

**OHIO**

**SENATE**

**JOURNAL**

THURSDAY, DECEMBER 17, 2020

TWO HUNDRED FIFTY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, December 17, 2020, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ruffin, Second Baptist Church in Medina, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

The following guests were recognized by the Senate prior to the commencement of business:

President Obhof recognized Ann Brubaker, Executive Assistant to the President, for her service to the Senate.

President Obhof recognized Tom Hancock, Senior Legislative Aide, for his service to the Senate.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Sub. H. B. No. 71**-Representatives Scherer, Cera, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 126, delete "(A)"

Delete lines 130 through 133

In line 134, delete "(C)"

In line 136, reinsert "advertise,"; delete "do either of the following:"

In line 137, delete "(1) Advertise,"

In line 140, delete "∴"

Delete line 141

In line 142, delete "with the sale of cigarettes"

In line 143, delete "(D)"

Co-Sponsor: Fedor.

YES - 10: FRANK HOAGLAND, HEARCEL F. CRAIG, WILLIAM P. COLEY, II, MATT HUFFMAN, THERESA GAVARONE,

TERESA FEDOR, BOB PETERSON, KRISTINA D.  
ROEGNER, CECIL THOMAS, TERRY JOHNSON

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **H. B. No. 32**-Representative Stein, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley, Fedor.

YES - 10: FRANK HOAGLAND, HEARCEL F. CRAIG, WILLIAM P. COLEY, II, MATT HUFFMAN, THERESA GAVARONE, TERESA FEDOR, BOB PETERSON, KRISTINA D. ROEGNER, CECIL THOMAS, TERRY JOHNSON

NO - 0.

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Sub. H. B. No. 425**-Representative Wiggam, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 7: FRANK HOAGLAND, WILLIAM P. COLEY, II, MATT HUFFMAN, THERESA GAVARONE, BOB PETERSON, KRISTINA D. ROEGNER, TERRY JOHNSON

NO - 3: HEARCEL F. CRAIG, TERESA FEDOR, CECIL THOMAS

Senator Eklund submitted the following report:

The standing committee on Judiciary, to which was referred **Sub. H. B. No. 352**-Representatives Cross, Lang, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: NATHAN H. MANNING, MATT HUFFMAN, ROB MCCOLLEY, PEGGY LEHNER, THERESA GAVARONE, TERESA FEDOR, JOHN EKLUND, SEAN J. O'BRIEN, CECIL THOMAS

NO - 1: WILLIAM P. COLEY, II

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **H. B. No. 111**-Representative Ingram, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Fedor, Maharath.

YES - 11: LOUIS W. BLESSING, III, PEGGY LEHNER, ANDREW O. BRENNER, TERESA FEDOR, TINA MAHARATH, THERESA GAVARONE, MATT HUFFMAN, STEPHEN A. HUFFMAN, NATHAN H. MANNING, WILLIAM P. COLEY, II, VERNON SYKES

NO - 0.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. Sub. H. B. No. 231**-Representative Greenspan, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Brenner, Fedor.

YES - 11: PEGGY LEHNER, LOUIS W. BLESSING, III, ANDREW O. BRENNER, TERESA FEDOR, TINA MAHARATH, THERESA GAVARONE, MATT HUFFMAN, STEPHEN A. HUFFMAN, WILLIAM P. COLEY, II, VERNON SYKES, NATHAN H. MANNING

NO - 0.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. H. B. No. 409**-Representative Koehler, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Brenner, Fedor.

YES - 11: LOUIS W. BLESSING, III, WILLIAM P. COLEY, II, MATT HUFFMAN, NATHAN H. MANNING, PEGGY LEHNER, ANDREW O. BRENNER, TERESA FEDOR, THERESA GAVARONE, STEPHEN A. HUFFMAN, TINA MAHARATH, VERNON SYKES

NO - 0.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **H. B. No. 436**-Representative Baldrige, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Brenner, Fedor.

YES - 11: PEGGY LEHNER, LOUIS W. BLESSING, III, WILLIAM P. COLEY, II, ANDREW O. BRENNER, TERESA FEDOR, VERNON SYKES, TINA MAHARATH, THERESA GAVARONE, MATT HUFFMAN, STEPHEN A. HUFFMAN, NATHAN H. MANNING

NO - 0.

Senator McColley submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **Sub. H. B. No. 253**-Representatives Manning, D., O'Brien, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: ROB MCCOLLEY, FRANK HOAGLAND, NATHAN H. MANNING, KRISTINA D. ROEGNER, MICHAEL A. RULLI, STEPHANIE KUNZE, JAY HOTTINGER, TERRY JOHNSON

NO - 3: NICKIE J. ANTONIO, TINA MAHARATH, VERNON SYKES

Senator McColley submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **Sub. H. B. No. 263**-Representative Koehler, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10: ROB MCCOLLEY, FRANK HOAGLAND, TERRY JOHNSON, JAY HOTTINGER, MICHAEL A. RULLI, KRISTINA D. ROEGNER, NATHAN H. MANNING, VERNON SYKES, TINA MAHARATH, NICKIE J. ANTONIO

NO - 1: STEPHANIE KUNZE

Senator McColley submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **Sub. H. B. No. 442**-Representatives Roemer, West, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 11: ROB MCCOLLEY, FRANK HOAGLAND, NICKIE J. ANTONIO, TINA MAHARATH, VERNON SYKES, NATHAN H. MANNING, KRISTINA D. ROEGNER, STEPHANIE KUNZE, TERRY JOHNSON, JAY HOTTINGER, MICHAEL A. RULLI

NO - 0.

Senator Roegner submitted the following report:

The standing committee on Ways and Means, to which was referred **Am. Sub. H. B. No. 609**-Representative West, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuring, Roegner.

YES - 10: NATHAN H. MANNING, NICKIE J. ANTONIO, BOB D. HACKETT, KIRK SCHURING, JOHN EKLUND, LOUIS W. BLESSING, III, KRISTINA D. ROEGNER, STEVE WILSON, VERNON SYKES, TIM SCHAFFER

NO - 0.

Senator Schuring submitted the following report:

The standing committee on General Government and Agency Review, to which was referred **Sub. H. B. No. 308**-Representative Patton, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuring, Hoagland.

YES - 9: KIRK SCHURING, VERNON SYKES, HEARCEL F. CRAIG, LOUIS W. BLESSING, III, FRANK HOAGLAND, TIM SCHAFFER, MICHAEL A. RULLI, SEAN J. O'BRIEN, JOHN EKLUND

NO - 0.

Senator Schuring submitted the following report:

The standing committee on General Government and Agency Review, to which was referred **S. B. No. 314**-Senator Brenner having had the same under consideration, reports it back and recommends its passage.

YES - 9: HEARCEL F. CRAIG, SEAN J. O'BRIEN, KIRK SCHURING, MICHAEL A. RULLI, LOUIS W. BLESSING, III, TIM SCHAFFER, FRANK HOAGLAND, JOHN EKLUND, VERNON SYKES

NO - 0.

Senator Schuring submitted the following report:

The standing committee on General Government and Agency Review, to which was referred **H. B. No. 473**-Representative Smith, T., et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Schuring, Hoagland, Schaffer.

YES - 9: HEARCEL F. CRAIG, SEAN J. O'BRIEN, KIRK SCHURING, MICHAEL A. RULLI, LOUIS W. BLESSING, III, TIM SCHAFFER, FRANK HOAGLAND, JOHN EKLUND, VERNON SYKES

NO - 0.

Senator Schuring submitted the following report:

The standing committee on General Government and Agency Review, to which was referred **Am. Sub. H. B. No. 673**-Representative Roemer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuring, Sykes.

YES - 9: HEARCEL F. CRAIG, SEAN J. O'BRIEN, KIRK SCHURING, MICHAEL A. RULLI, LOUIS W. BLESSING, III, TIM SCHAFFER, FRANK HOAGLAND, JOHN EKLUND, VERNON SYKES

NO - 0.

The question being, "Shall the reports of the committee be accepted?"

The reports of the committee were accepted.

Senator Obhof submitted the following report:

The standing committee on Rules and Reference to which were referred the appointments by the Governor of:

**Amstutz, Leah**, from Richwood, Union County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning November 9, 2020, ending at the close of business September 20, 2023, replacing Leah R. Amstutz, whose term expired.

**Begala, John**, Independent, from Granville, Licking County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning November 22, 2020, ending at the close of business November 21, 2023, replacing John A. Begala, whose term expired.

**Brooks, Semanthie**, Democrat, from Macedonis, Summit County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning November 22, 2020, ending at the close of business November 21, 2023, replacing Semanthie B. Brooks, whose term expired.

**Cruz-Lucio, Maria**, from Findlay, Hancock County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning November 9, 2020, ending at the close of business October 7, 2021, replacing Emanuel Torres Sifuentes, who resigned.

**Griffin, Steven**, from Lewis Center, Delaware County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning November 9, 2020, ending at the close of business March 22, 2023, replacing Ann M. Slone, whose term expired.

**Lopez Ramirez, MBA, Manuel**, from Springfield, Clark County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning March 25, 2019, ending at the close of business October 7, 2020, replacing Luis Ortiz, who resigned.

**Milligan, Ruth**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Commission on Service and Volunteerism for a term beginning November 16, 2020, ending at the close of business April 21, 2023, replacing Matthew Laird Rubin, whose term expired.

**O'Brien, Carol**, from Delaware, Delaware County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning November 9, 2020, ending at the close of business September 20, 2023, replacing Carol H. O'Brien, whose term expired.

**Santiago, Mary**, from Lorain, Lorain County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning November 9, 2020, ending at the close of business October 7, 2023, replacing Mary J. Santiago, whose term expired.



**Tavares, Charleta**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Elections Commission for a term beginning June 20, 2019, ending at the close of business December 31, 2023, replacing Marquettes Robinson, JD, who resigned.

**Wolford, Judy**, Republican, from Ashville, Pickaway County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning October 26, 2020, ending at the close of business September 3, 2023, replacing Judy C. Wolford, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES – 13: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, SEAN J. O'BRIEN, LARRY OBHOF, BOB PETERSON, CECIL THOMAS, STEVE WILSON, KENNY YUKO

NO – 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the Senate advised and consented to said appointments.

Senator Obhof submitted the following report:

The standing committee on Rules and Reference to which were referred the appointment by the Governor of:

**McCloud, Stephanie**, from Franklin County, Ohio, as Director of the Department of Health for a term beginning November 16, 2020, and continuing at the pleasure of the Governor.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointment.

YES – 13: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, SEAN J. O'BRIEN, LARRY OBHOF, BOB PETERSON, CECIL

THOMAS, STEVE WILSON, KENNY YUKO

NO – 0.

The question being, "Shall the Senate advise and consent to the appointment by the Governor?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Burke	Coley
Dolan	Eklund	Gavarone	Hackett
Hoagland	Hottinger	Huffman, M.	Huffman, S.
Johnson	Kunze	Lehner	Manning
McColley	Peterson	Roegner	Rulli
Schaffer	Schuring	Wilson	Obhof-24

Senators Antonio, Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, and Yuko voted in the negative-8.

So the Senate advised and consented to said appointment.

## REPORTS OF CONFERENCE COMMITTEES

Senator Coley submitted the following report:

The committee of conference to which the matters of difference between the two houses were referred on **Sub. S. B. No. 10**, Senator Wilson - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House with the following amendments:

In line 44, after "expenditure" insert "and the court issuing the order shall assume the financial liability, if any, for that expenditure"

In line 58, after "documents," insert "shall"

In line 59, after "and" insert "shall"

Managers on the Part of the  
Senate

/S/ WILLIAM P. COLEY II  
WILLIAM P. COLEY, II

/S/ STEVE WILSON  
STEVE WILSON

/S/ HEARCEL CRAIG  
HEARCEL CRAIG

Managers on the Part of the  
House of Representatives

/S/ GEORGE F. LANG  
GEORGE F. LANG

/S/ BILL SEITZ  
BILL SEITZ

/S/ DAVID LELAND  
DAVID LELAND

Senator Peterson moved that the committee of conference on **Am. Sub. S. B. No. 10**-Senator Wilson, et al., be brought up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

Senator Peterson moved that the the report of the committee of conference on **Am. Sub. S. B. No. 10**, be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

### **BILLS FOR THIRD CONSIDERATION**

**Am. Sub. H. B. No. 150**-Representative Merrin.

Cosponsors: Representatives Antani, Carruthers, Dean, DeVitis, Ginter, Hillyer, Hood, Jordan, Keller, Lanese, Lang, Manning, D., Patton, Perales, Richardson, Riedel, Roemer, Romanchuk, Seitz, Sheehy, Stein, Swearingen, Vitale, Wiggam, Zeltwanger. Senator Williams.

To amend sections 5726.01, 5726.02, 5726.04, 5726.06, and 5751.01 of the Revised Code to reduce the tax liability of newly formed banks by up to one million dollars per year for their first three years and to exclude the principal balance of mortgage loans sold by a mortgage lender from the lender's commercial activity tax gross receipts, having been informally passed were taken up.

The question being, "Shall the bill, **Am. Sub. H. B. No. 150**, pass?"

Senator Peterson moved that **Am. Sub. H. B. No. 150** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 33**-Representatives Lanese, Carruthers.

Cosponsors: Representatives Riedel, LaTourette, Carfagna, Lang, Plummer, Leland, Crossman, Cupp, Galonski, Rogers, Smith, T., West, Abrams, Baldrige, Clites, Cutrona, Edwards, Fraizer, Greenspan, Grendell, Hicks-Hudson, Hoops, LaRe, Liston, Miller, J., O'Brien, Patterson, Perales, Robinson, Roemer, Russo, Sheehy, Stein, Stephens, Weinstein.

To amend sections 959.99, 2151.421, 4741.22, and 4757.36 and to enact sections 959.07, 959.08, 959.09, 959.10, and 5101.93 of the Revised Code to establish animal abuse reporting requirements, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 33**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson

Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hoagland moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Burke, Coley, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Sykes, Thomas, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 1**-Representatives Plummer, Hicks-Hudson.

Cosponsors: Representatives Leland, Crossman, Galonski, Rogers, Smith, T., West, Blair, Blessing, Boggs, Boyd, Brent, Brown, Callender, Clites, Crawley, Cross, Denson, Ghanbari, Green, Greenspan, Holmes, A., Howse, Ingram, Lang, Lepore-Hagan, Liston, Miller, A., Miller, J., Miranda, O'Brien, Oelslager, Perales, Russo, Ryan, Seitz, Sheehy, Skindell, Smith, K., Smith, R., Sobecki, Strahorn, Sykes, Upchurch, Weinstein. Senators Eklund, Manning, Coley, Gavarone.

To amend sections 109.11, 2951.041, 2953.31, and 2953.32 of the Revised Code to modify the requirements for intervention in lieu of conviction and for sealing records of conviction and provide for deposit of some of the sealing application fee into the Attorney General Reimbursement Fund and the use of that amount for expenses related to sealing and expungement, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 1**, pass?"

Senator Peterson moved that **Sub. H. B. No. 1** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 46**-Representative Greenspan.

Cosponsors: Representatives Wiggam, Ginter, Arndt, Hambley, Smith, T., Antani, Blair, Blessing, Butler, Carfagna, Carruthers, Crossman, Denson, Edwards, Ghanbari, Green, Grendell, Hillyer, Holmes, A., Hood, Jones, Jordan, Keller, Koehler, Lanese, Leland, Lightbody, Manning, D., Manning, G., McClain, Merrin, Miller, A., O'Brien, Oelslager, Patterson, Perales, Reineke, Richardson, Riedel, Roemer, Rogers, Romanchuk, Ryan, Sheehy, Skindell, Sobecki, Stoltzfus, Strahorn, Swearingen, Upchurch, West. Senator Schuring.

To amend sections 122.85, 125.112, 5595.04, 5709.48, and 5709.50 and to enact sections 113.70, 113.71, 113.72, 113.73, 113.74, 113.75, 113.76, 113.77, 117.55, and 5709.481 of the Revised Code to require the Treasurer of State to establish the Ohio State and Local Government Expenditure Database, to modify the film and theater tax credit, to authorize a regional transportation improvement project to impose voluntary assessments on certain real property, and to require the Auditor of State to determine if an entity is in compliance with the terms and conditions of a state award for economic development, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 46**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Schuring moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Manning, O'Brien, Roegner, Rulli, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 67**-Representatives Brinkman, Kelly.

Cosponsors: Representatives Smith, R., Becker, Lanese, Riedel, Roemer, Scherer, Lepore-Hagan, Seitz, Plummer, Galonski, Manning, G., Abrams, Edwards, Jones, Lightbody, Sheehy, Stein, Sweeney, Carfagna, Carruthers, Crossman, Fraizer, Ghanbari, Hoops, Patterson, Rogers, Russo.

To amend section 4743.05 and to enact sections 4741.50, 4741.51, 4741.52, 4741.53, 4741.54, 4741.55, 4741.56, and 4741.57 of the Revised Code to create the Veterinarian Student Debt Assistance Program, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 67**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund

Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hoagland moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Burke, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Lehner, Manning, Obhof, Peterson, Roegner, Rulli, Schuring, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 75**-Representative Merrin.

Cosponsors: Representatives Lang, Vitale, Romanchuk, Riedel, Seitz, Cross, Jordan, Becker, Keller, Stein, Butler, Callender, DeVitis, Edwards, Hambley, Smith, T., Stephens, Stoltzfus, Zeltwanger.

To amend sections 5709.17 and 5715.19 of the Revised Code to modify the manner by which local governments may initiate or participate in property tax complaints and to expand the property tax exemption for fraternal organizations, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 75**, pass?"

Senator Peterson moved that **Sub. H. B. No. 75** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Am. Sub. H. B. No. 231**-Representative Greenspan.

Cosponsors: Representatives Jones, Miller, J., Patterson, Abrams, Carruthers, Crawley, Crossman, Ghanbari, Hicks-Hudson, Liston, Patton, Perales, Richardson, Robinson, Rogers, Russo, Scherer, Seitz, Sobecki, Sweeney, Sykes, Upchurch, West. Senators Brenner, Fedor.

To amend sections 3313.713, 3313.719, 4723.50, 4729.01, 4729.51, 4729.513, 4729.541, 4729.60, and 4729.88 and to enact sections 3301.135, 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.484, 4730.434, 4731.92, and 5101.78 of the Revised Code to require the Department of Education to notify public and private schools of free and reduced cost epinephrine autoinjector programs, to enact the "Allison Rose Act" with regard to food allergy training for public schools, and to permit schools and camps to procure and use glucagon in certain circumstances, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 231**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Lehner moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Burke, Craig, Dolan, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Lehner, Maharath, Obhof, O'Brien, Peterson, Sykes, Thomas, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 236**–Representatives Smith, T., Plummer.

Cosponsors: Representatives Wiggam, Riedel, Kent, Romanchuk, Schaffer, Green, Sheehy, Jones, LaRe, Carruthers, DeVitis, Ghanbari, Greenspan, Grendell, Hambley, Koehler, Manning, D., Perales, Roemer, Scherer, Stein, Stoltzfus, Strahorn. Senator Manning.

To amend sections 2903.11, 2903.12, 2903.13, and 2935.01 of the Revised Code to increase penalties for certain assault offenses if the victim is a hospital police officer or special police officer and to include gaming agents of the Casino Control Commission as peace officers under the general statutory definition of that term, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 236**, pass?"

Senator Peterson moved that **Sub. H. B. No. 236** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 253**–Representatives Manning, D., O'Brien.

Cosponsors: Representatives Seitz, Lipps, Carruthers, Cutrona, Miller, J.

To amend sections 3743.04, 3743.08, 3743.15, 3743.17, 3743.21, 3743.44, 3743.45, 3743.57, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 and to enact sections 3743.021, 3743.041, 3743.151, 3743.171, 3743.22, 3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code to revise the Fireworks Law and to declare an emergency, was considered the

third time.

The question being, "Shall the bill, **Sub. H. B. No. 253**, pass?"

Senator Peterson moved that **Sub. H. B. No. 253** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 263**-Representative Koehler.

Cosponsors: Representatives Dean, Becker, Lang, Seitz, Miller, A., Plummer, Riedel, Green, Brent, Edwards, Sheehy, Abrams, Brinkman, Carfagna, Carruthers, Clites, Cross, Cupp, Cutrona, Fraizer, Galonski, Ghanbari, Ginter, Greenspan, Grendell, Hillyer, Holmes, A., Hoops, Howse, Ingram, Jones, Keller, Lanese, LaRe, Lepore-Hagan, Liston, Manning, G., McClain, Miller, J., Patterson, Patton, Perales, Reineke, Robinson, Roemer, Rogers, Russo, Smith, K., Smith, T., Stein, Stephens, Swearingen, Vitale, Weinstein, West, Wiggam.

To amend sections 9.78, 101.721, 101.921, 109.572, 121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 3734.42, 3734.44, 3743.03, 3743.16, 3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07, 4703.10, 4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 4725.53, 4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 4731.08, 4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 4731.299, 4731.52, 4731.531, 4731.573, 4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202, 4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13, 4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06, 4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05, 4747.051, 4747.10, 4747.12, 4749.03, 4751.20, 4751.202, 4751.21, 4751.32, 4752.09, 4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 4755.47, 4755.62, 4755.64,



4755.70, 4757.10, 4757.101, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 4758.30, 4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03, 4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06, 4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18, 4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 5123.452, and 5502.011; to enact section 9.79; and to repeal section 4743.06 of the Revised Code to revise the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 263**, pass?"

Senator Peterson moved that **Sub. H. B. No. 263** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 308**-Representative Patton.

Cosponsors: Representatives Boggs, DeVitis, LaRe, Sweeney, Abrams, Baldrige, Blair, Boyd, Brent, Brown, Butler, Callender, Carfagna, Carruthers, Cera, Clites, Crawley, Cross, Crossman, Denson, Edwards, Galonski, Ghanbari, Greenspan, Grendell, Hicks-Hudson, Hillyer, Howse, Ingram, Jones, Kelly, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., Miller, J., Miranda, O'Brien, Oelslager, Patterson, Perales, Plummer, Richardson, Robinson, Rogers, Russo, Sheehy, Skindell, Smith, K., Sobecki, Stein, Stephens, Strahorn, Swearingen, Sykes, Upchurch, Weinstein, West. Senators Schuring, Hoagland.

To enact section 126.65 of the Revised Code to establish a fund to provide compensation and benefits to first responders with post-traumatic stress disorder and to study the financial and administrative requirements for that fund, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 308**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Schuring moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Manning, O'Brien, Peterson, Rulli, Schaffer, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 352**-Representatives Cross, Lang.

Cosponsors: Representatives Seitz, Carfagna, Stein, Riedel, Becker, Hood, Lipps, Brinkman, Romanchuk, Baldridge, Wilkin, Hambley, Holmes, A., Merrin, Reineke, Richardson.

To amend sections 2305.03, 2305.06, 2305.07, 2305.11, 2315.18, 2315.21, 4112.01, 4112.02, 4112.04, 4112.05, 4112.08, 4112.14, and 4112.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.055) and 4112.052 (4112.056); and to enact new sections 4112.051 and 4112.052 and sections 2305.117 and 4112.054 of the Revised Code and to amend Section 22 of H.B. 197 of the 133rd General Assembly to modify Ohio civil rights laws related to employment; to modify tolling and time limitations related to criminal, civil, administrative, and other actions; and to declare an emergency, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 352**, pass?"

Senator Peterson moved that **Sub. H. B. No. 352** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 365**-Representative Manning, G.

Cosponsors: Representatives Carruthers, Lanese, Richardson, Roemer, Rogers, Seitz, Stein. Senator Huffman, S.

To amend sections 4758.20, 4758.42, 5164.751, and 5167.01 and to enact sections 3902.50, 3902.51, 4729.49, and 5167.123 of the Revised Code to revise the requirements for a chemical dependency counselor II license and to prohibit a health plan issuer or Medicaid managed care organization from taking certain actions with respect to reimbursements to 340B covered entities, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 365**, pass?"

Senator Peterson moved that **Sub. H. B. No. 365** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 409**-Representative Koehler.

Cosponsors: Representatives Jones, Patterson, Carruthers, Galonski, Ghanbari, Ginter, Scherer, Speaker Cupp. Senators Brenner, Fedor.

To amend section 3326.11 and to enact sections 3314.261 and 3321.192 of the Revised Code regarding student attendance at school district or STEM school remote learning programs and at internet- or computer-based community schools that are not dropout prevention and recovery schools, to provide public and chartered nonpublic schools discretion regarding educational requirements of substitute teachers for the 2020-2021 school year, to exempt schools from retaining students under the Third Grade Reading Guarantee for the 2020-2021 school year, to permit the Superintendent of Public Instruction to adjust various deadlines, to prohibit the Department of Education from issuing state report card ratings for the 2020-2021 school year, to establish a safe harbor from penalties and sanctions based on the absence of state report card ratings and community school sponsor ratings for the 2020-2021 school year, and to declare an emergency, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 409**, pass?"

Senator Peterson moved that **Sub. H. B. No. 409** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**Sub. H. B. No. 431**-Representatives Abrams, Carfagna.

Cosponsors: Representatives Lipps, Koehler, Riedel, Ginter, Manchester, Strahorn, Powell, Cross, Richardson, McClain, O'Brien, Wiggam, LaRe, Leland, Crossman, Cupp, Galonski, West, Baldrige, Boggs, Brent, Callender, Carruthers, Clites, Crawley, Edwards, Ghanbari, Greenspan, Hicks-Hudson, Lanese, Lightbody, Patterson, Patton, Perales, Robinson, Roemer, Rogers, Romanchuk, Russo, Stein, Sweeney, Weinstein, Wilkin. Senators Manning, Fedor, Eklund.

To amend sections 119.062, 2152.021, 2905.32, 2907.24, 2929.01, 2929.17, 2950.01, 2953.32, 2953.36, 4510.07, and 4510.13 and to enact sections 2907.231 and 2950.151 of the Revised Code to require a juvenile court in specified circumstances to hold a delinquency complaint in abeyance in certain prostitution or human trafficking cases, to provide that the trafficking in persons elements that apply to a victim under age 16 also apply to a victim who is age 16 or 17, to prohibit a person from engaging in prostitution, to modify certain soliciting offenses and penalties, and to modify Sex Offender Registration and Notification Law and Conviction Record Sealing Law provisions regarding certain "unlawful sexual conduct with a minor" convictions, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 431**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Eklund moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Burke, Craig, Dolan, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Lehner, Maharath, O'Brien, Rulli, Schaffer, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 436**–Representative Baldridge.

Cosponsors: Representatives Sheehy, Rogers, Seitz, Jones, Blair, Strahorn, Stephens, Clites, Lepore-Hagan, Liston, Russo, West, Abrams, Antani, Brown, Carfagna, Crossman, Fraizer, Galonski, Hambley, Hicks-Hudson, Ingram, Lanese, Manning, G., Miller, J., O'Brien, Smith, K., Stein, Sykes, Upchurch. Senators Brenner, Fedor.

To amend sections 3310.03, 3310.522, 3313.976, 3314.03, 3323.11, 3326.11, and 3328.24; to enact new section 3323.25 and sections 3319.077, 3319.078, and 3323.251; and to repeal section 3323.25 of the Revised Code with regard to screening and intervention for children with dyslexia and to modify achievement assessment requirements for students receiving state scholarships, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 436**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Lehner moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Burke, Craig, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Kunze, Maharath, Peterson, Schuring, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**H. B. No. 473**-Representative Smith, T.

Cosponsors: Representatives Lipps, Kick, Romanchuk, Stein, Riedel, Becker, Ginter, Richardson, Seitz, Wiggam, Carruthers, Cross, Fraizer, Ghanbari, Green, Grendell, Hambley, Jones, Koehler, McClain, Perales, Reineke, Stoltzfus. Senators Schuring, Hoagland, Schaffer.

To amend sections 5.10 and 5.101 of the Revised Code to allow the state motto to be used alongside the state seal, was considered the third time.

The question being, "Shall the bill, **H. B. No. 473**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Schuring moved to amend the title as follows:

Add the names: "Senators Blessing, Burke, Craig, Dolan, Fedor, Gavarone, Hackett, Huffman, M., Johnson, Kunze, Lehner, Maharath, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 674**-Representative Hillyer.

Cosponsors: Representatives Callender, Carfagna, Crossman, Galonski, Holmes, A., Lang, Leland, Miller, J., Reineke, Robinson, Roemer, Rogers, Seitz, Upchurch, West. Senator Hoagland.

To amend sections 3717.22, 3717.42, 4301.01, 4301.101, 4301.24, 4301.62, 4303.021, and 4303.181 and to enact sections 4301.011, 4301.246, and 4303.2011 of the Revised Code to revise specified provisions of the liquor control laws, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 674**, pass?"

Senator Peterson moved that **Sub. H. B. No. 674** be informally passed and retain its place on the calendar.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**S. B. No. 314**-Senator Brenner.

To prohibit state agencies from charging a fee to professional license holders in relation to a business relocation during the COVID-19 declared state of emergency and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 2, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the section, Section 2, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator Brenner moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Burke, Coley, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Johnson, Kunze, Manning, McColley, Obhof, O'Brien, Roegner, Rulli, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**S. B. No. 380**-Senator Hoagland.

Cosponsor: Senator Schaffer.

To amend section 1533.05 of the Revised Code to authorize the use of owls in the sport of falconry, was considered the third time.

The question being, "Shall the bill, **S. B. No. 380**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Hoagland moved to amend the title as follows:

Add the names: "Senators Blessing, Brenner, Burke, Coley, Eklund, Huffman, M., Huffman, S., Obhof, O'Brien, Roegner, Rulli, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Peterson moved that the Senate revert to the fourth order of business, being reports of conference committees

The motion was agreed to.

## REPORTS OF CONFERENCE COMMITTEES

Senator Peterson moved that **Am. Sub. S. B. No. 10**, having been informally passed, be taken up for consideration.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question being, "Shall the emergency clause of the bill stand as part of the report?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson

Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the emergency clause stood as part of the report.

The question being, "Shall the report of the committee of conference be agreed to as an emergency?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

The report of the committee of conference was agreed to as an emergency measure.

On the motion of Senator Peterson, the Senate recessed until 4:35 p.m.

The Senate met pursuant to the recess.

### BILLS FOR THIRD CONSIDERATION

Senator Peterson moved that **Sub. H. B. No. 1**, having been informally passed, be brought up for consideration.

**Sub. H. B. No. 1** - Representatives Plummer, Hicks-Hudson.

Cosponsors: Representatives Leland, Crossman, Galonski, Rogers, Smith, T., West, Blair, Blessing, Boggs, Boyd, Brent, Brown, Callender, Clites, Crawley, Cross, Denson, Ghanbari, Green, Greenspan, Holmes, A., Howse, Ingram, Lang, Lepore-Hagan, Liston, Miller, A., Miller, J., Miranda, O'Brien, Oelslager, Perales, Russo, Ryan, Seitz, Sheehy, Skindell, Smith, K., Smith, R., Sobecki, Strahorn, Sykes, Upchurch, Weinstein Senators Eklund, Manning, Coley, Gavarone.

To amend sections 109.11, 2951.041, 2953.31, and 2953.32 of the Revised Code to modify the requirements for intervention in lieu of conviction and for sealing records of conviction and provide for deposit of some of the sealing application fee into the Attorney General Reimbursement Fund and the use of that amount for expenses related to sealing and expungement, was taken up.

The question being, "Shall the bill, **Sub. H. B. No. 1**, pass?"

Senator Eklund moved to amend as follows:

In line 1 of the title, after "109.11" insert ", 2929.15"; delete "and"



In line 2 of the title, after "2953.32" insert ", 5119.93, and 5119.94 and to enact section 181.27"

In line 8 of the title, after "expungement" insert ", modify the law regarding use of a prison term as a sanction for a community control violation, modify the drug and alcohol abuse civil commitment mechanism, and expand duties of the State Criminal Sentencing Commission"

In line 9, after "109.11" insert ", 2929.15"; delete "and"

In line 10, after "2953.32" insert ", 5119.93, and 5119.94 be amended and section 181.27"; delete "amended" and insert "enacted"

After line 31, insert:

"Sec. 181.27. (A) In addition to its duties set forth in sections 181.23 to 181.26 of the Revised Code, the state criminal sentencing commission is hereby designated a criminal justice agency, as defined in section 109.571 of the Revised Code, and as such is authorized by this state to apply for access to the computerized databases administered by the national crime information center or the law enforcement automated data system in Ohio, and to other computerized databases administered for the purpose of making criminal justice information accessible to state criminal justice agencies.

(B) In addition to its duties set forth in sections 181.23 to 181.26 of the Revised Code, the state criminal sentencing commission shall do all of the following:

(1) Within ninety days after the effective date of this section, pursuant to section 181.23 of the Revised Code, commence a study of the impact of sections relevant to the act in which this section is enacted, including but not limited to, changes to sections 109.11, 2929.15, 2951.041, 2953.31, 2953.32, 5119.93, and 5119.94 of the Revised Code, and continue studying that impact on an ongoing basis.

(2) Not later than December 31, 2021, and biennially thereafter, submit to the general assembly and the governor its findings regarding the study described in division (B)(1) of this section, in a report that contains the results of the study and recommendations.

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory

prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed ~~upon~~ on an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of

the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority or an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to counties for purposes of reporting to the court a violation of any of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer.

(b) If the court imposing sentence ~~upon~~ on an offender sentences the offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and if the offender violates any condition of the sanctions, violates any condition of release under a community control sanction imposed by the court, violates any law, or departs the state without the permission of the court or the offender's probation officer, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation or departure directly to the sentencing court, or shall report the violation or departure to the county or multicounty department of probation with general control and supervision over the offender under division (A)(2)(a) of this section or the officer of that department who supervises the offender, or, if there is no such department with general control and supervision over the offender under that division, to the adult parole authority or an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to the county. If the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction reports the violation or departure to the county or multicounty department of probation, the adult parole authority, or any other entity providing probation and supervisory services to the county, the department's, authority's, or other entity's officers may treat the offender as if the offender were on probation and in violation of the probation, and shall report the violation of the condition of the sanction, any condition of release under a community control sanction imposed by the court, the violation of law, or the departure from the state without the required permission to the sentencing court.

(3) If an offender who is eligible for community control sanctions under this section admits to being drug addicted or the court has reason to believe that the offender is drug addicted, and if the offense for which the

offender is being sentenced was related to the addiction, the court may require that the offender be assessed by a properly credentialed professional within a specified period of time and shall require the professional to file a written assessment of the offender with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

(4) If an assessment completed pursuant to division (A)(3) of this section indicates that the offender is addicted to drugs or alcohol, the court may include in any community control sanction imposed for a violation of section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a requirement that the offender participate in alcohol and drug addiction services and recovery supports certified under section 5119.36 of the Revised Code or offered by a properly credentialed community addiction services provider.

(B)(1) If the conditions of a community control sanction imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose ~~upon~~ on the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable:

(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree ~~or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony~~, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense ~~or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony~~, the prison term shall not exceed one hundred eighty days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than one hundred eighty days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies.

(2)(a) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section.

(b) If a court imposes a prison term on an offender under division (B)(1)(c) (i) or (ii) of this section for a technical violation of the conditions of a community control sanction, one of the following is applicable with respect to the time that the offender spends in prison under the term:

(i) Subject to division (B)(2)(b)(ii) of this section, it shall be credited against the offender's community control sanction that was being served at the time of the violation, and the remaining time under that community control sanction shall be reduced by the time that the offender spends in prison under the prison term. The offender upon release from the prison term shall continue serving the remaining time under the community control sanction, as reduced under this division.

(ii) If the offender at the time of the violation was serving a community control sanction as part of a suspended prison sentence, it shall be credited against the offender's community control sanction that was being served at the time of the violation and against the suspended prison sentence, and the remaining time under that community control sanction and under the suspended prison sentence shall be reduced by the time that the offender spends in prison under the prison term. The offender upon release from the prison term shall continue serving the remaining time under the community control sanction, as reduced under this division.

(c) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the

offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.

(3) The prison term, if any, imposed ~~upon~~ on a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019, the prison term so imposed under this division shall be within the range of prison terms available as a minimum term for the offense under division (A)(1)(a) or (2) (a) of section 2929.14 of the Revised Code.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that division, the department of probation, the adult parole authority, or any other entity that

has general control and supervision of the offender under division (A)(2)(a) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division (D)(1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (D)(2) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required under division (A)(1) of this section to submit to random drug testing as a condition of release under a community control sanction and whose test results indicate that the offender ingested or was injected with a drug of abuse shall pay the fee for the drug test if the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (D)(1) or (2) of this section shall transmit the results of the drug test to the appropriate department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section.

(E) As used in this section, "technical violation" means a violation of the conditions of a community control sanction imposed for a felony of the fifth degree, or for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense, and to which neither of the following applies:

(1) The violation consists of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor, and the violation is committed while under the community control sanction.

(2) The violation consists of or includes the offender's articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objects of the community control sanction or condition."

After line 608, insert:

**"Sec. 5119.93.** (A) A person may initiate proceedings for treatment for an individual suffering from alcohol and other drug abuse by filing a verified petition in the probate court ~~and paying a filing fee in the same amount, if any, that is charged for the filing under section 5122.11 of the Revised Code of an affidavit seeking the hospitalization of a person.~~ The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)." A spouse, relative, or guardian of the individual concerning whom the

petition is filed shall file the petition. A petition filed under this division shall be kept confidential and shall not be disclosed by any person, except as needed for purposes of this section or when disclosure is ordered by a court.

(B) A petition filed under division (A) of this section shall set forth all of the following:

- (1) The petitioner's relationship to the respondent;
- (2) The respondent's name, residence address, and current location, if known;
- (3) The name and residence of the respondent's parents, if living and if known, or of the respondent's legal guardian, if any and if known;
- (4) The name and residence of the respondent's spouse, if any and if known;
- (5) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or a statement that the person is unknown;
- (6) The petitioner's belief, including the factual basis for the belief, that the respondent is suffering from alcohol and other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse;

(7) If the petitioner's belief specified in division (B)(6) of this section is that the respondent is suffering from opioid or opiate abuse, the information provided in the petition under that division also shall include any evidence that the respondent has overdosed and been revived one or more times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor.

(C)(1) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by a certificate of a physician who has examined the respondent within two days prior to the day that the petition is filed in the probate court. The physician shall be authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code. A physician who is responsible for admitting persons into treatment, if that physician examines the respondent, may be the physician who completes the certificate. The physician's certificate shall set forth the physician's findings in support of the need to treat the respondent for alcohol or other drug abuse. The certificate shall indicate if the respondent presents an imminent danger or imminent threat of danger to self, family, or others if not treated. Further, the certificate shall indicate the type and length of treatment required and if the respondent can reasonably benefit from treatment. If the physician's certificate indicates that inpatient treatment is required, the certificate shall identify any inpatient facilities known to the physician that are able and willing to provide the recommended inpatient treatment.

If the respondent refuses to undergo an examination with a physician



concerning the respondent's possible need for treatment for alcohol or other drug abuse, the petition shall state that the respondent has refused all requests made by the petitioner to undergo a physician's examination. In that case, the petitioner shall not be required to provide a physician's certificate with the petition.

(2) Any petition filed pursuant to divisions (A) and (B) of this section shall contain a statement that the petitioner has arranged for treatment of the respondent. Further, the petition shall be accompanied by a statement from the person or facility who has agreed to provide the treatment that verifies that the person or facility has agreed to provide the treatment and the estimated cost of the treatment.

(D) Any petition filed pursuant to divisions (A) and (B) of this section shall be accompanied by both of the following:

(1) One of the following:

(a) A security deposit to be deposited with the clerk of the probate court that will cover half of the estimated cost of treatment of the respondent;

(b) Documentation establishing that insurance coverage of the petitioner or respondent will cover at least half of the estimated cost of treatment of the respondent;

(c) Other evidence to the satisfaction of the court establishing that the petitioner or respondent will be able to cover some of the estimated cost of treatment of the respondent.

(2) One of the following:

(a) A guarantee, signed by the petitioner or another person authorized to file the petition, obligating the guarantor to pay the costs of the examinations of the respondent conducted by the physician and qualified health professional under division (B)(5) of section 5119.94 of the Revised Code, the costs of the respondent that are associated with a hearing conducted in accordance with section 5119.94 of the Revised Code and that the court determines to be appropriate, and the costs of any treatment ordered by the court;

(b) Documentation establishing that insurance coverage of the petitioner or respondent will cover the costs described in division (D)(2)(a) of this section;

(c) Documentation establishing that, consistent with the evidence described in division (D)(1)(c) of this section, the petitioner or respondent will cover some of the costs described in division (D)(2)(a) of this section.

**Sec. 5119.94.** (A) Upon receipt of a petition filed under section 5119.93 of the Revised Code ~~and the payment of the appropriate filing fee, if any,~~ the probate court shall examine the petitioner under oath as to the contents of the petition.

(B) If, after reviewing the allegations contained in the petition and

examining the petitioner under oath, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court shall do all of the following:

(1) Schedule a hearing to be held within seven days to determine if there is clear and convincing evidence that the respondent may reasonably benefit from treatment for alcohol and other drug abuse;

(2) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and of the date and purpose of the hearing;

(3) Notify the respondent that the respondent may retain counsel and, if the person is unable to obtain an attorney, that the respondent may be represented by court-appointed counsel at public expense if the person is indigent. Upon the appointment of an attorney to represent an indigent respondent, the court shall notify the respondent of the name, address, and telephone number of the attorney appointed to represent the respondent.

(4) Notify the respondent that the court shall cause the respondent to be examined not later than twenty-four hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis. In addition, the court shall notify the respondent that the respondent may have an independent expert evaluation of the person's physical and mental condition conducted at the respondent's own expense.

(5) Cause the respondent to be examined not later than twenty-four hours before the hearing date by a ~~physician for the purpose of a physical examination and by a~~ qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;

(6) Conduct the hearing.

(C) The ~~physician and~~ qualified health professional who ~~examine~~ examines the respondent pursuant to division (B)(5) of this section or who ~~are~~ is obtained by the respondent at the respondent's own expense shall certify ~~their the professional's findings~~ to the court within twenty-four hours of the ~~examination~~ examination. The findings of each qualified health professional shall include a recommendation for treatment if the qualified health professional determines that treatment is necessary.

(D)(1)(a) If upon completion of the hearing held under this section the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court ~~may~~ shall order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the court under division (C) of this section. Evidence that the respondent has overdosed and been revived one or more times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of

a minor is sufficient to satisfy this evidentiary requirement. If the court orders the treatment under this division, the order shall specify the type of treatment to be provided, the type of required aftercare, and the duration of the required aftercare which shall be at least three months and shall not exceed six months, and the court shall order the treatment to be provided through a community addiction services provider or by an individual licensed or certified by the state medical board under Chapter 4731. of the Revised Code, the chemical dependency professionals board under Chapter 4758. of the Revised Code, the counselor, social worker, and marriage and family therapist board under Chapter 4757. of the Revised Code, or a similar board of another state authorized to provide substance abuse treatment. In addition, the court also may order that the respondent submit to periodic examinations by a qualified mental health professional to determine if the treatment remains necessary.

(b) If the qualified health professional who examines the respondent certifies that the respondent meets the criteria specified in division (B)(6) of section 5119.93 of the Revised Code, if the court orders treatment under division (D)(1)(a) of this section, and if the court finds by clear and convincing evidence that the respondent presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol or other drug abuse, separate from the treatment described in division (D)(1)(a) of this section, the court may order that the respondent be hospitalized for a period not to exceed seventy-two hours. The court shall direct that the order shall be executed as soon as possible, but not later than seventy-two hours, after its issuance. If the order cannot be executed within seventy-two hours after its issuance, it remains valid for sixty days after its issuance, subject to tolling as described in division (D)(1)(c) of this section, and may be executed at any time during that six-month period or that six-month period as extended by the tolling. Any respondent who has been admitted to a hospital under this division shall be released within seventy-two hours of admittance, unless the respondent voluntarily agrees to remain longer. A respondent who voluntarily agrees to remain longer may be hospitalized for the additional period of time agreed to by the respondent. No respondent ordered under this division to be hospitalized shall be held in jail pending transportation to the hospital unless the court has previously found the respondent to be in contempt of court for either failure to undergo treatment or failure to appear at an evaluation ordered under this section.

(c) The six-month period for execution of an order specified in division (D)(1)(b) of this section shall not run during any time when the respondent purposely avoids execution of the order. Proof that the respondent departed this state or concealed the respondent's identity or whereabouts is prima facie evidence of the respondent's purpose to avoid the execution.

(2)(a) Failure of a respondent to undergo and complete any treatment ordered pursuant to this division is contempt of court. Any community addiction services provider or person providing treatment under this division shall notify the probate court of a respondent's failure to undergo or complete the ordered treatment.

(b) In addition to and separate from the sanction specified in division (D)(2)(a) of this section, if a respondent fails to undergo and complete any treatment

ordered pursuant to this section, the court may issue a summons. The summons shall be directed to the respondent and shall command the respondent to appear at a time and place specified in the summons. If a respondent who has been summoned under this division fails to appear at the specified time and place, the court may order a peace officer, as defined in section 2935.01 of the Revised Code, to transport the respondent to a place described in division (D)(1)(a) of this section or a hospital for treatment. The peace officer, with the approval of the officer's agency, may provide for the transportation of the respondent by a private entity. The transportation costs of the peace officer or the private entity shall be included within the costs of treatment.

(E) If, at any time after a petition is filed under section 5119.93 of the Revised Code, the probate court finds that there is not probable cause to continue treatment or if the petitioner withdraws the petition, then the court shall dismiss the proceedings against the respondent."

In line 609, after "109.11" insert ", 2929.15"

In line 610, delete ", and" and insert ", "; after "2953.32" insert ", 5119.93, and 5119.94"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 1**, pass?"

Senator Antonio moved to amend as follows:

In line 1 of the title, after "109.11" insert ", 2921.45"

In line 2 of the title, after "2953.32" insert "and to enact sections 109.749, 2152.75, and 2901.10"

In line 5 of the title, delete "and" and insert ", to"

In line 8 of the title, after "expungement" insert ", and to prohibit restraining or confining a woman or child who is a charged, convicted, or adjudicated criminal offender or delinquent child at certain points during pregnancy or postpartum recovery"

In line 9, after "109.11" insert ", 2921.45"

In line 10, after "2953.32" insert "be amended and sections 109.749, 2152.75, and 2901.10"; delete "amended" and insert "enacted"

After line 31, insert:

"**Sec. 109.749.** The attorney general shall provide training materials to law enforcement, court, and corrections officials on the provisions of sections 2152.75 and 2901.10 of the Revised Code to train employees on proper implementation of the requirements of those sections.

**Sec. 2152.75. (A)** As used in this section:

(1) "Charged or adjudicated delinquent child" means any female child to whom both of the following apply:

(a) The child is charged with a delinquent act or, with respect to a delinquent act, is subject to juvenile court proceedings, has been adjudicated a delinquent child, or is serving a disposition.

(b) The child is in custody of any law enforcement, court, or corrections official.

(2) "Health care professional" has the same meaning as in section 2108.61 of the Revised Code.

(3) "Law enforcement, court, or corrections official" means any officer or employee of this state or a political subdivision of this state who has custody or control of any child who is a charged or adjudicated delinquent child.

(4) "Restrain" means to use any shackles, handcuffs, or other physical restraint.

(5) "Confine" means to place in solitary confinement in an enclosed space.

(6) "Unborn child" means a member of the species homo sapiens who is carried in the womb of a child who is a charged or adjudicated delinquent child, during a period that begins with fertilization and continues until live birth occurs.

(7) "Emergency circumstance" means a sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the charged or adjudicated delinquent child who is pregnant for an emergency situation faced by a law enforcement, court, or corrections official.

(B) Except as otherwise provided in division (C) of this section, no law enforcement, court, or corrections official, with knowledge that the female child is pregnant or was pregnant, shall knowingly restrain or confine a female child who is a charged or adjudicated delinquent child during any of the following periods of time:

(1) If the child is pregnant, at any time during her pregnancy;

(2) If the child is pregnant, during transport to a hospital, during labor, or during delivery;

(3) If the child was pregnant, during any period of postpartum recovery up to six weeks after the child's pregnancy.

(C)(1) Except as otherwise provided in division (D) of this section, a law enforcement, court, or corrections official may restrain or confine a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section if all of the following apply:

(a) The official determines that the child presents a serious threat of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.

(b)(i) Except as provided in division (C)(1)(b)(ii) of this section, prior to restraining or confining the child, the official contacts a health care professional who is treating the child and notifies the professional that the official wishes to restrain or confine the child and identifies the type of restraint and the expected duration of its use or communicates the expected duration of confinement.

(ii) The official is not required to contact a health care professional who is treating the child prior to restraining the child in accordance with division (D) of this

section if an emergency circumstance exists. The use of restraint in an emergency circumstance shall be in accordance with division (D) of this section. Once the child is restrained, the official shall contact a health care professional who is treating the child and identify the type of restraint and the expected duration of its use.

(c) Upon being contacted by the official as described in division (C)(1)(b)(i) of this section, the health care professional does not object to the use of the specified type of restraint for the expected duration of its use or does not object to the expected duration of confinement.

(2) A health care professional who is contacted by a law enforcement, court, or corrections official as described in division (C)(1)(b)(i) of this section shall not object to the use of the specified type of restraint for the expected duration of its use, or the expected duration of confinement, unless the professional determines that the specified type of restraint, the use of that type of restraint for the expected duration, or the expected duration of confinement poses a risk of physical harm to the child or to the child's unborn child.

(D) A law enforcement, court, or corrections official who restrains a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section under authority of division (C) of this section shall not use any leg, ankle, or waist restraint to restrain the child.

(E)(1) If a law enforcement, court, or corrections official restrains or confines a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section under authority of division (C) of this section, the official shall remove the restraint or cease confinement if, at any time while the restraint is in use or the child is in confinement, a health care professional who is treating the child provides a notice to the official or to the official's employing agency or court stating that the restraint or confinement poses a risk of physical harm to the child or to the child's unborn child.

(2) A law enforcement, court, or corrections official shall not restrain or confine a female child who is a charged or adjudicated delinquent child during a period of time specified in division (B) of this section if, prior to the use of the restraint or confinement, a health care professional who is treating the child provides a notice to the official or to the official's employing agency or court stating that any restraint or confinement of the child during a period of time specified in division (B) of this section poses a risk of physical harm to the child or to the child's unborn child. A notice provided as described in this division applies throughout all periods of time specified in division (B) of this section that occur after the provision of the notice.

(F)(1) Whoever violates division (B) of this section is guilty of interfering with civil rights in violation of division (B) of section 2921.45 of the Revised Code.

(2) A female child who is restrained or confined in violation of division (B) of this section may commence a civil action under section 2307.60 of the Revised Code against the law enforcement, court, or corrections official who committed the violation, against the official's employing agency or court, or against both the official and the official's employing agency or court. In the action, in addition to the full damages specified in section 2307.60 of the Revised Code, the child may recover punitive damages, the costs of maintaining the action and reasonable attorney's fees, or both punitive damages and the costs of maintaining the action and reasonable

attorney's fees.

(3) Divisions (F)(1) and (2) of this section do not limit any right of a person to obtain injunctive relief or to recover damages in a civil action under any other statutory or common law of this state or the United States.

**Sec. 2901.10. (A) As used in this section:**

(1) "Charged or convicted criminal offender" means any woman to whom both of the following apply:

(a) The woman is charged with a crime or, with respect to a crime, is being tried, has been convicted of or pleaded guilty, or is serving a sentence.

(b) The woman is in custody of any law enforcement, court, or corrections official.

(2) "Health care professional" has the same meaning as in section 2108.61 of the Revised Code.

(3) "Law enforcement, court, or corrections official" means any officer or employee of this state or a political subdivision of this state who has custody or control of any woman who is a charged or convicted criminal offender.

(4) "Restrain" means to use any shackles, handcuffs, or other physical restraint.

(5) "Confine" means to place in solitary confinement in an enclosed space.

(6) "Unborn child" means a member of the species homo sapiens who is carried in the womb of a woman who is a charged or convicted criminal offender, during a period that begins with fertilization and continues until live birth occurs.

(7) "Emergency circumstance" means a sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the charged or convicted criminal offender who is pregnant for an emergency situation faced by a law enforcement, court, or corrections official.

(B) Except as otherwise provided in division (C) of this section, no law enforcement, court, or corrections official, with knowledge that the woman is pregnant or was pregnant, shall knowingly restrain or confine a woman who is a charged or convicted criminal offender during any of the following periods of time:

(1) If the woman is pregnant, at any time during her pregnancy;

(2) If the woman is pregnant, during transport to a hospital, during labor, or during delivery;

(3) If the woman was pregnant, during any period of postpartum recovery up to six weeks after the woman's pregnancy.

(C)(1) Except as otherwise provided in division (D) of this section, a law enforcement, court, or corrections official may restrain or confine a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section if all of the following apply:

(a) The official determines that the woman presents a serious threat of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.

(b)(i) Except as otherwise provided in division (C)(1)(b)(ii) of this section, prior to restraining or confining the woman, the official contacts a health care professional who is treating the woman and notifies the professional that the official wishes to restrain or confine the woman and identifies the type of restraint and the expected duration of its use or communicates the expected duration of confinement.

(ii) The official is not required to contact a health care professional who is treating the woman prior to restraining the woman in accordance with division (D) of this section if an emergency circumstance exists. The use of restraint in an emergency circumstance shall be in accordance with division (D) of this section. Once the woman is restrained, the official shall contact a health care professional who is treating the woman and identify the type of restraint and the expected duration of its use.

(c) Upon being contacted by the official as described in division (C)(1)(b)(i) of this section, the health care professional does not object to the use of the specified type of restraint for the expected duration of its use or does not object to the expected duration of confinement.

(2) A health care professional who is contacted by a law enforcement, court, or corrections official as described in division (C)(1)(b)(i) of this section shall not object to the use of the specified type of restraint for the expected duration of its use, or the expected duration of confinement, unless the professional determines that the specified type of restraint, the use of that type of restraint for the expected duration, or the expected duration of confinement poses a risk of physical harm to the woman or to the woman's unborn child.

(D) A law enforcement, court, or corrections official who restrains a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section under authority of division (C) of this section shall not use any leg, ankle, or waist restraint to restrain the woman.

(E)(1) If a law enforcement, court, or corrections official restrains or confines a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section under authority of division (C) of this section, the official shall remove the restraint or cease confinement if, at any time while the restraint is in use or the woman is in confinement, a health care professional who is treating the woman provides a notice to the official or to the official's employing agency or court stating that the restraint or confinement poses a risk of physical harm to the woman or to the woman's unborn child.

(2) A law enforcement, court, or corrections official shall not restrain or confine a woman who is a charged or convicted criminal offender during a period of time specified in division (B) of this section if, prior to the use of the restraint or confinement, a health care professional who is treating the woman provides a notice to the official or to the official's employing agency or court stating that any restraint or confinement of the woman during a period of time specified in division (B) of this section poses a risk of physical harm to the woman or to the woman's unborn child. A notice provided as described in this division applies throughout all periods of time specified in division (B) of this section that occur after the provision of the notice.

(F)(1) Whoever violates division (B) of this section is guilty of interfering with civil rights in violation of division (B) of section 2921.45 of the Revised Code.



(2) A woman who is restrained or confined in violation of division (B) of this section may commence a civil action under section 2307.60 of the Revised Code against the law enforcement, court, or corrections official who committed the violation, against the official's employing agency or court, or against both the official and the official's employing agency or court. In the action, in addition to the full damages specified in section 2307.60 of the Revised Code, the woman may recover punitive damages, the costs of maintaining the action and reasonable attorney's fees, or both punitive damages and the costs of maintaining the action and reasonable attorney's fees.

(3) Divisions (F)(1) and (2) of this section do not limit any right of a person to obtain injunctive relief or to recover damages in a civil action under any other statutory or common law of this state or the United States.

**Sec. 2921.45.** (A) No public servant, under color of ~~his~~ the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(B) No law enforcement, court, or corrections official shall violate division (B) of section 2152.75 or section 2901.10 of the Revised Code.

(C) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree."

In line 609, after "109.11" insert ", 2921.45"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 1**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schuring	Sykes	Thomas
Wilson	Yuko		Obhof-31

Senator Schaffer voted in the negative-1.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Eklund moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Craig, Fedor, Hackett, McColley, Obhof, O'Brien, Rulli, Sykes, Thomas, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Peterson moved that **Sub. H. B. No. 253**, having been informally passed, be brought up for consideration.

**Sub. H. B. No. 253** - Representatives Manning, D., O'Brien.

Cosponsors: Representatives Seitz, Lipps, Carruthers, Cutrona, Miller, J..

To amend sections 3743.04, 3743.08, 3743.15, 3743.17, 3743.21, 3743.44, 3743.45, 3743.57, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, and 5703.21 and to enact sections 3743.021, 3743.041, 3743.151, 3743.171, 3743.22, 3743.451, 3743.46, 3743.47, and 3743.67 of the Revised Code to revise the Fireworks Law and to declare an emergency, was taken up.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 25, nays 7, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Burke	Coley
Dolan	Eklund	Gavarone	Hackett
Hoagland	Hottinger	Huffman, M.	Huffman, S.
Johnson	Kunze	Lehner	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Wilson
			Obhof-25

Senators Antonio, Craig, Fedor, Maharath, Sykes, Thomas, and Yuko voted in the negative-7.

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator McColley moved to amend the title as follows:

Add the names: "Senators Blessing, Brenner, Coley, Hoagland, Huffman, M., Huffman, S., Johnson, McColley, O'Brien, Rulli, Schaffer, Schuring, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Peterson moved that the vote, whereby **Sub. H. B. No. 308**-Representative Patton was passed, be now reconsidered.

The question being, "Shall the motion to reconsider be agreed to?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Lehner	Maharath	Manning	McColley
O'Brien	Peterson	Roegner	Rulli
Schaffer	Schuring	Sykes	Thomas
Wilson	Yuko		Obhof-31

Senator Antonio voted in the negative-1.

The motion was agreed to.

#### **Sub. H. B. No. 308** - Representative Patton

Cosponsors: Representatives Boggs, DeVitis, LaRe, Sweeney, Abrams, Baldrige, Blair, Boyd, Brent, Brown, Butler, Callender, Carfagna, Carruthers, Cera, Clites, Crawley, Cross, Crossman, Denson, Edwards, Galonski, Ghanbari, Greenspan, Grendell, Hicks-Hudson, Hillyer, Howse, Ingram, Jones, Kelly, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., Miller, J., Miranda, O'Brien, Oelslager, Patterson, Perales, Plummer, Richardson, Robinson, Rogers, Russo, Sheehy, Skindell, Smith, K., Sobecki, Stein, Stephens, Strahorn, Swearingen, Sykes, Upchurch, Weinstein, West Senators Schuring, Hoagland, Antonio, Blessing, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Manning, O'Brien, Peterson, Rulli, Schaffer, Wilson, Yuko

To enact section 126.65 of the Revised Code to establish a fund to provide compensation and benefits to first responders with post-traumatic stress disorder and to study the financial and administrative requirements for that fund.

The question being, "Shall the bill, **Sub. H. B. No. 308**, pass?"

Senator Peterson moved to amend as follows:

After line 47, insert:

"(D) There shall be no payments made from the state post-traumatic stress fund pursuant to division (B) of this section and no person is eligible for any claims and no liability shall accrue to any state party under this section."

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 308**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the bill passed.

Senator Peterson moved that **Sub. H. B. No. 263**, having been informally passed, be brought up for consideration.

**Sub. H. B. No. 263** - Representative Koehler.

Cosponsors: Representatives Dean, Becker, Lang, Seitz, Miller, A., Plummer, Riedel, Green, Brent, Edwards, Sheehy, Abrams, Brinkman, Carfagna, Carruthers, Clites, Cross, Cupp, Cutrona, Fraizer, Galonski, Ghanbari, Ginter, Greenspan, Grendell, Hillyer, Holmes, A., Hoops, Howse, Ingram, Jones, Keller, Lanese, LaRe, Lepore-Hagan, Liston, Manning, G., McClain, Miller, J., Patterson, Patton, Perales, Reineke, Robinson, Roemer, Rogers, Russo, Smith, K., Smith, T., Stein, Stephens, Swearingen, Vitale, Weinstein, West, Wiggam.

To amend sections 9.78, 101.721, 101.921, 109.572, 121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 3734.42, 3734.44, 3743.03, 3743.16, 3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07, 4703.10, 4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 4725.53, 4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 4731.08,

4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 4731.299, 4731.52, 4731.531, 4731.573, 4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202, 4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13, 4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06, 4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05, 4747.051, 4747.10, 4747.12, 4749.03, 4751.20, 4751.202, 4751.21, 4751.32, 4752.09, 4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 4755.47, 4755.62, 4755.64, 4755.70, 4757.10, 4757.101, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 4758.30, 4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03, 4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06, 4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18, 4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 5123.452, and 5502.011; to enact section 9.79; and to repeal section 4743.06 of the Revised Code to revise the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses, was taken up.

The question being, "Shall the bill, **Sub. H. B. No. 263**, pass?"

Senator Schaffer moved that he be excused from voting under Senate Rule No. 58.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 263**, pass?"

The yeas and nays were taken and resulted – yeas 29, nays 2, as follows:  
Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Sykes	Thomas	Wilson	Yuko
			Obhof-29

Senators Fedor and Kunze voted in the negative-2.  
So the bill passed.

The question being, "Shall the title be agreed to?"

Senator McColley moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Coley, Craig, Eklund, Gavarone, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, Lehner, Manning, McColley, Peterson, Rulli, Sykes, Thomas, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Peterson moved that **Sub. H. B. No. 352**, having been informally passed, be brought up for consideration.

**Sub. H. B. No. 352** - Representatives Cross, Lang.

Cosponsors: Representatives Seitz, Carfagna, Stein, Riedel, Becker, Hood, Lipps, Brinkman, Romanchuk, Baldridge, Wilkin, Hambley, Holmes, A., Merrin, Reineke, Richardson.

To amend sections 2305.03, 2305.06, 2305.07, 2305.11, 2315.18, 2315.21, 4112.01, 4112.02, 4112.04, 4112.05, 4112.08, 4112.14, and 4112.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.055) and 4112.052 (4112.056); and to enact new sections 4112.051 and 4112.052 and sections 2305.117 and 4112.054 of the Revised Code and to amend Section 22 of H.B. 197 of the 133rd General Assembly to modify Ohio civil rights laws related to employment; to modify tolling and time limitations related to criminal, civil, administrative, and other actions; and to declare an emergency, was taken up.

The question being, "Shall the section, Section 10, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Craig	Dolan	Eklund	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Lehner	Maharath	Manning	McColley
O'Brien	Peterson	Roegner	Rulli
Schaffer	Schuring	Sykes	Thomas
Wilson	Yuko		Obhof-31

Senator Coley voted in the negative-1.

So the section, Section 10, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Craig	Dolan	Eklund	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Lehner	Maharath	Manning	McColley
O'Brien	Peterson	Roegner	Rulli
Schaffer	Schuring	Sykes	Thomas
Wilson	Yuko		Obhof-31

Senator Coley voted in the negative-1.

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator Eklund moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Burke, Craig, Eklund, Huffman, S., Lehner, Manning, O'Brien, Rulli, Sykes, Thomas, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Peterson moved that **Sub. H. B. No. 365**, having been informally passed, be brought up for consideration.

**Sub. H. B. No. 365** - Representative Manning, G..

Cosponsors: Representatives Carruthers, Lanese, Richardson, Roemer, Rogers, Seitz, Stein Senator Huffman, S..

To amend sections 4758.20, 4758.42, 5164.751, and 5167.01 and to enact sections 3902.50, 3902.51, 4729.49, and 5167.123 of the Revised Code to revise the requirements for a chemical dependency counselor II license and to prohibit a health plan issuer or Medicaid managed care organization from taking certain actions with respect to reimbursements to 340B covered entities, was taken up.

The question being, "Shall the bill, **Sub. H. B. No. 365**, pass?"

Senator Gavarone moved to amend as follows:

In line 1 of the title, after "sections" insert "2925.01, 2925.03,"

In line 5 of the title, delete "and" and insert ", "

In line 9 of the title, after "entities" insert ", and to enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider and to name the act's drug trafficking provisions the "Relapse Reduction Act"; after "." insert ""

In line 10, after "sections" insert "2925.01, 2925.03,"

After line 12, insert:

**"Sec. 2925.01.** As used in this chapter:

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

(B) "Drug dependent person" and "drug of abuse" have the same

meanings as in section 3719.011 of the Revised Code.

(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.

(D) "Bulk amount" of a controlled substance means any of the following:

(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:

(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;

(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;

(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;

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

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

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

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a



schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

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

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

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

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

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

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

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

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

(2) A violation of an existing or former law of this or any other state

or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

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

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

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

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(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" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

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

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

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

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community

school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

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

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

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

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

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

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

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(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;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(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;

(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;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(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;

(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;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(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;

(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;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(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;

(18) A person licensed as a psychologist or school psychologist under

Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(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;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(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;

(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(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;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate

under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of

sentencing under section 2929.11 of the Revised Code.

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

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

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

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

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

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

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

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

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.

(KK) "Fentanyl-related compound" means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl) -N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);



(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(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:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(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.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means

the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as in section 928.01 of the Revised Code.

(QQ) An offense is "committed in the vicinity of a substance addiction services provider" if both of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under section 5119.391 of the Revised Code to provide methadone treatment or an opioid treatment program licensed on or after that date under section 5119.37 of the Revised Code, or within one thousand feet of the premises of a substance addiction services provider's facility.

(2) The offender recklessly disregards whether the offense is being committed within the vicinity described in division (QQ)(1) of this section.

(RR) "Substance addiction services provider" means an agency, association, corporation, other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(SS) "Premises of a substance addiction services provider's facility" means the parcel of real property on which any substance addiction service provider's facility is situated.

(TT) "Alcohol and drug addiction services" has the same meaning as in section 5119.01 of the Revised Code.

**Sec. 2925.03.** (A) No person shall knowingly do any of the following:

(1) Sell or offer to sell a controlled substance or a controlled substance analog;

(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

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

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or schedule II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analog, whoever violates division (A) of this section is guilty of aggravated trafficking in drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), (d), (e), or (f) of this section, aggravated trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(1)(c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, aggravated trafficking in drugs is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times

the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(2) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of trafficking in drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division

(B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(2)(c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a

school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison

term. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of trafficking in cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(4)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall

impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of trafficking in L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(5)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services



provider, trafficking in L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one thousand

unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the

drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether the offense was committed in the vicinity of a school-~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school-~~or~~

in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate,

liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(8) If the drug involved in the violation is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of trafficking in a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(8)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of

the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(9) If the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and division (C)(10)(a) of this section does not apply to the drug involved, whoever violates division (A) of this section is guilty of trafficking in a fentanyl-related compound. The penalty for the

offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(9)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(9)(c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school-~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than two hundred unit doses or equals or exceeds ten grams but is less than twenty grams, trafficking in a fentanyl-related compound is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school-~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school-~~or~~in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school-~~or~~in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(h) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether the offense was committed in the vicinity of a school-~~or~~in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in a fentanyl-related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:

(a) Except as otherwise provided in division (C)(10)(b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C)(3) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under division (C)(9) of this section for trafficking in a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under division (C)(9) of this section.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of



division (A) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of this section. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

(2) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned, shall return the findings as part of the verdict. In any such case, it is unnecessary to find and return the exact amount of the controlled substance involved, and it is sufficient if the finding and return is to the effect that the amount of the controlled substance involved is the requisite amount, or that the amount of the controlled substance involved is less than the requisite amount.

(F)(1) Notwithstanding any contrary provision of section 3719.21 of the Revised Code and except as provided in division (H) of this section, the clerk of the court shall pay any mandatory fine imposed pursuant to division (D)(1) of this section and any fine other than a mandatory fine that is imposed for a violation of this section pursuant to division (A) or (B)(5) of section 2929.18 of the Revised Code to the county, township, municipal

corporation, park district, as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the clerk shall not pay a mandatory fine so imposed to a law enforcement agency unless the agency has adopted a written internal control policy under division (F)(2) of this section that addresses the use of the fine moneys that it receives. Each agency shall use the mandatory fines so paid to subsidize the agency's law enforcement efforts that pertain to drug offenses, in accordance with the written internal control policy adopted by the recipient agency under division (F)(2) of this section.

(2) Prior to receiving any fine moneys under division (F)(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

(3) As used in division (F) of this section:

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.

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

(G)(1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

(2) Any offender who received a mandatory suspension of the

offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (G)(2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may impose upon the offender an additional fine specified for the offense in division (B)(4) of section 2929.18 of the Revised Code. A fine imposed under division (H)(1) of this section is not subject to division (F) of this section and shall be used solely for the support of one or more eligible community addiction services providers in accordance with divisions (H)(2) and (3) of this section.

(2) The court that imposes a fine under division (H)(1) of this section shall specify in the judgment that imposes the fine one or more eligible community addiction services providers for the support of which the fine money is to be used. No community addiction services provider shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the services provider is specified in the judgment that imposes the fine. No community addiction services provider shall be specified in the judgment unless the services provider is an eligible community addiction services provider and, except as otherwise provided in division (H)(2) of this section, unless the services provider is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible community addiction services provider is located in any of those counties, the judgment may specify an eligible community addiction services provider that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible community addiction services provider specified pursuant to division (H)(2) of this section in the judgment. The eligible community addiction services provider that receives the fine

moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification of services under section 5119.36 of the Revised Code or in the application for a license under section 5119.37 of the Revised Code filed with the department of mental health and addiction services by the community addiction services provider specified in the judgment.

(4) Each community addiction services provider that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the services provider is located, with the court of common pleas and the board of county commissioners of each county from which the services provider received the moneys if that county is different from the county in which the services provider is located, and with the attorney general. The community addiction services provider shall file the report no later than the first day of March in the calendar year following the calendar year in which the services provider received the fine moneys. The report shall include statistics on the number of persons served by the community addiction services provider, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the community addiction services provider. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(5) As used in divisions (H)(1) to (5) of this section:

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.

(I) As used in this section, "drug" includes any substance that is represented to be a drug.

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

(1) A controlled substance;

(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption."

In line 454, after "sections" insert "2925.01, 2925.03,"

After line 455, insert:

**"Section 3.** The amendments made in this act to sections 2925.01 and 2925.03 of the Revised Code shall be known as the "Relapse Reduction Act."

**Section 4.** Section 2925.03 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 365**, pass?"

Senator Burke moved to amend as follows:

In line 172, after "for" insert "programs that provide"

In line 307, after "completed" insert ", over the course of not more than any two semesters,"; delete "one"

In line 308, delete "semester of" and insert "two hundred forty hours of supervised"; after "dependency" insert "through a program"

In line 309, after "meets" insert "all of"; after "the" insert "following"; after "requirements" insert ":

(a) The program includes at least two hours per week of supervised practicum experience;

(b) The program provides intensive outpatient treatment or a higher level of care, or another level of care if"

In line 310, delete "and includes at least sixteen hours"

Delete line 311

In line 312, delete "which is supervised practicum experience"; after ":", insert:

"(c) The program meets other requirements specified in rules adopted

under that section."

After line 455, insert:

**"Section 3.** Not later than June 1, 2021, the Department of Mental Health and Addiction Services, in consultation with the Chemical Dependency Professionals Board, shall study levels of care that must be offered by a program providing practicum experience for purposes of division (C)(3) of section 4758.42 of the Revised Code and develop recommendations regarding whether levels of care not specifically authorized in that division should be authorized through rule."

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 365**, pass?"

Senator Burke moved to amend as follows:

In line 1 of the title, after "4758.42" insert ", 4758.61"

In line 10, after "4758.42" insert ", 4758.61"

In line 241, strike through "or independent chemical dependency"

Strike through lines 242 and 243

In line 244, strike through "this chapter"

After line 344, insert:

**"Sec. 4758.61.** An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of prevention services under the supervision of any of the following:

(A) A prevention consultant or prevention specialist certified under this chapter;

~~(B) An independent chemical dependency counselor clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;~~

~~(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;~~

~~(D) (C) A psychologist licensed under Chapter 4732. of the Revised Code;~~

~~(E) (D) A registered nurse licensed under Chapter 4723. of the Revised Code;~~

~~(F) (E) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist~~

licensed under Chapter 4757. of the Revised Code;

~~(G)~~~~(F)~~ A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;

~~(H)~~~~(G)~~ A health education specialist certified by the national commission for health education credentialing;

~~(H)~~~~(H)~~ An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code."

In line 454, after "4758.42" insert ", 4758.61"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 365**, pass?"

The yeas and nays were taken and resulted – yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Lehner	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Wilson		Obhof-27

Senators Antonio, Maharath, Sykes, Thomas, and Yuko voted in the negative-5.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Burke moved to amend the title as follows:

Add the names: "Senators Blessing, Burke, Eklund, Gavarone, Hackett, Manning, Peterson, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Senator Peterson moved that **Sub. H. B. No. 409**, having been informally passed, be brought up for consideration.

**Sub. H. B. No. 409** - Representative Koehler.

Cosponsors: Representatives Jones, Cupp, Patterson, Carruthers, Galonski, Ghanbari, Ginter, Scherer, Senators Brenner, Fedor.

To amend section 3326.11 and to enact sections 3314.261 and 3321.192 of the Revised Code regarding student attendance at school district or STEM school remote learning programs and at internet- or computer-based community schools that are not dropout prevention and recovery schools, to provide public and chartered nonpublic schools discretion regarding

educational requirements of substitute teachers for the 2020-2021 school year, to exempt schools from retaining students under the Third Grade Reading Guarantee for the 2020-2021 school year, to permit the Superintendent of Public Instruction to adjust various deadlines, to prohibit the Department of Education from issuing state report card ratings for the 2020-2021 school year, to establish a safe harbor from penalties and sanctions based on the absence of state report card ratings and community school sponsor ratings for the 2020-2021 school year, and to declare an emergency, was taken up.

The question being, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Coley moved to amend as follows:

In line 1 of the title, delete "3326.11" and insert "3314.03"; delete "sections" and insert "section"

In line 2 of the title, delete "and 3321.192"

In line 3 of the title, delete "school district"

Delete line 4

In line 22, delete "3326.11" and insert "3314.03"; delete "sections" and insert "section"

In line 23, delete "and 3321.192"

After line 24, insert:

**"Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable



report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission

policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, ~~3321.191~~, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the

department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health

and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

- (e) A statement describing how student progress will be monitored;
- (f) A statement describing how private student data will be protected;
- (g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total

amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code. "

In line 45, delete "sections 3314.03"

In line 46, delete "and 3321.191" and insert "division (A)(6)(b) of section 3314.03"

Delete lines 66 through 72

In line 73, delete "(2)" and insert "(C) Notwithstanding section 3321.191 of the Revised Code, each internet- or computer-based community school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

(1) After the student's parent, guardian, or custodian receives a written report under division (B)(2) of this section, the student fails to comply with the policy adopted under division (C) of this section within a reasonable period of time specified by the school;

(2) Other intervention strategies contained in the policy adopted under division (C) of this section fail to cause a student's attendance to comply with the policy.

(D) If an internet- or computer-based community school disenrolled a student pursuant to a policy adopted under division (C) of this section, the student shall not be eligible to enroll in that school or another internet- or computer-based community school for one school year from the date of the student's disenrollment. This division does not prohibit a disenrolled student from enrolling in another internet- or computer-based community school if a majority of the students of that school are enrolled in a dropout prevention and recovery program.

(E) If an internet- or computer-based community school disenrolls a student pursuant to a policy adopted under division (C) of this section, the school shall do both of the following:

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's disenrollment, notify the student's resident school district in writing.

(F)"

Delete lines 78 through 143

In line 144, delete "3326.11" and insert "3314.03"

Delete lines 291 through 299

In line 300, delete "**8**" and insert "**7**"

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.



The question recurred, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Huffman, M. moved to amend as follows:

After line 155, insert:

"(5) The governing board of an educational service center or a regional council of governments, established under Chapter 167. of the Revised Code, consisting of one or more educational service centers that provide substitute teaching services."

In line 161, after "individual" insert "who does not hold a post-secondary degree"

In line 166, after "satisfied." insert "The State Board of Education shall issue a non-renewable temporary substitute teaching license to an individual who does not hold a post-secondary degree for the 2020-2021 school year only, provided the applicant meets all other requirements and procedures contained in section 3319.226 of the Revised Code and in rule 3301-23-44 of the Administrative Code."

The question being, "Shall the amendment be agreed to?"

The motion to amend was agreed to.

The question recurred, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Wilson	Yuko	Obhof-32

So the section, Section 8, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes

Thomas

Wilson

Yuko

Obhof-32

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator Lehner moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Coley, Craig, Gavarone, Hackett, Hottinger, Kunze, Lehner, Manning, O'Brien, Schuring, Sykes, Wilson, Yuko."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

On the motion of Senator Peterson, the Senate recessed until 10:30 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Peterson, the Senate adjourned until Friday, December 18, 2020 at 11:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.