3545
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 3546

(b) An existing or former law of this state, any other 3547
state, or the United States that is substantially equivalent to 3548
any of the offenses listed in division (A) (12) (a) of this 3549
section. 3550

(13) On receipt of a request pursuant to section 3796.12 3551
of the Revised Code, a completed form prescribed pursuant to 3552
division (C) (1) of this section, and a set of fingerprint 3553
impressions obtained in a manner described in division (C) (2) of 3554
this section, the superintendent of the bureau of criminal 3555
identification and investigation shall conduct a criminal 3556
records check in the manner described in division (B) of this 3557
section to determine whether any information exists that 3558
indicates that the person who is the subject of the request 3559
previously has been convicted of or pleaded guilty to the 3560
following: 3561

(a) A disqualifying offense as specified in rules adopted 3562
under division (B) (2) (b) of section 3796.03 of the Revised Code 3563
if the person who is the subject of the request is an 3564
administrator or other person responsible for the daily 3565
operation of, or an owner or prospective owner, officer or 3566
prospective officer, or board member or prospective board member 3567
of, an entity seeking a license from the department of commerce 3568
under Chapter 3796. of the Revised Code; 3569

(b) A disqualifying offense as specified in rules adopted 3570
under division (B) (2) (b) of section 3796.04 of the Revised Code 3571

if the person who is the subject of the request is an 3572
administrator or other person responsible for the daily 3573
operation of, or an owner or prospective owner, officer or 3574
prospective officer, or board member or prospective board member 3575
of, an entity seeking a license from the state board of pharmacy 3576
under Chapter 3796. of the Revised Code. 3577

(14) On receipt of a request required by section 3796.13 3578
of the Revised Code, a completed form prescribed pursuant to 3579
division (C)(1) of this section, and a set of fingerprint 3580
impressions obtained in a manner described in division (C)(2) of 3581
this section, the superintendent of the bureau of criminal 3582
identification and investigation shall conduct a criminal 3583
records check in the manner described in division (B) of this 3584
section to determine whether any information exists that 3585
indicates that the person who is the subject of the request 3586
previously has been convicted of or pleaded guilty to the 3587
following: 3588

(a) A disqualifying offense as specified in rules adopted 3589
under division (B)(8)(a) of section 3796.03 of the Revised Code 3590
if the person who is the subject of the request is seeking 3591
employment with an entity licensed by the department of commerce 3592
under Chapter 3796. of the Revised Code; 3593

(b) A disqualifying offense as specified in rules adopted 3594
under division (B)(14)(a) of section 3796.04 of the Revised Code 3595
if the person who is the subject of the request is seeking 3596
employment with an entity licensed by the state board of 3597
pharmacy under Chapter 3796. of the Revised Code. 3598

(15) On receipt of a request pursuant to section 4768.06 3599
of the Revised Code, a completed form prescribed under division 3600
(C)(1) of this section, and a set of fingerprint impressions 3601

obtained in the manner described in division (C) (2) of this 3602
section, the superintendent of the bureau of criminal 3603
identification and investigation shall conduct a criminal 3604
records check in the manner described in division (B) of this 3605
section to determine whether any information exists indicating 3606
that the person who is the subject of the request has been 3607
convicted of or pleaded guilty to a felony in this state or in 3608
any other state. 3609

(16) On receipt of a request pursuant to division (B) of 3610
section 4764.07 of the Revised Code, a completed form prescribed 3611
under division (C) (1) of this section, and a set of fingerprint 3612
impressions obtained in the manner described in division (C) (2) 3613
of this section, the superintendent of the bureau of criminal 3614
identification and investigation shall conduct a criminal 3615
records check in the manner described in division (B) of this 3616
section to determine whether any information exists indicating 3617
that the person who is the subject of the request has been 3618
convicted of or pleaded guilty to any crime of moral turpitude, 3619
a felony, or an equivalent offense in any other state or the 3620
United States. 3621

(17) On receipt of a request for a criminal records check 3622
under section 147.022 of the Revised Code, a completed form 3623
prescribed under division (C) (1) of this section, and a set of 3624
fingerprint impressions obtained in the manner prescribed in 3625
division (C) (2) of this section, the superintendent of the 3626
bureau of criminal identification and investigation shall 3627
conduct a criminal records check in the manner described in 3628
division (B) of this section to determine whether any 3629
information exists that indicates that the person who is the 3630
subject of the request previously has been convicted of or 3631
pleaded guilty or no contest to any disqualifying offense, as 3632

defined in section 147.011 of the Revised Code, or to any 3633
offense under any existing or former law of this state, any 3634
other state, or the United States that is substantially 3635
equivalent to such a disqualifying offense. 3636

(B) Subject to division (F) of this section, the 3637
superintendent shall conduct any criminal records check to be 3638
conducted under this section as follows: 3639

(1) The superintendent shall review or cause to be 3640
reviewed any relevant information gathered and compiled by the 3641
bureau under division (A) of section 109.57 of the Revised Code 3642
that relates to the person who is the subject of the criminal 3643
records check, including, if the criminal records check was 3644
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 3645
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 3646
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3647
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 3648
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 3649
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 3650
the Revised Code, any relevant information contained in records 3651
that have been sealed under section 2953.32 of the Revised Code; 3652

(2) If the request received by the superintendent asks for 3653
information from the federal bureau of investigation, the 3654
superintendent shall request from the federal bureau of 3655
investigation any information it has with respect to the person 3656
who is the subject of the criminal records check, including 3657
fingerprint-based checks of national crime information databases 3658
as described in 42 U.S.C. 671 if the request is made pursuant to 3659
section 2151.86 or 5104.013 of the Revised Code or if any other 3660
Revised Code section requires fingerprint-based checks of that 3661
nature, and shall review or cause to be reviewed any information 3662

the superintendent receives from that bureau. If a request under 3663
section 3319.39 of the Revised Code asks only for information 3664
from the federal bureau of investigation, the superintendent 3665
shall not conduct the review prescribed by division (B) (1) of 3666
this section. 3667

(3) The superintendent or the superintendent's designee 3668
may request criminal history records from other states or the 3669
federal government pursuant to the national crime prevention and 3670
privacy compact set forth in section 109.571 of the Revised 3671
Code. 3672

(4) The superintendent shall include in the results of the 3673
criminal records check a list or description of the offenses 3674
listed or described in division (A) (1), (2), (3), (4), (5), (6), 3675
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 3676
of this section, whichever division requires the superintendent 3677
to conduct the criminal records check. The superintendent shall 3678
exclude from the results any information the dissemination of 3679
which is prohibited by federal law. 3680

(5) The superintendent shall send the results of the 3681
criminal records check to the person to whom it is to be sent 3682
not later than the following number of days after the date the 3683
superintendent receives the request for the criminal records 3684
check, the completed form prescribed under division (C) (1) of 3685
this section, and the set of fingerprint impressions obtained in 3686
the manner described in division (C) (2) of this section: 3687

(a) If the superintendent is required by division (A) of 3688
this section (other than division (A) (3) of this section) to 3689
conduct the criminal records check, thirty; 3690

(b) If the superintendent is required by division (A) (3) 3691

of this section to conduct the criminal records check, sixty. 3692

(C) (1) The superintendent shall prescribe a form to obtain 3693
the information necessary to conduct a criminal records check 3694
from any person for whom a criminal records check is to be 3695
conducted under this section. The form that the superintendent 3696
prescribes pursuant to this division may be in a tangible 3697
format, in an electronic format, or in both tangible and 3698
electronic formats. 3699

(2) The superintendent shall prescribe standard impression 3700
sheets to obtain the fingerprint impressions of any person for 3701
whom a criminal records check is to be conducted under this 3702
section. Any person for whom a records check is to be conducted 3703
under this section shall obtain the fingerprint impressions at a 3704
county sheriff's office, municipal police department, or any 3705
other entity with the ability to make fingerprint impressions on 3706
the standard impression sheets prescribed by the superintendent. 3707
The office, department, or entity may charge the person a 3708
reasonable fee for making the impressions. The standard 3709
impression sheets the superintendent prescribes pursuant to this 3710
division may be in a tangible format, in an electronic format, 3711
or in both tangible and electronic formats. 3712

(3) Subject to division (D) of this section, the 3713
superintendent shall prescribe and charge a reasonable fee for 3714
providing a criminal records check under this section. The 3715
person requesting the criminal records check shall pay the fee 3716
prescribed pursuant to this division. In the case of a request 3717
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 3718
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 3719
fee shall be paid in the manner specified in that section. 3720

(4) The superintendent of the bureau of criminal 3721

identification and investigation may prescribe methods of 3722
forwarding fingerprint impressions and information necessary to 3723
conduct a criminal records check, which methods shall include, 3724
but not be limited to, an electronic method. 3725

(D) The results of a criminal records check conducted 3726
under this section, other than a criminal records check 3727
specified in division (A) (7) of this section, are valid for the 3728
person who is the subject of the criminal records check for a 3729
period of one year from the date upon which the superintendent 3730
completes the criminal records check. If during that period the 3731
superintendent receives another request for a criminal records 3732
check to be conducted under this section for that person, the 3733
superintendent shall provide the results from the previous 3734
criminal records check of the person at a lower fee than the fee 3735
prescribed for the initial criminal records check. 3736

(E) When the superintendent receives a request for 3737
information from a registered private provider, the 3738
superintendent shall proceed as if the request was received from 3739
a school district board of education under section 3319.39 of 3740
the Revised Code. The superintendent shall apply division (A) (1) 3741
(c) of this section to any such request for an applicant who is 3742
a teacher. 3743

(F) (1) Subject to division (F) (2) of this section, all 3744
information regarding the results of a criminal records check 3745
conducted under this section that the superintendent reports or 3746
sends under division (A) (7) or (9) of this section to the 3747
director of public safety, the treasurer of state, or the 3748
person, board, or entity that made the request for the criminal 3749
records check shall relate to the conviction of the subject 3750
person, or the subject person's plea of guilty to, a criminal 3751

offense. 3752

(2) Division (F) (1) of this section does not limit, 3753
restrict, or preclude the superintendent's release of 3754
information that relates to the arrest of a person who is 3755
eighteen years of age or older, to an adjudication of a child as 3756
a delinquent child, or to a criminal conviction of a person 3757
under eighteen years of age in circumstances in which a release 3758
of that nature is authorized under division (E) (2), (3), or (4) 3759
of section 109.57 of the Revised Code pursuant to a rule adopted 3760
under division (E) (1) of that section. 3761

(G) As used in this section: 3762

(1) "Criminal records check" means any criminal records 3763
check conducted by the superintendent of the bureau of criminal 3764
identification and investigation in accordance with division (B) 3765
of this section. 3766

(2) "Minor drug possession offense" has the same meaning 3767
as in section 2925.01 of the Revised Code. 3768

(3) "OVI or OVUAC violation" means a violation of section 3769
4511.19 of the Revised Code or a violation of an existing or 3770
former law of this state, any other state, or the United States 3771
that is substantially equivalent to section 4511.19 of the 3772
Revised Code. 3773

(4) "Registered private provider" means a nonpublic school 3774
or entity registered with the superintendent of public 3775
instruction under section 3310.41 of the Revised Code to 3776
participate in the autism scholarship program or section 3310.58 3777
of the Revised Code to participate in the Jon Peterson special 3778
needs scholarship program. 3779

Section 5. That the existing version of section 109.572 of 3780

the Revised Code that is scheduled to take effect on September 20, 2019, is hereby repealed. 3781
3782

Section 6. The General Assembly, applying the principle 3783
stated in division (B) of section 1.52 of the Revised Code that 3784
amendments are to be harmonized if reasonably capable of 3785
simultaneous operation, finds that the following sections, 3786
presented in this act as composites of the sections as amended 3787
by the acts indicated, are the resulting versions of the 3788
sections in effect prior to the effective date of the sections 3789
as presented in this act: 3790

Section 109.572 of the Revised Code as amended by Am. Sub. 3791
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. 3792
S.B. 229, and Am. Sub. S.B. 255, all of the 132nd General 3793
Assembly. 3794

The version of section 109.572 of the Revised Code that is 3795
scheduled to take effect on September 20, 2019, as amended by 3796
Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 3797
51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of 3798
the 132nd General Assembly. 3799

Section 149.43 of the Revised Code as amended by Am. Sub. 3800
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 3801
341, Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. 3802
S.B. 229, all of the 132nd General Assembly. 3803

Section 2925.01 of the Revised Code as amended by Am. Sub. 3804
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 3805
Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General 3806
Assembly. 3807